

Inside this Issue

China relaxing barriers to software, business method patents with revised patent guidelines **2**

Trade marks protocol ratified **2**

Experts welcome new trademark rules **3**

India Inc can now register trademark as 'well-known' **3**

EUIPO ranked world's most innovative IP office in exclusive research **4**

EPO grants record number of European patents in 2016 **4**

TÜV SÜD becomes first certification body in India to be accredited by NABCB for certifying medical devices organizations **5**

Jordan Joins the International Patent System **5**

India wants international legal regime to protect traditional knowledge **6**

1. China relaxing barriers to software, business method patents with revised patent guidelines

FOR BUSINESS METHODS, CLAIMS RELATING TO BUSINESS MODELS WHICH INCLUDE A TECHNICAL FEATURE IN ADDITION TO BUSINESS RULES OR METHODS WILL BE PATENT-ELIGIBLE

Patents directed at software and business methods have taken a real wallop over the past few years by the U.S. legal system. The U.S. Supreme Court's June 2014 decision in *Alice Corp. v. CLS Bank International* has cast a pall over the entire software sector and has resulted in very inconsistent rejections under Section 101 of patent law by patent examiners at the U.S. Patent and Trademark Office. Congressional passage of the America Invents Act of 2011 created the Patent Trial and Appeal Board (PTAB) where business method patents can receive further scrutiny through covered business method (CBM) reviews. But the *Alice* decision does not extend to China, where the patent landscape is quite different and more positive for innovators. [Read more](#)

2. Trade marks protocol ratified

PROPOSED REGULATIONS WILL ASSIST THE DEPARTMENT OF DEEDS, COMPANIES AND INTELLECTUAL PROPERTY WITHIN THE MINISTRY OF JUSTICE

The Government has set in motion the process of ratification of the Madrid Trade Marks Protocol paving way for the domestic implementation of its regulations.

The protocol aims to provide a simplified and inexpensive procedure for the registration of trade marks in countries which are party to the protocol.

A trade mark generally refers to a symbol, word, or words legally registered or established by use as representing a company or product.

Parliament has already approved the amended Madrid Protocol into domestic legislation as contained. [Read more](#)

3. Experts welcome new trademark rules

NOW ONE CAN FILE AN APPLICATION AND CLAIM A MARK TO BE WELL-KNOWN, AND GO AHEAD AND DEMONSTRATE IT

The Union government's new trademark rules, notified on Monday, are largely being lauded by practitioners and experts as a step in the right direction.

The rules focus on larger number of digital filings and reducing procedural steps by bringing down the number of forms from 74 to eight.

The rules also bring about clarity in the process of registering a mark as a "well-known trademark". Under the Trade Marks Act 1999, a well-known trademark is one which has widespread reach and recognition. [Read more](#)

4. India Inc can now register trademark as 'well-known'

THE RULES WILL BE A BOON TO FOREIGN COMPANIES THAT DO NOT HAVE A REGISTERED TRADEMARK IN INDIA BUT AT THE SAME TIME WISH TO PROTECT THEMSELVES

In a significant development, the Trade Mark Rules 2017 — which were notified on March 6 — permit companies to apply for their trademark to be recognised as a 'well-known' one. In simple terms, a well-known trademark is one that is well recognized and any infringement could result in misleading the public.

Prior to this notification, any trademark was held as 'well-known' by courts only consequent to a dispute regarding its use, such as when another party applied for registration of the same or similar trademark. IPR advocates have many examples to share. 'Amul' for instance, was given the status of a 'well-known' mark, owing to infringement of the mark in the name of 'IMUL' by another milk cooperative. Watch manufacturer 'Rolex' got a favourable order from the Delhi high court, which recognised 'Rolex' as a well-known mark. [Read more](#)

5. EUIPO ranked world's most innovative IP office in exclusive re- search

THE EUIPO HAS INVESTED IN A MODERN, APPROACHABLE DESIGN AND PROVIDES CLEAR EXPLANATIONS ABOUT TRADEMARKS WITHOUT RELYING ON LEGALESE

The latest issue of World Trademark Review magazine is now available online to subscribers. In this issue, we undertook an ambitious research project to identify the IP offices around the world that are committed to exploring value-add non-core offerings for its users. The EU Intellectual Property Office (EUIPO) topped the final ranking, reflecting its innovative suite of trademark tools and service.

