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**AIPPI Bureau**  
*President’s New Year Message*  
(Felipe Claro, President of AIPPI)  
The end of the year is family time and I hope you will have the opportunity to be close to your loved ones and share precious moments together. 2015 promises to be an exciting year for AIPPI, as improvements that will lead to better ways of working and interacting within AIPPI continue to be made.

**AIPPI Sri Lanka — Seminar to discuss the interface between business and innovation**  
(Karen Abraham, Assistant Secretary General)  
The National Group of AIPPI Sri Lanka, together with the European Chamber of Commerce of Sri Lanka, held a seminar dealing with IP best practices, focusing, in particular, on the interface between business and innovation.

**ASIPI’s 50th Anniversary in Magnificent Mexico**  
(Felipe Claro, President of AIPPI)  
Between November 29 and December 3, 2014 ASIPI celebrated its 50th anniversary in a magnificent way, and for that reason, it was decided to host the meeting near El Zocalo, to facilitate access to the surrounding historic buildings.

Felipe Claro, President of AIPPI, has been awarded with the MARCASUR Excellence gold prize for his activity as Vice-President.

**AIPPI World Congress — Rio 2015**  
*2015 Rio de Janeiro AIPPI World Congress, 10-14 October 2015 (Sponsorship opportunity)*  
(Rio 2015 Organizing Committee)  
In 2015, the AIPPI World Congress will be in Rio de Janeiro, Brazil. Sponsors in Rio will have unique opportunities to promote their activities with improved marketing strategies. The intention is to introduce new ways to display the sponsor’s brands with high visibility, including banners on AIPPI’s web site and screens throughout the Congress rooms. Also, new networking mechanisms will ensure that the sponsors at the Rio World Congress will have more opportunities to be closer to the participants, such as, for instance, during the opening ceremony reception in the exhibition hall.

During the AIPPI World Congress, the Brazilian Intellectual Property Association (ABPI) Annual Congress will take place, which is regularly attended by around 1000 participants from 20 countries in the Americas. As such, sponsors will have access to a significantly increased audience, especially in the region, at no extra cost.

The above measures provide a tremendous opportunity to sponsors, and we now invite you to review the sponsorship opportunities in the sponsorship brochure here.
Working Guidelines for the Rio Working Questions
(AIPPI General Secretariat)
The Working Guidelines for the below Rio Congress Questions will be sent out soon to all National and Regional Groups

Q244 Inventorship of Multinational Inventions
Q245 Taking unfair advantage of trademarks: parasitism and free riding
Q246 Exceptions and limitations to copyright protection for libraries, archives and education and research institutions
Q247 Trade secrets: Overlap with restraint of trade, aspects of enforcement

Forthcoming Events
January 2015: Seminar on “Ambush marketing: judicial perspective”, 12 January 2015, Milan, Italy
(AIPPI Italian Group)

March 2015: German-French-Polish Seminar, 19-20 March 2015, Berlin, Germany
(AIPPI German, French, Polish Group)
German-French-Polish Seminar, 19-20 March 2015, Berlin, Germany more information will follow.

Articles and notes
Argentina: Argentina’s Supreme Court rules in favor of Google in leading case
(Dámaso A. Pardo, PAGBAM IP, Buenos Aires, Argentina)
In a recent case between Argentinian model Marla Belén Rodríguez and Google, Inc. the Supreme Court of Justice of Argentina, finding in favor of Google, Inc., held that liability of search engines and Internet Service Providers (ISPs) must be based on fault instead of strict liability.

Argentina: Supreme Court rejects certiorari, upholding a decision of the Federal Court of Appeals on Selection Inventions and Support
(Article by Ignacio Sánchez Echagüe, Marval, O’Farrell & Mairal, Buenos Aires, Argentina)
On September 30, 2014 the Argentine Supreme Court rejected certiorari, upholding a decision of the Federal Court of Appeals of the City of Buenos Aires on the patentability of selection inventions and the possibility of claiming a reasonable generalization of the subject matter originally disclosed (“Pfizer Inc. v. National Institute of Industrial Property”).

Australia: Australian Full Federal Court sets new test for software patents - It’s all about the substance
(Manuel Schmidt and Connie Merlino, F B Rice & Co, Sydney, Australia)
The Full Federal Court of Australia has recently considered patentability of computer related inventions. In Research Affiliates LLC v Commissioner of Patents, the judges set a new test based on the ‘substance of the invention’.

Australia: Australia’s High Court confirms that the time for applying to extend the term of a pharmaceutical patent is capable of extension
(Linda Govenlock and Sarah Matheson, Allens, Melbourne, Australia)
The Australian High Court has confirmed that the time for applying to extend the term of a pharmaceutical patent is capable of extension. This is good news for pharmaceutical patentees and provides confirmation that an application for an extension of term must be filed before the patent expires.

Ecuador: Markush claim are not allowable in Ecuador
(Gabriel Kuri, Corral Rosales Carmigniani Pérez, Quito, Ecuador)
A Markush claim or structure, used mainly in chemistry, defines alternatives of compounds having a common property or activity, and a common structural element shared by all of the alternatives. Ecuador does not grant patent protection for this type of claim.
Germany: Director’s liability for unfair competition — Change in the jurisdiction of the Federal Court of Justice — Decision of June 18, 2014 — I ZR 242/12 - Geschäftsführerhaftung
(Karolina Schöler, HARTE-BAVENDAMM Rechtsanwälte, Hamburg, Germany)
The Federal Court of Justice has changed its jurisdiction on the personal liability of the managing director (Geschäftsführer) of a limited liability company that is guilty of unfair competition. In light of the decision Geschäftsführerhaftung, in the majority of cases involving unfair competition it will no longer be possible to hold the director personally responsible.

Japan: Judgment of IP High Court on Apple v. Samsung
(Miyuki Hanai, YUASA AND HARA, Tokyo, Japan)
The Japanese Intellectual Property High Court recently ordered Apple to pay damages of approximately 10 million yen, equivalent to the license fee under FRAND terms, and set out related conditions regarding patents after the FRAND declaration, but the Court did not grant a preliminary injunction.

Spain: Reform of the Spanish Copyright Act
(Sergio Miralles and Elena Molina, Intangibles Legal, S.L.P., Barcelona, Spain)
On 30 October 2014 the Spanish Parliament passed a proposal Act to reform the Copyright Act. The most relevant amendments include new legal means to combat online piracy and the so-called “Google” duty.

