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Advocates, Patent And Trademark Attorneys

NEWSLETTER SEPTEMBER 2024

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01. AI Act enters into force

EUROPEAN AI ACT
TAKES EFFECT AUGUST
1, 2024: NEW
REGULATIONS AND
CONSULTATION ON
GENERAL-PURPOSE AI
CODE OF PRACTICE

On 1 August 2024, the European Artificial Intelligence Act (AI Act) enters into force. The Act aims to foster responsible artificial intelligence development and deployment in the EU. Proposed by the Commission in April 2021 and agreed by the European Parliament and the Council in December 2023, the AI Act addresses potential risks to citizens' health, safety, and fundamental rights. It provides developers and deployers with clear requirements and obligations regarding specific uses of AI while reducing administrative and financial burdens for businesses.

The AI Act introduces a uniform framework across all all EU countries, based on a forward-looking definition of AI and a risk-based approach: Minimal risk, Specific transparency risk... Read more

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02. JPO-CNIPA Examiner Exchange Program Held

JAPAN AND CHINA
PATENT OFFICES
ENHANCE
COLLABORATION
THROUGH EXAMINER
EXCHANGE PROGRAM,
JULY 2024

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On July 8 to 12, 2024, the Japan Patent Office (JPO) and the China National Intellectual Property Administration (CNIPA) held an *Examiner Exchange Program at CNIPA. The JPO has conducted Examiner Exchange Programs with the CNIPA since 2008. This year, we conducted an in-person program by dispatching our examiners to China. Four JPO examiners and four CNIPA examiners participated in the program and deepened understanding of each Office's examination practices by exchanging information on prior art search methods and systems and operation of examination standards in four technical fields of applied physics, refrigerating and air-conditioning engineering, medical science, and video systems. The JPO will continue to cooperate on patent examination with the IP Offices of other countries..... Read more

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03. El Salvador approves new IP law

EL SALVADOR'S
LEGISLATIVE ASSEMBLY
APPROVES NEW IP
LAW: ENHANCEMENTS
IN PROTECTION AND
EFFICIENCY

GO TO TOP

In July 2024, El Salvador's Legislative Assembly approved a new intellectual property law to replace the 1993 law. The new IP law aims to protect intellectual property rights, encourage innovation, and promote economic development. Key changes include expanded protection for trade secrets, plant varieties, and traditional knowledge, and more efficient procedures for registering trademarks, patents and copyright. Furthermore, the law will strengthen measures against piracy and counterfeiting, aligning El Salvador with international standards and enhancing its global competitiveness. In addition, the new IP law establishes the Salvadoran Institute of Intellectual Property (ISPI), which will centralise and simplify IP services, including digital registration processes.... Read more

04. Updates to the Patents Examination Manual

SECTION 39: CONTENTS
OF COMPLETE
SPECIFICATION AND
SECTION 11: COMPUTER
PROGRAMS

GO TO TOP

IPONZ has updated its Patents Examination Manual to clarify our practices when examining the contents of a complete specification, and in relation to computer programs. We have recently updated the following sections of our Patents Examination Manual.

Section 39: Contents of complete specification

We have expanded and clarified our guidelines around unity of invention that are outlined in this section of the examination manual.

These changes specifically relate to the approach we follow when determining if there is more than one invention claimed under a single patent application. Our practice is consistent with international guidelines under the Patent Cooperation Treaty.... Read more

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05. INPI reconstitutes and restores trademark processes

DIRMA LAUNCHES
NEW TRADEMARK
PROCESS
RECONSTITUTION
PROCEDURE IN
ACCORDANCE WITH
INPI/PR RESOLUTION
NO. 194/2017

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The Directorate of Trademarks, Industrial Designs and Geographical Indications (DIRMA) announces the initiation of yet another procedure for the reconstitution/restoration of trademark processes in compliance with INPI/PR Resolution No. 194/2017.

The list containing the number and nature of the missing, misplaced or destroyed files; the summary of their object and the name of the interested parties can be found in the Industrial Property Magazine - RPI No. 2796, Section I Announcements, dated August 6, 2024. The individual publication for each process also takes place in RPI 2796, Section V Trademarks.