Over the last decade, the services being offered at many IP offices has gone far beyond the core responsibility of maintaining a trademark register. [Read more](#)

6. EPO grants record number of European patents in 2016

RESULTS CLEARLY SHOW THAT THE REFORMS INTRODUCED AT THE EPO IN THE PAST FIVE YEARS ARE EFFECTIVE AND REFLECT THE NEEDS OF THE EUROPEAN ECONOMY

Due to effective measures to improve its productivity, the European Patent Office (EPO) published 96 000 granted patents in 2016, which is 40% more than in 2015 and a new high mark in its history. The EPO's 2016 Annual Report, published today, also shows the Office recorded an unprecedented level of patent filings in 2016, reaching over 296 000, a rise of 6.2% (2015: 279 000). The figure is an indicator of the growing demand for patent protection from businesses worldwide. In addition, the EPO received nearly 160 000 European patent applications (files for which applicants have actually requested a European patent at the EPO), on a par with the record number reached the year before. The 2016 report confirms the positive trend in patent applications over the past five years while the levelling off in 2016 corrects an exceptional spike in applications from the US in 2015. [Read more](#)

7. TÜV SÜD becomes first certification body in India to be accredited by NABCB for certifying medical devices organizations

THE PROGRAMME AIMS TO HELP MANUFACTURERS GET THEIR DEVICES INTO MULTIPLE GLOBAL MARKETS THROUGH A SINGLE AUDIT

Globally acclaimed German safety and quality expert, TÜV SÜD, received accreditation from National Accreditation Board for Certifying Bodies (NABCB) to grant certifications for ISO 13485, ICMED 9000 and ICMED 13485. NABCB is a part of Quality Council of India (QCI). TÜV SÜD is the first and only independent certification body till date in India to be accredited by NABCB to issue these certifications. ISO 13485 specifies requirements for a quality management system that can benefit an organization right from design to practical usage of medical devices and related services. ICMED 9000 certification comprises of ISO 9001 plus additional requirements. [Read more](#)

8. Jordan Joins the International Patent System

THE PCT COMES INTO EFFECT FOR JORDAN ON 9 JUNE 2017 AND CONSEQUENTLY ANY INTERNATIONAL APPLICATION FILED ON OR AFTER THAT DATE WILL AUTOMATICALLY INCLUDE THE DESIGNATION OF JORDAN

Jordan became the 152nd member of the WIPO-administered Patent Cooperation Treaty (PCT), the central node of the international patent system, when Jordan's Permanent Representative to the United Nations Office and other International Organizations in Geneva, Ambassador Saja Majali, deposited on March 9, 2017 her country's instrument of accession to the PCT with WIPO Director General Francis Gurry.

The PCT comes into effect for Jordan on 9 June 2017 and consequently any international application filed on or after that date will automatically include the designation of Jordan. The PCT system assists applicants in seeking patent protection internationally for their inventions, helps patent Offices with their patent granting decisions. [Read more](#)

9. India wants international legal regime to protect traditional knowledge

IN THE ABSENCE OF SUCH A REGIME, "YOU WILL HAVE TRADITIONAL KNOWLEDGE BEING PATENTED, THEREBY PROVIDING A MONOPOLY RIGHTS TO AN EXISTING KNOWLEDGE AND THIS IN TURN WOULD EFFECT NOT ONLY THE LIVELIHOOD OF TRADITIONAL PRACTITIONERS BUT ALSO MILLIONS OF PEOPLE, INCLUDING THOSE WHERE THE KNOWLEDGE ORIGINATED TRADITIONALLY"

India wants an effective legal international regime to stop misappropriation and reckless patenting of traditional knowledge like healing properties of neem and turmeric. The initiative would help in giving global protection against patenting or commercial exploitation of traditional knowledge base of developing countries like India. Commerce Secretary Rita Teotia said the national laws alone "can never address fully the issues of misappropriation of existing knowledge in foreign patent offices and therefore, we need an international regime in order to address issues related to biopiracy".

She said developing countries, including India, have time and again asked and floated proposals in the WTO for incorporating a new provision in the TRIPS (trade related aspects of intellectual property rights) agreement of the WTO. Under the provision, the developing countries have asked for mandatory disclosure of source or origin of the biological resource, evidence of prior informed consent and benefit sharing from patent applicants before granting any patent to a company.

The statement assumes significance as several multi-national companies in the pharma sector have already patents for manufactured products using the key properties of traditional knowledge. Many more patent applications are awaiting approvals in different countries. Traditional knowledge is something which is passed on from generation to generation within a community. It often forms part of a people's cultural and spiritual. [Read more](#)