Sweden: Sweden grants patents in English
(Louise Jonshammar, The Swedish Patent and Registration Office (PRV), Stockholm, Sweden)
Swedish patent applications filed after 1 July 2014 can be granted in English. The changes will lower the costs for applicants who can now process their applications without knowing Swedish. Combined with high quality searches and short processing times, the aim is to increase filings.

Sweden: Permissible Use of a Third Party Trademark — No Damage, No Infringement
(Erik Ficks and Oskar Ljungholm, Roschier, Stockholm, Sweden)
A judgment from the Swedish Supreme Court provides guidance on the permissible use of a third party’s trademark, focusing on the protection of relevant functions of the trademark in cases of double identity and setting a burden of showing damages in all infringement cases.

(Kristin Whidby, Fried, Frank, Harris, Shriver & Jacobson, LLP, Washington, DC, USA)
The US Court of Appeals for the Federal Circuit (CAFC) recently decided that a patent directed towards a method of receiving copyrighted materials over the Internet in exchange for viewing advertisements is invalid for failure to claim patent-eligible subject matter.

WIPO: 12th session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks
(Elena Molina, Secretary of the Standing Committee on Trademarks of AIPPI, Intangibles Legal S.L.P., Barcelona, Spain)
The Working Group on the Legal Development of the Madrid System for the International Registration of Marks (WG), which is composed of all contracting parties of the Madrid Agreement and/or the Protocol, held its 12th session at the WIPO headquarters in Geneva between 20 and 24 October 2014.
Dear AIPPI Members:

The end of the year is family time and I hope you will have the opportunity to be close to your loved ones and share precious moments together. I wish all of you on behalf of the AIPPI Bureau and General Secretariat best wishes for a New Year full of peace, abundance and health.

2015 promises to be an exciting year for AIPPI, as improvements that will lead to better ways of working and interacting within AIPPI continue to be made. Membership has been increasing in recent years, suggesting that the ongoing changes are taking us in the right direction.

2015 will also be a green year for AIPPI, as the Brazilian Group is working hard in its green country, to receive us on October 10-14 in the stunning city of Rio de Janeiro. I can assure you that it will be a thrilling event in the annual congress scheme as approved in the Toronto Congress - which was itself an impeccable event. We are very grateful to the Canadian members who worked to ensure its great success.

We expect to expand the membership of our Standing Committees, as it is now possible for every National or Regional Group to nominate two members for each Standing Committee plus a third member from industry. If you have not done so already, I urge you to consider joining a committee so as to have an opportunity to increase your involvement with AIPPI at an international level.

Some committees, in close cooperation with the Reporter General Team, have been very active during the year 2014. For example, reports have been published on the availability of injunctive relief for FRAND-committed standard essential patents and the role of IP in climate change and environmental technologies. A submission was made to the “Public Consultation on the Review of the EU Copyright Rules” launched by the European Commission. In cooperation with FICPI and the JPO a symposium was held in Tokyo in July on the grace period. AIPPI also continued to advocate its position in relation to client attorney privilege including a seminar presented jointly with AIPLA and FICPI to the WIPO Standing Committee on Patents in Geneva in November. The Amicus Brief Committee has been constituted, so as to consolidate and continue AIPPI’s work in intervening in appropriate cases where AIPPI’s position or expertise can assist the relevant tribunal. We are open to receive proposals if you consider that an amicus intervention would be useful in your jurisdiction.

After the excellent work performed by the Bureau Advisory Committee on the structure of the different bodies of AIPPI, the Bureau and the ExCo have the mandate to implement the changes agreed in Toronto and to identify those additional aspects that still require special attention, to streamline processes and to expand AIPPI’s effectiveness both internally and externally. Statutes amendments are being prepared and will be presented to you when ready for discussion.

The current website is being totally renovated. The new website will be up and running in 2015. It will better facilitate communication, and provide easier access to information and useful online tools.

We will also see a very important development with the hiring of an Executive Director in 2015. The time is right to retain a person who can contribute to AIPPI’s management, substantive legal work and representation, thereby increasing AIPPI’s effectiveness and influence.

During the last few months we have seen with great satisfaction that some independent members have decided to form their own National or Regional Groups, and we hope to see similar initiatives in the future.
Thank you very much to all of you who devote your time and efforts to the important work of AIPPI. Special thanks to the nine members of the Bureau who left office in 2014 and to the current Bureau members, who contribute in a remarkable way to the success of AIPPI.

I look forward to your continued involvement in the work of AIPPI, and to seeing you at the Rio de Janeiro World Congress in October 2015!

**AIPPI Sri Lanka — Seminar to discuss the interface between business and innovation**

(Article by Karen Abraham, Assistant Secretary General)

A one day seminar centered around the importance of IP to businesses and industry was jointly organised by the Sri Lanka Group of the International Association for the Protection of the Intellectual Property (AIPPI), together with the European Chamber of Commerce of Sri Lanka, at the Cinnamon Grand Colombo Hotel on the 25th of November 2014.

The focus of the seminar was to highlight the significance of understanding, protecting and exploiting all forms of IP in order to promote the growth of businesses in Sri Lanka, as well as to encourage innovation and inventiveness. The key topics of the day focused on crucial IP policies and strategies that companies should have in place in order to ensure profitable business development and success in the respective industries.

The seminar was attended by many prominent figures including the reputable Professor Ajith de Alwis, the Project Director of the recently constituted Coordinating Secretariat for Science, Technology and Innovation (COSTI) of Sri Lanka, who presented a stimulating session entitled “Innovation and the importance of IP in moving the Sri Lankan economy forward” and Mr. Deepal Sooriyaarachchi, Commissioner of the Sri Lanka Inventors Commission. Mr. Sooriyaarachchi delivered a visionary presentation, “Promoting an innovation eco system in Sri Lanka”, encouraging Sri Lankan businesses, industry and innovators to undertake steps to pursue IP protection, and IP strategies to increase Sri Lanka’s position, not just in the region but globally as well.

Representing AIPPI was Mr. Laurent Thibon, Secretary General, whose presentation, the “World of patenting in the context of evolving Asia”, outlined the benefits of protecting innovation and highlighted different ways Sri Lankan businesses could protect their research and development results abroad. Mr Thibon also introduced AIPPI to the new members and highlighted the activities of AIPPI both regionally and internationally.

Also representing AIPPI, Ms Karen Abraham, Assistant Secretary-General, discussed “Developing and formulating strategic IP policies and IP due diligence”, which provided pointers on how to develop crucial IP strategies for businesses together with helpful tips on how to not only identify but also protect, maintain and exploit IPRs as intellectual capital.