Questions about the procedure should be sent to the "Contact Us" system (http://faleconosco.inpi.gov.br/faleconosco/), directing the Subject/Area of Interest to Trademarks... Read more

06. Unitary Patent now covers Romania

EFFECTIVE 1 SEPTEMBER
2024, ROMANIA WILL
BE PART OF THE
UNITARY PATENT (UP)
SYSTEM

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Effective 1 September 2024, Romania will be part of the Unitary Patent (UP) system. From that date, all European patents with unitary effect will automatically cover Romania. This expansion will not only increase the number of participating EU Member States to 18, but also add a market of some 19 million people to the area of 330 million people already covered by the UP system. "The accession of Romania clearly demonstrates the relevance of the Unitary Patent system for all EU Member States looking to participate in the internal technology market and advance European economic integration," said EPO President António Campinos. "For innovative businesses, the step paves the way to even more cost-effective and uniform patent protection across Europe.....Read more

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07. Service by Publication

JPO IMPLEMENTS
SERVICE BY
PUBLICATION FOR
UNDELIVERED
DOCUMENTS; NEW
ACCESS FEATURES
AND INTERNATIONAL
MAIL SERVICE
SUSPENSION UPDATE

For cases where documents have not been serviced by delivery (undeliverable to the recipient, etc.), the JPO eventually executes Service by Publication by means of publicizing such information in the Official Gazette and the Patent Gazette, posting in the area designated for posting at the JPO office, or displaying on PCs placed at the JPO office for public perusal. (Patent Act Article 191 (where applicable mutatis mutandis to Article 55-2 of the Utility Model Act, Article 68-5 of the Design Act, and Article 77-5 of the Trademark Act.)) The articles regarding "Service by Publication" in the Patent Gazette have been transferred from the Gazette publication site to this site for an easier access to a broader audience (as of July 3, 2023) **Introduction of Service by Publication Under International Mail Service Suspension... Read more

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08. TIPO Revises the Program for Hearing Patent Invalidation, Effective June 11, 2024

TIPO REVISES PATENT
INVALIDATION
HEARING
PROCEDURES: NEW
GUIDELINES AND
REMOTE HEARING
OPTIONS

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To provide diverse, swift, and professional channels for resolving patent disputes, TIPO has revised the Program for Hearing Patent Invalidation based on previous experiences and industry feedback. Revisions also reference the Administrative Procedure Act, and the revised procedure will serve as the basis for future case examinations. Key revisions include:

I. To comply with legal standards, the title has been amended to the "Operation Directions on Hearings for Patent Invalidation Cases."

II. The function of preparatory hearings has been augmented to include formulating and simplifying the issues, clarifying the matters for amendment in the invalidation case... Read more

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09. Young inventors from all over the world presented their inventions in Taiwan (PRC)

IEYI 2024 SHOWCASES
GLOBAL YOUNG
INVENTORS - EAPO
HONORS
INNOVATIONS FROM
TAIWAN AND
INDONESIA

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The International Exhibition for Young Inventors (IEYI) was held in Taiwan. It was first organized by the Japan Institute for Promoting Invention and Innovation in 1904 as a national exhibition. Since 2024, it has become an international event and has been held in different countries. Russia has been participating in the IEYI since 2017. This year the IEYI attracted schoolchildren from Russia, China, Japan, Korea, Malaysia, Indonesia, Thailand, Vietnam, the Philippines and Singapore. The exhibition offers a unique opportunity for children to present their inventions and exchange experience with participants from different countries. It promotes international cooperation in the field of innovation...... Read more

10. End of grace period for EPO smart card renewal for MyEPO services

EPO PHASES OUT SMART
CARDS IN FAVOR OF
TWO-FACTOR
AUTHENTICATION

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In line with the Strategic Plan 2028, the European Patent Office (EPO) continues to enhance MyEPO services, aiming to provide a user-friendly, simplified and fully digital patent granting process driven by cutting-edge technologies and the highest security standards. Among the measures taken so far is the successful implementation of two-factor authentication (2FA) last year, following which the EPO stopped issuing new smart cards as of 31 December 2023. Unlike smart cards, which require physical possession and a compatible reader, 2FA allows users to authenticate from anywhere using mobile devices. This flexibility makes 2FA particularly beneficial for on-thego access and remote work, ensuring secure, easy and convenient use of MyEPO services from any location.... Read more

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11. The 2024.01 Edition of the International Patent Classification (IPC) Now Available on TIPO Website

THE PATENT GAZETTE
WILL BE PUBLISHED
USING THE 2024.01
EDITION STARTING
FROM AUGUST 1, 2024

The 2024.01 edition of the International Patent Classification (IPC) has been published on the TIPO website. For new applications filed on or after August 1, 2024 to TIPO, the updated IPC 2024.01 edition shall apply. As a result, the Patent Gazette will be published using the 2024.01 edition starting from August 1, 2024, and the Published Patent Application Gazette will adopt the new classification starting from October 16, 2024....... Read more

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12. TIPO Revises the Operation Directions on Hearings for Trademark Dispute Cases, Effective June 11, 2024

NEW REQUIREMENTS

AND PROCEDURES—

TIPO UPDATES

OPERATION DIRECTIONS

FOR TRADEMARK

DISPUTE HEARINGS

To provide a more professional and rigorous hearing system while considering the efficiency of relief processes, TIPO has revised the Operation Directions on Hearings for Trademark Dispute Cases based on the Administrative Procedure Act, Regulations Governing Court's Handling of Remote Interrogation in Intellectual Property Case, and other relevant laws. These revisions will serve as the basis for case examination.