Mr. John Wilson, the Co President of the Sri Lankan AIPPI group spoke on the continuous support provided and efforts made by the Sri Lankan Group of AIPPI in order to promote the importance of IPRs in Sri Lanka. Mr Wilson also provided valuable insights and practical advice regarding the patenting activity and filings in terms of the Patent Cooperation Treaty, as well as strategies for Sri Lankan businesses regarding their IPR portfolios.

Other speakers included Mr. Shaheen Cader, the Managing Director of Nielsen, who presented on the topic of brand evaluation. Mr Cader explored in detail the concept, and implications, of having a strong brand value.

All speakers shared their invaluable experience and recommendations on the necessity of developing and promoting IP best practices and making IPR’s an integral part of the business strategies of companies in Sri Lanka.
At the end of a long but fulfilling day, the AIPPI team, together with the European Chamber of Commerce, received complimentary feedback on the choice of topics and speakers, which served as encouragement to organise and promote similar IP seminars in the future.

More Info here.

**ASIPI’s 50th Anniversary in Magnificent Mexico**
(Article by Felipe Claro, President of AIPPI, Claro & Cia., Santiago, Chile)

Between November 29 and December 3, 2014 ASIPI (the Inter-American Association of Intellectual Property) hosted its annual meeting in Mexico City. It was a special occasion due to the splendid celebration of the 50th anniversary of ASIPI, and for that reason, it was decided to move the venue for the meeting to the older town, near El Zocalo, to provide access to magnificent historic buildings, such as the Colegio de las Vizcainas, a former convent that hosted the closing gala dinner, which was built in the 18th century.

Many professionals, local authorities and NGO representatives from different countries celebrated the occasion and shared IP experiences in a friendly environment. The meeting had more than nine hundred attendees which was almost double than last year. The opening ceremony was held at the centennial Palacio de Bellas Artes, an impressive building which was in walking distance from the hotel.

International and local speakers debated interesting topics such as country brands, IP as a human right, franchising in Latam, the TPP (Trans-Pacific Partnership) treaty, digital trends, IP and telecommunications, and genetic engineering. The range of topics provided ample opportunity for active discussions throughout the conference.

The social program was very well organized and added an old Mexican flavor to the event.

The attendees were very happy with the outcome of the event and very positive feedback was received by the Organizing Committee who felt that the meeting had been a tremendous success.

Several representatives of IP NGO/National associations were present at the meeting to celebrate this important anniversary. AIPPI was represented by the President and the Secretary General who took the opportunity to meet the Central America-Caribbean Regional Group leadership, the Brazilian Organizing Committee for the Rio Congress, many AIPPI members and regional IP authorities. Also, the Mexican National Group of AIPPI organized an interview with both the President and the Secretary General to discuss the current activities and projects of AIPPI.

AIPPI’s Secretary General Team was also represented by the Assistant to the Secretary General, Luiz Henrique do Amaral, from Brazil, and Cinzia Petruzzello, from AIPPI’s Secretariat in Switzerland was also present. Also, Cinzia ran the AIPPI booth during the meeting.
A fruitful conversation was held with the ARIPO Director General Fernando dos Santos, during which the possibility of mutual cooperation between both entities was discussed.

After the meeting, the ASIPI Geographical Indications Committee organized a 2-day trip to the Tequila Magical Town and about 50 attendees enthusiastically moved to the Guadalajara region to discover how tequila is prepared and protected by the Tequila Regulatory Council.

**Articles and notes**

**Argentina: Argentina’s Supreme Court rules in favor of Google in leading case**
(Article by Dámaso A. Pardo, PAGBAM IP, Buenos Aires, Argentina)

On October 28th, 2014, the Supreme Court of Justice of Argentina ruled in favor of search engines Google and Yahoo!, in a case brought by former model Marla Belen Rodríguez.

Facts: Photographs of many Argentine models and celebrities were posted in bad faith on several pornographic websites. When conducting an online search using either Google or Yahoo!, using the names of any of these celebrities, Google’s and Yahoo’s search engines located the pornographic websites and displayed them as search results. There was no relationship between the plaintiff and these websites. As a result, the plaintiff sued Google and Yahoo! for moral and actual damages and requested that the search engines be ordered to remove all search results containing photographs and references to the plaintiff in connection with pornographic websites to which, erroneously and in bad faith, the plaintiff’s name and image were linked.

Decision: The ruling was awaited with great expectation in the legal community, and settled key principles for the Internet environment. The judges accepted Google’s arguments and rejected those of the plaintiff.

The Supreme Court recognized the fundamental role of search engines, such as Google, for facilitating freedom of speech and access to information.

In line with comparative law and scholars, the Court dismissed the application of strict liability to Internet Service Providers (ISPs) which do not generate or control the content available on the web.

Similarly, the Court considered it inappropriate to impose upon private intermediaries the task of supervising or deciding the legality of content on the web.

However, search engines may be liable if, having actual knowledge of illegal content (e.g. after receiving an express notification), the illegal content is not removed.

The Supreme Court provided examples of content, such as child pornography, serious privacy violations, racism, etc., which would clearly be considered to be illegal. In any other circumstance, a competent judicial or administrative authority must rate the content.

The Supreme Court extended equal constitutional protection to image search services, explaining that so-called “thumbnails”, which are reduced copies of images, are analogous to descriptive paragraphs or “snippets” that appear with links in any search result.

This case could set a very important precedent for other countries in Latin America, where there are still no rules on the liability of search engines and Internet Service Providers (ISPs) regarding the content on a third party’s website.
Argentina: Supreme Court rejects certiorari, upholding a decision of the Federal Court of Appeals on Selection Inventions and Support
(Article by Ignacio Sánchez Echagüe, Marval, O'Farrell & Mairal, Buenos Aires, Argentina)

The rejection of Pfizer’s patent application No. 305,233, relating to a selection invention, was reversed by the Federal Court of Appeals of the City of Buenos Aires. Now, that decision became final with the rejection of the certiorari by the Argentine Supreme Court.

The Federal Court of Appeals, citing the official expert’s report, held that the subject matter claimed in Pfizer’s application met the novelty requirement as the compounds related to the case had not been specifically disclosed in the prior art nor the examples provided in the prior art would have led to the compounds. In addition, and once again based on the official expert’s report, the Court considered that an unexpected advantage in terms of low toxicity can fulfill the inventive step requirement. The decision went on to analyze the written description requirement, where it was found that the applicant is entitled to claim obvious variations of the subject matter originally disclosed. Finally, the Federal Court of Appeals ordered the Patent Office to grant the patent stating that all the arguments raised by the PTO proved to be arbitrary and the prosecution stage had already ended.

Several conclusions can be drawn from the second instance decision. We believe that the most relevant are:

• selection inventions are patentable subject matter;

• a generic disclosure does not affect the novelty of a specific disclosure;

• an unexpected advantage in terms of low toxicity can fulfill the inventive step requirement;

• the claims can protect obvious variations of the subject matter originally disclosed;

• amendments and additions, obvious from the subject matter originally disclosed, can be made during prosecution without affecting section 19 of Decree 260/1996 (the regulatory decree of the Argentine Patent Law);

• the decision of the President of the Patent Office puts an end to the administrative prosecution stage; therefore, modifications in both the specification and the claims can be made at any time until a decision is rendered by the President of the Patent Office;

• the Judiciary may order the grant of a patent when the administrative decision is arbitrary, as the prosecution stage has already ended.

Thus the decision upheld the patentability of a selection invention. It will be recalled that under Joint Regulation Nos. 118/2012, 546/2012 and 107/2012 (issued May 2, 2012 by the Patent Office and the Ministries of Industry and of Health) new guidelines were introduced, which, inter alia, barred selection inventions. In view of this court decision, these guidelines should be considered unconstitutional insofar as they prohibit the patentability of selection inventions.

Also, this decision acknowledges the possibility of claiming obvious variations of the subject matter originally disclosed. In this way, this decision reverses the PTO’s practice, which limits the scope of the claims to what has been specifically disclosed in the specification.
Australia: Australian Full Federal Court sets new test for software patents - It's all about the substance
(Article by Manuel Schmidt and Connie Merlino, F B Rice & Co, Sydney, Australia)

The Full Federal Court of Australia recently decided that a claim for generating a weighted index of assets did not constitute patentable subject matter (Research Affiliates LLC v Commissioner of Patents [2014] FCAFC 150).

While it is uncontroversial that an index by itself is not patentable, the Full Court had to determine whether the implementation on a computer would be patentable. In determining this question the Judges set a new test that is based on the “substance of the invention” rather than assessing only the claims.

Although this “substance of the invention” test is new, it does not significantly change what is patentable under Australian law. In particular, since the exclusion set out by the Full Court is narrow and very specific to the particular facts, it is considered that many computer-implemented business methods remain patentable.

Attorneys dealing with US and European patent applications will be pleased to read that arguments under 35 U.S.C §101 or the European test of technical contribution should also be suitable under the new Australian “substance of the invention” test.

Practical implications - prosecution
It is expected that IP Australia will base their future objections to software related patent applications on this decision. Based on this new “substance of the invention” test, these objections will likely import notions of novelty and inventiveness into the assessment of patentable subject matter. A response to such an objection should contain, as much as possible, references to the actual computer implementation and the advantages arising from implementing the invention on a computer.

While this decision introduces the new “substance of the invention” test, the Judges left patent applicants in the dark on how this substance is to be determined. Since the decision discusses several cases from Europe, the United Kingdom and the United States of America (US), inspiration can be found by looking to those jurisdictions.

According to the recent Alice case (Alice Corp. v. CLS Bank International) in the US, patent applicants need to show that the use of a computer to implement an abstract idea adds “significantly more” to render the abstract idea patent eligible within the meaning of 35 U.S.C §101. In Australia, such a significant feature that is added to an abstract idea can also be argued to form the substance of the invention. Therefore, US-style Alice submissions should also get traction in Australia under the new “substance of the invention” test.

According to European and UK practice, inventiveness is argued based on a technical contribution. A technical contribution considered inventive in Europe should also show technicality in the “substance of the invention” in Australia. Therefore, European or UK-style inventive step submissions should also be helpful in proving patentable subject matter in Australia.

Practical implications - drafting applications
One question that remains open is: If an Attorney was to retrospectively draft a patent specification for Research Affiliate’s invention now, would it be possible to do so in a way that the application meets the new “substance of the invention” test?
What is missing from the specification in suit is a description of the specific computer implementation in detail. In other words, “it is a question of understanding what has been the work of, the output of, and the result of, human ingenuity” [at 116]. Including clear advantages into the specification in anticipation of objections for lack of patentable subject matter should significantly strengthen a patent application under the new test.

More clarity around what is patentable subject matter in relation to computer implemented inventions will be provided by the Full Federal Court of Australia in the appeal of RPL Central Pty Ltd v Commissioner of Patents [2013] FCA 871, which should be handed down in the next 12 months.

Based on an article previously published by FB Rice

Australia: Australia's High Court confirms that the time for applying to extend the term of a pharmaceutical patent is capable of extension
(Article by Linda Govenlock and Sarah Matheson, Allens, Melbourne, Australia)

In a 3:2 decision Australia’s highest appellate court has found that the remedial provisions governing extensions of time are available in relation to applications for patent term extension (PTE), provided that the PTE application is filed before the expiration of the patent. This decision essentially ends a long battle between Danish patentee, Lundbeck A-S (Lundbeck), and a number of generic competitors, spearheaded by Alphapharm Pty Ltd (Alphapharm), which is part of Mylan, Inc.

Brief background

• Lundbeck extended the term of its patent on the basis of listing on the Australian Register of Therapeutic Goods (ARTG) of its product, LEXAPRO, which contained only the (+) enantiomer of the anti-depressant drug citalopram.

• Alphapharm challenged the validity of the PTE on the basis that the PTE should have been sought based on Lundbeck’s earlier listed product, CIPRAMIL, which contained a racemic (50:50) mixture of the (+) enantiomer and (-) enantiomer of citalopram.

• The Full Court agreed with Alphapharm and found the PTE application based on LEXAPRO to be void ab initio. The Register of Patents was rectified to reflect the standard 20 year term, which expired 13 June 2009.

• One day before the patent expiry Lundbeck filed a new PTE application based on the ARTG listing of CIPRAMIL, together with an application under s 223(2) of the Patents Act 1990 (Cth) for an extension of time of nearly 10 years.

• Lundbeck’s extension of time application was opposed by Alphapharm and several other generic companies, each of which had launched generic products containing (+) citalopram after the assumed 13 June 2009 patent expiration date.