Key revisions include:

I. To strengthen the adjudicative functions of the hearing process, it is stipulated that trademark dispute cases undergoing hearings must be examined by a panel of at least three examiners (Point #3).

II. Provisions have been added to allow preparatory hearings based on the complexity of the cases (Point #5).

III. Hearings should be conducted orally and publicly; however, if conducted in public would harm the public interest.... Read more

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13. IPOPHL unveils Madrid e-Filing, empowering PH trademarks for global reach

IPOPHL LAUNCHES
MADRID E-FILING
SYSTEM TO ENHANCE
TRADEMARK
APPLICATION
EFFICIENCY AND
GLOBAL REACH

The Intellectual Property Office of the Philippines (IPOPHL) launched at the first Philippines Trademark Conference last week the Madrid e-Filing system set to empower local businesses with streamlined processes, cost savings and broader global reach. The Madrid e-Filing system is a cutting-edge online platform designed by the World Intellectual Property Organization (WIPO) to streamline the filing of international trademark applications under the Madrid System. The innovative tool simplifies the process for applicants, enabling them to electronically submit applications, monitor their status and manage trademark portfolios across multiple countries through a single, user-friendly interface. Read more

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14. Announcing a new filing functionality for Trademark Trial and Appeal Board customers

WE'VE LAUNCHED THE TRADEMARK TRIAL AND APPEAL BOARD (TTAB) CENTER OPEN BETA FOR FILING NOTICES OF OPPOSITION

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As part of our efforts to modernize our systems and improve customer experience, we've launched the Trademark Trial and Appeal Board (TTAB) Center open beta for filing notices of opposition. An opposition is a TTAB proceeding in which a party may challenge the registration of a trademark. During the form's open beta period, which we expect to last six months, customers will have the option of filing a notice of opposition using TTAB Center or the existing filing platform, the Electronic System for Trademark Trials and Appeals (ESTTA). Customers can then provide us with feedback on their experience and any suggestions for improvements using a blue "feedback" button on the TTAB Center webpage. This feedback will help us strengthen the system and prepare.... Read more

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15. IPOPHL enjoins ASEAN to adopt proposed Design Law Treaty to benefit designers

ASEAN INDUSTRIAL
DESIGN TASK FORCE
ADVANCES DESIGN
LAW TREATY AND ID
HARMONIZATION
EFFORTS

The Intellectual Property Office of the Philippines (IPOPHL), sitting as chair of the ASEAN Industrial Design Task Force, has initiated discussions among ASEAN Member States (AMSs) to explore the potential benefits in the proposed Design Law Treaty (DLT), which would harmonize and bring ease to the industrial design (ID) protection process across the world. At the 5th ID Task Force (IDTF) Meeting held earlier this month, IPOPHL enjoined member states to support the World Intellectual Property Organization (WIPO) as it convenes a Diplomatic Conference with the aim of concluding and adopting the DLT. Bureau of Patents Director Ann N. Edillon, who chaired the meeting.... Read more

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16. Seminar on Practical Strategies for Addressing Copyright Issues in Generative AI Concludes with Enthusiastic Participation

TIPO HOSTS SEMINAR
ON COPYRIGHT ISSUES
IN GENERATIVE AI EXPERT INSIGHTS AND
STRATEGIES FOR THE
FUTURE

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On July 5, 2024, TIPO hosted the Seminar on Practical Strategies for Addressing Copyright Issues in Generative AI at the International Conference Hall of the NTU College of Law Tsai Lecture Hall. The seminar featured distinguished experts in copyright law and AI industry representatives, including Assistant Professor Chung-Hsin Chang, Copyright academic and expert; Attorney Wenchi Lai; Richard Tzong-Han Tsai, core model training coordinator with RLHF at the TAIDE project, National Science Council; Celeste Yang, Corporate Counsel at Microsoft Taiwan; Claire Lin, Regional Counsel at Google Taiwan; and Ernest Wong, Principal Digital Media Solutions Consultant at Adobe in Hong Kong and Taiwan...Read more