• The Commissioner of Patents dismissed the oppositions. That decision was subsequently upheld on appeal by the Administrative Appeals Tribunal and the Full Federal Court, respectively. The High Court of Australia granted special leave for Alphapharm to appeal from the decision of the Full Federal Court.

Section 223 governs extensions of time generally and provides that extensions may be granted at the discretion of the Commissioner where there has been an error or an omission in relation to a required act which prevented that act being completed in time. However, certain ‘prescribed’ actions are excluded from the remedial provisions of s 223. Importantly reg 22.11(4)(b) states that ‘filing, during the term of a
standard patent...an application...for an extension of the term of the patent' is a prescribed (ie, excluded) action.

The provisions governing PTE provide that a PTE application must be made during the term of the patent and within 6 months of the later of: the date that the patent was granted, or the date of ARTG listing of goods containing the pharmaceutical substance.

The issue on appeal

The High Court appeal was limited to the sole question of whether the remedial provisions of s 223 conferred power on the Commissioner to extend the time within which a patentee could apply to extend the term of a patent.

Alphapharm argued that the power to extend time under s 223 was excluded by reg 22.11(4)(b). On that construction, the ‘relevant act’ is the single act of filing a PTE application.

Lundbeck argued that there are two separate and independent time requirements and that reg 22.11(4)(b) only excludes the first time requirement. That is, the PTE application must be filed during the term of the standard patent and that time period cannot be extended by s 223(2). However, the second (‘6 month’) time requirement is capable of being extended.

The majority preferred Lundbeck’s construction. The Court interpreted the PTE provisions as having two separate timing requirements. Accordingly, the requirement that a PTE application be filed within 6 months of the latest relevant date is capable of being extended under s 223(2). However, the period for filing a PTE application cannot be extended beyond the patent term.

This pragmatic approach in construing the remedial provisions of s 223 will be pleasing to owners of pharmaceutical patents, and settles a vexing question plaguing PTE in Australia.

**Ecuador: Markush claim are not allowable in Ecuador**
(Article by Gabriel Kuri, Corral Rosales Carmigniani Pérez, Quito, Ecuador)

In chemical research, it is frequently determined that not only a single compound can perform the objectives of the invention but that a common activity exists throughout a genus of compounds. To detail each member of the genus in a claim is practically impossible in cases where the genus contains a large collection of chemical compounds. The solution usually used in these cases is to employ Markush structures.

In the Markush format, the description includes the common structure, as well as the definitions of possible substituents in said structure. The number of compounds covered by such formula may be vast.

The Andean Patent Manual, developed as a tool for the application of common criteria to patent assessment in the Andean Community of Nations, states that a broad formula does not destroy the novelty of a compound or subgroup of compounds included thereof; however, specific compounds in a document destroy the novelty of a broad formula. The Manual also states that the selection of one possibility when there is only one list of alternatives for a substituent lacks novelty; if, on the other hand, the selection is made from two or more substituents to obtain the claimed subject matter, it is considered that novelty is present. If inventiveness is based on a technical effect, all possible compounds of the Markush formula must present inventiveness.

The Ecuadorian IP Office usually objects to Markush claims alleging lack of conciseness, and that the broad scope prevents an objective comparison with the prior art. The policy of the Office is to request a demonstration that all chemical compounds in a claim have been synthesized, duly assayed, and exhibit
unexpected effects or technical advantage over similar compounds disclosed in the prior art. This request is not possible to comply with due to the large number of possible compounds that can be obtained from a Markush formula. Thus, in the absence of examples supporting all claimed compounds, the Office raises objections based on lack of sufficiency.

The requirement for conciseness originates in Article 30 of the applicable law, the Andean Decision 486, which states that the claims should define the subject matter to be protected by patents. They must be clear, concise, and entirely supported by the description.

The Andean Patent Manual suggests raising an objection of lack of clarity and conciseness if the number of possible alternatives within a claim is too high.

Because of this, Markush claims are not allowable. Only very specific compounds, backed by examples described in the specification and exhibiting favourable comparative results, are allowable.

While the position of the IP Office to request support for all possible compounds in a claim seems excessive, and certainly not possible, it is advisable to file a reduced number of alternatives whose advantage can be demonstrated, in order to increase the probability of obtaining patent protection in Ecuador.

**Germany: Director’s liability for unfair competition — Change in the jurisdiction of the Federal Court of Justice — Decision of June 18, 2014 — I ZR 242/12 - Geschäftsführerhaftung**

(Article by Karolina Schöler, HARTE-BAVENDAMM Rechtsanwälte, Hamburg, Germany)

Since its decision Sporthosen of 26 September 1985 (I ZR 86/83) the Federal Court of Justice (BGH) had consistently ruled that, in addition to the company, the director was personally liable for any violation of the Law against Unfair Competition conducted by the company if (1) the director himself initiated the behavior constituting unfair competition or (2) the director had knowledge of the respective conduct and could have prevented it (BGH GRUR 1986, 248, 251 — Sporthosen; GRUR 2005, 1061, 1064 — Telefonische Gewinnauskunft; GRUR 2009, 841, 843 — Cybersky; GRUR 2009, 845, 849 — Internet-Videorecorder).

The case law on the director’s personal liability resulted from a broad interpretation of the so called Störerhaftung, i.e. the principle of interferer’s liability under which a person without being himself a contravener or participant can nonetheless be held responsible because he had the power to control the contravener and, in terms of a reasonable balancing of interests, could be expected to effectively prevent such unlawful conduct of a third party.

Over the past few years, however, the BGH has gradually curtailed this principle of liability for a third party’s violation of the law against unfair competition (Störerhaftung) and finally abandoned it relative to acts of unfair competition in its decision Kinderhochstühle im Internet I on 22 July 2010 (I ZR 139/08).

In its decision Geschäftsführerhaftung the BGH now took the opportunity to accordingly adjust the legal practice concerning a director’s personal liability for acts of unfair competition committed not by himself but rather his company. The Court found that the director’s awareness of such acts alone was not sufficient to justify his personal liability.

According to the BGH, a director can only be held liable for such an infringement if he either took active part in the respective action or if he was liable for the infringement according to the general principles of the law of tort, namely due to having a guarantor position. The mere fact that a director is principally responsible for the business operations of the company in contrast cannot result in the director’s personal liability for acts of unfair competition.
As a consequence, a director can still be held personally liable for decisions of the company that are typically made by its management board, i.e. decisions regarding the choice of the company’s name or the design of the web presence of the company. The same shall apply to acts of unfair competition resulting from a business model that was developed and implemented by the director himself.

The decision Geschäftsführerhaftung does not address the question of a director’s personal liability for the company’s infringement of intellectual property rights. The Court of Appeal of Hamburg, however, recently indicated that it will not adopt the principles established in Geschäftsführerhaftung to cases of trademark or copyright infringement. It remains to be seen whether in these cases the BGH will continue its case law on the strict personal liability of managing directors derived from the Störerhaftung — as just recently, for instance, in the Hard Rock Cafe decision of 15 August 2013 (BGH GRUR 2013, 1161) — or whether in the future the Court will change its practice by applying the principles of Geschäftsführerhaftung to cases of infringement of intellectual property rights as well.

Japan: Judgment of IP High Court on Apple v. Samsung
(Article by Miyuki Hanai, YUASA AND HARA, Tokyo, Japan)

1. Facts

Apple and Samsung, two major global manufacturers of smart phones, have regularly engaged each other in many patent lawsuits all over the world. In Japan, the Intellectual Property High Court (“IP High Court”) handed down a judgment on damages and on preliminary injunctive relief on May 16, 2014.

In this particular case, Samsung holds patents essential for a UMTS (Universal Mobile Telecommunications System) standard, which is a telecommunication standard of 3GPP (3GPP is an entity for the global standardization of 3rd generation mobile telecommunications). Samsung declared that it was prepared to grant a non-cancellable license under FRAND (Fair, Reasonable and Non-Discriminatory) terms and conditions.

Though Apple requested Samsung to grant a license, Apple and Samsung could not reach agreement on license terms through negotiations. Apple started to manufacture smart phones in accordance with the UMTS standard without a license from Samsung.

2. Judgment on Damages

The IP High Court held that the license agreement was not made because the FRAND declaration was not an offer of a license agreement and the Court ordered Apple to pay damages.

However, the Court ruled that a patent holder who declared FRAND may not seek damages in excess of the amount equivalent to the license fee amount under FRAND terms and conditions, unless the infringer does not intend to receive a license under FRAND terms and conditions. The Court noted that courts should not easily recognize the fact that an infringer does not intend to receive a license.

To calculate damages, the Court determined the percentage of the contribution of the patents to the total sales turnover of the products (C), using the following formula:

\[ C(\%) = \frac{A(\%) \times 5(\%)}{B} \]

where:

A = Percentage of the contribution of compliance with the UMTS standard to the sales turnover of the products; and
B = Number of UMTS standard essential patents, which in this case was 529.
The 5% aggregate royalty cap was adopted for two reasons, the first being that both parties claimed the 5% aggregate royalty rate as a precondition, and the second being that many owners of UMTS standard essential patents support the 5% aggregate royalty cap with a view to preventing the aggregate royalty from being excessively high.

The resulting license fee (E (yen)) under the FRAND terms was then determined using the following formula:

$$E (yen) = C(\%) \times D (yen)$$

where D = total sales turnover of the products.

The specific figures for A, C, and D were not disclosed, but based on the above formulae, the Court concluded that the license fee amount was approximately 10 million yen.

In this case, the Court concluded that Samsung can demand damages equivalent to the license fees under FRAND terms and conditions. However, the Court noted that a patent holder cannot demand any damages (i.e., even damages equivalent to the license fee under FRAND terms and conditions) if it is significantly unfair to demand damages within the range of a license fee, considering circumstances such as the process to declare FRAND and negotiation process for a license.

3. Judgment on Preliminary Injunction

The IP High Court ruled that a patent holder cannot seek an injunction against a company who intends to receive a license under FRAND terms and conditions, while a patent owner can seek an injunction against a company who does not intend to receive a license. The Court recognized that Apple intended to receive a license and that Samsung intentionally prevented reaching an agreement, and thus the Court did not grant a preliminary injunction.

4. Public Comments

Attorneys of Apple and Samsung invited the public to offer their opinions regarding enforcement of patents after the FRAND declaration, and submitted them as evidence to the IP High Court. In total, 58 opinions were submitted. This case attracted attention in that this is the first attempt to call for public comments on a lawsuit, and is the first judgment of the IP High Court regarding enforcement of patents after the FRAND declaration.

Spain: Reform of the Spanish Copyright Act
(Article by Sergio Miralles and Elena Molina, Intangibles Legal, S.L.P., Barcelona, Spain)

On 30 October 2014 the Spanish Parliament passed a proposal for the reform of Royal Legislative Decree No. 1/1996, approving the Restated Text of the Copyright Act (hereinafter, the “Reform”). The most relevant amendments introduced by the Reform are briefly described below.

First, the Reform enhances the legal tools for fighting online piracy through the “Sección Segunda de la Comisión de Propiedad Intelectual” (the “IP Board”). This is a Spanish administrative body ascribed to the Spanish Ministry of Culture which is in charge of adopting appropriate measures to safeguard intellectual property rights over the Internet. However, before the IP Board starts infringement proceedings, the right holder must send a cease and desist letter to the alleged infringer clearly identifying the specific content that should be removed as well as its location.

Under the Reform, to qualify as an infringement, the alleged infringer must: i) intentionally induce the unlawful conduct; ii) cooperate, being fully aware or having enough evidence that the offending conduct is taking place or; iii) where having a direct economic interest on the unlawful conducts’ outcome, have the ability to control that conduct.

Pursuant to Article 12 of the E-commerce Directive, service providers that carry out mere technical intermediation activities are excluded from any liability. However, under appropriate circumstances, the IP Board may initiate proceedings against individuals or entities who provide indexed lists of links to unlawful content, regardless of whether these links have been provided by a third party or not. Before commencing proceedings against a services provider, the IP Board will take into account new criteria, such as the number of alleged infringing works accessible through the allegedly infringing service, as well as the number of users in Spain.
The applicable penalties, in the event that the IP Board’s order to remove the allegedly unlawful content has been ignored, are as follows: i) fines of up to EUR 600 000; ii) interruption of infringing services up to one year; iii) an order directed to the Internet service provider to block Internet access; iv) an injunction directed to the payment and/or advertising service provider, if any; v) cancellation of the gTLD “.es” used by the alleged infringer for up to six months and/or; vi) an injunction directed to funding sources, where applicable. However, the IP Board requires judicial authorization to execute such injunctions.

Second, the Reform establishes a new right to enable equitable remuneration to be paid by news aggregators to publishers or other right holders. This right will arise any time a news aggregator service uses non-significant pieces of information, opinions or entertainment previously published in a newspaper or a website periodically updated. Images are excluded as well as search engine services when using isolated pieces of information necessary to provide results to a specific search, provided that such services lack commercial purpose and a link is provided by the search engine to the website hosting the original content.

Third, the Reform limits the scope of the private copying exception. Specifically, it excludes all reproductions made for professional or business purposes as well as all those made from works not obtained by means of legal purchase or public communication. However, the private copying compensation continues to be charged to the State Budget on the basis of the expected annual damages inflicted to the right holders as a result of the private copying use.

Finally, the Reform incorporates into Spanish law Orphan Works Directive 2011/77/EU and amends Directive 2006/116/EC to extend the term of protection for phonograms from 50 to 70 years.

**Sweden: Sweden grants patents in English**
(Article by Louise Jonshammar, The Swedish Patent and Registration Office (PRV), Stockholm, Sweden)

Changes to the Swedish Patents Act came into force on 1 July 2014, with the effect that the applicant can now select whether a patent is to be granted in Swedish or English. If the applicant chooses English as the language of grant, the applicant may also request that The Swedish Patent and Registration Office (PRV) communicate with the applicant in English, albeit Swedish is the ordinary language of the authority. In practice, this means that a patent applicant may receive notices, decisions during the case handling, and other official documents in English, and can now reply to notices, submit statements etc. in English without having to translate the documents at any point.

For patents that are to be granted in English, the applicant must submit a Swedish translation of the patent claims at the time of payment of the granting fee for the patent. The Swedish patent claims shall be published in the patent specification together with the English patent documents. However, only the English documents have legal effect and the translation serves an informative purpose only.

If the applicant wants provisional protection for the invention, the patent claims must be translated into Swedish when the application is published. If the claims are not filed in Swedish before publication, the applicant may at any later time before patent is granted, and subject to a fee, submit a Swedish translation of the patent claims for publication. If so, the provisional protection has effect from that later time.

After three months with the new language rules, the statistics show that grant in English is requested in 55 % of the patent applications. In almost 75 % of these applications, English will be the language of communication.

For European patents granted by the European Patent Office (EPO) from 1 July 2014, corresponding changes to the Patents Act have been made regarding the effect of the patent claims in Sweden after validation. The Swedish translation of the patent claims that must be submitted upon validation in Sweden will no longer have legal effect. The patent claims in the language of proceedings at the EPO will, alone, have legal effect in Sweden. Therefore, for patents that have been granted after 1 July 2014, it is no longer possible to file a request for publication of a correction of the Swedish translation of the patent claims. The legal framework for patent applications where a translation of the claims into Swedish is published to gain provisional protection has also changed correspondingly, as has the legal effect of the claims that are validated when the patent is amended after opposition or patent limitation proceedings at the EPO.
In opposition proceedings regarding a Swedish patent granted in English, the opponent may request that the patent be translated into Swedish. The opposition proceedings are in Swedish only. If the patentee requests that the patent claims are amended to avoid the patent being revoked, a translation into Swedish of the amended patent claims must be filed simultaneously with the English patent claims.

If the patentee requests a patent limitation in Sweden, the amended patent claims must be submitted in the language of grant or the language of proceedings at the EPO, but a Swedish translation of the new claims must be filed simultaneously.

If the patent is subject to civil proceedings in court, the patentee will be ordered to provide a Swedish translation of the patent.

**Sweden: Permissible Use of a Third Party Trademark — No Damage, No Infringement**
(Article by Erik Ficks and Oskar Ljungholm, Roschier, Stockholm, Sweden)

A precedent was set by the Swedish Supreme Court (9 July 2014, Docket No. T 301-2) as to whether a photo of scaffolding with a decal with the text LAYHER in a product catalogue constituted “use in the course of trade” of the registered trademark for LAYHER and, if so, whether the trademark proprietor (Layher) had a right to an injunction and damages.

The product catalogue was published by a competitor (Mon.Zon) of Layher. The photo at issue was only a small part of a more than 60 pages long product catalogue. Layher brought action against Mon.Zon, claiming that the use of the registered trademark constituted infringement. Mon.Zon objected to the alleged infringement on the basis that the trademark had not been used as a sign for Mon.Zon products and that the product catalogue photo only showed that the different products were compatible with each other.

With reference to CJEU case law, the Supreme Court stated that the term “use in the course of trade” has been given a broad interpretation. Hence, it is not necessary that a third party uses the mark for its own products, but it can be sufficient that the mark is used in connection with such own products. Accordingly, the right of a proprietor to prevent unauthorized use of its trademark that follows from Article 5.1(a) of the EU Trademark Directives is to ensure that a trademark can fulfill its functions. This right is therefore reserved in cases in which a third party’s use of the sign affects or is liable to affect the functions of the trademark.

The CJEU’s approach is, according to the Supreme Court, focused on the protection of norms. The scope of a proprietor’s exclusive right is consequently governed by the interests (i.e. the trademark’s functions) that the exclusive right in the specific case protects. The Supreme Court held that this entails that unauthorized third party use of an identical mark in the course of trade that is not damaging nor at risk of damaging the relevant functions of the invoked trademark does not constitute trademark infringement.

According to the Supreme Court the use of the photo showing a decal with the text LAYHER constituted “use in the course of trade” of the trademark. That the mark had not been used as a sign on or for Mon.Zon’s goods was, in this regard, irrelevant. However, it was clear that the product catalogue originated from Mon.Zon and that it was the company’s own products that were being marketed. As there was no text or layout that created the impression of a commercial link between the trademark LAYHER and Mon.Zon, the Supreme Court held that the normally informed average buyer would not perceive the photo in any other way than the parties’ goods being compatible. Therefore, the Supreme Court held that no damage or risk of damage to the function of indicating origin was at hand.

Layher had also claimed that the use damaged or could damage the reputation of the trademark. The Supreme Court stated that this could be interpreted as the use interfering with Layher’s own use of the trademark, aimed at acquiring or preserving a reputation, and that the function of investment therefore would be damaged. However, no investigation had been invoked as evidence in support of this claim — or of any other functions being potentially damaged. Neither was there, according to the Supreme Court, sufficient support for granting the claim on the basis that the use constituted infringement under the protection of well-known marks.
As no damage to any of the trademark’s functions was shown, the Supreme Court concluded that there was no infringement. Therefore, the “spare parts” exemption in Article 6.1(c) of the EU Trademark Directives did not need to be assessed.

(Article by Kristin Whidby, Fried, Frank, Harris, Shriver & Jacobson, LLP, Washington, DC, United States)

Earlier this month, the CAFC issued its third decision in as many years in an infringement action seeking to enforce U.S. Patent No. 7,346,545 (the “’545 patent”). This time, the CAFC held that the ’545 patent was invalid for failure to claim patent-eligible subject matter under 35 U.S.C. § 101. Ultraclem, Inc. v. Hulu, LLC, No. 2010-1544, -- F.3d -- (Fed. Cir. Nov. 14, 2014).

Under the U.S. Supreme Court’s decision in Alice Corporation v. CLS Bank, Int’l, 573 U.S. __, 134 S. Ct. 2347 (2014), the first step to determining patent-eligibility is to determine whether the claims at issue are directed to a patent-ineligible concept, such as an abstract idea. The ’545 patent is directed to a method for distributing copyrighted media products over the Internet where the customer receives a copyrighted media product at no cost in exchange for viewing an advertisement, and the advertiser pays for the copyrighted content. Thus, the heart of the patent is the abstract idea “that one can use [an] advertisement as an exchange or currency.” While the CAFC’s decision was careful to say it does “not purport to state that all claims in all software-based patents will necessarily be directed to an abstract idea,” the decision emphasized that the steps recited in the ’545 patent had no particular concrete or tangible application.

If the claims are directed to a patent-ineligible concept, as they were here, the next step under Alice is to determine whether the claims do significantly more than simply describe that abstract concept. Adding features to an abstract idea that are well-understood, routine, or conventional activities are not enough to satisfy § 101. It does not matter if these steps were never before applied to the art in question.

Looking at the limitations of the ’545 Patent, the CAFC determined that the patent is directed only to the abstract idea itself. Updating an activity log, requiring a request from the consumer to view the ad, restricting public access, and use of the Internet are “only ‘conventional steps, specified at a high level of generality,’ which [are] insufficient to supply an ‘inventive concept.’” Importantly, the CAFC reiterated that the use of the Internet is not sufficient to save otherwise abstract claims from ineligibility under § 101. Similarly, adding a general purpose computer to otherwise conventional steps is likewise not enough. This is partly due to the prevalence of computers and the Internet in modern society. Since computers and the Internet are so common, implementation of abstract ideas thereon no longer provides any practical assurance that a patent is more than a monopolization of the abstract idea itself.

Judge Mayer authored an interesting concurrence that should be noted. First, he asserts that district courts should always address patent-eligibility questions under § 101 at the outset of litigation. Second, he argues that no presumption of patent validity applies when performing a § 101 inquiry. Finally, Judge Mayer suggests that Alice, for all intents and purposes, sets out a technological arts test for determining patent-eligibility. That is, to be patent-eligible, an invention must effect a concrete improvement on a piece of technology or a technological field. Advances in nontechnological disciplines -- such as business, law, or the social sciences -- could not qualify for a patent under § 101.

The effect of this decision is a renewed emphasis on physical limitations in patent claims. Claims that lack tangibility, such as those in many business method and software patents whose only limitations are the use of the Internet or a general purpose computer, increasingly run the risk of being found patent-ineligible under § 101.
 WIPO: 12th session of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks
(Article by Elena Molina, Secretary of the Standing Committee on Trademarks of AIPPI, Intangibles Legal S.L.P., Barcelona, Spain)

The Working Group on the Legal Development of the Madrid System for the International Registration of Marks (WG), which is composed of all contracting parties of the Madrid Agreement and/or the Protocol, held its 12th session at the WIPO headquarters in Geneva between 20 and 24 October 2014.

The 12th session was mainly focused on the issues of division, dependency of the basic mark and replacement. Additionally, several amendments to the Common Regulations under the Madrid Agreement and the Protocol (hereinafter, the “Common Regulation”) were discussed. As usual, the WG included a Round Table (RT) to assess the possibility of implementing certain practical and/or administrative improvements relevant to the national or regional Trademark Offices and/or the users. AIPPI, and other intergovernmental and non-governmental organizations, including Marques, INTA, CEIPI, APRAM and AROPI, attended both the meetings of the WG and the RT as observers.

Division

The WG has debated about the possible division (and merger) of international marks since 2008, upon the initiative of AROPI. Having reached an agreement on the principles of the division/merger mechanism, the last session focused on the operational details of the project according to the proposal submitted by WIPO. No consensus was reached on the said proposal. The Swiss Federal Institute of Intellectual Property submitted a new proposal, which shall be considered in the next WG.

Freeze of the dependency on the basic mark

WIPO has submitted a proposal to freeze the operation of Articles 6(2), (3) and (4) of the Madrid Agreement and the Protocol regarding the principle of dependency of the basic mark. There was no consensus to push forward this proposal. However, the WG requested WIPO: (i) to conduct a survey to achieve a better understanding of the practical pros and cons of dependency from the users’ standpoint and (ii) to submit a document analysing the possible simplification of transformation and addressing the issue of marks in different scripts.

The abolition or freeze of the dependency on the basic mark was discussed in the 2014 AIPPI Congress held in Toronto. AIPPI resolved that it does not support an abolition or freeze of the dependency on the basic mark but it supports a reduction of the dependency period from 5 to 3 years (Resolution Q239).

Replacement

Both the Agreement and the Protocol set forth a mechanism to replace the national or regional trademark registration by the international trademark registration provided that certain conditions are met. WIPO has conducted a survey among the national and regional Trademark Offices to gather detailed information on the different practices regarding the implementation of this mechanism, the results of which were discussed in the WG. The debate showed that the interpretation by the national and regional offices of the relevant legal provisions is not uniform and that there are a number of aspects to be clarified. The debate on this issue will continue in the next WG.

Amendment of the Common Regulations under the Madrid Agreement and the Protocol

Finally, the WG approved a set of amendments to the Common Regulation (as well as the related provisions of the Schedule of Fees and Administrative Instructions). In particular, the amendments are related to failures in postal and delivery services or communications sent electronically (Rule 5), voluntary description of the mark (Rule 9), replacement (Rule 21) and subsequent designations (Rules 24 and 36).

AIPPI's (International Association for the Protection of Intellectual Property). AIPPI is concerned with all types of intellectual property rights (including patents, trademarks, and copyrights).

AIPPI is the oldest global association for the protection of intellectual property and has the respect and ear of governments and global organizations, such as the World Intellectual Property Organization and the World Trade Organization. Since it was founded in 1897, AIPPI has been consulted (and still is) by decision makers worldwide on current intellectual property issues.

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