

### ***Inside this Issue***

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<a href="#"><u>USPTO bows to Federal Court and raises bar for Antibodies Patents -Epitope characterisation not enough to meet written description requirement</u></a>	<b>3</b>
<a href="#"><u>The United Kingdom Joins The Hague System</u></a>	<b>3</b>
<a href="#"><u>New USPTO Specimen Pilot Program</u></a>	<b>4</b>
<a href="#"><u>Validation agreement with Cambodia enters into force</u></a>	<b>4</b>
<a href="#"><u>Germany: Making an impact – enforcing patents at trade fairs</u></a>	<b>5</b>
<a href="#"><u>Consultation on the Implementation of the Trade Mark Directive 2015</u></a>	<b>5</b>
<a href="#"><u>China Reorganizes SIPO to Include Trademarks</u></a>	<b>6</b>
<a href="#"><u>Amendments to the Mexican Industrial Property Law</u></a>	<b>6</b>
<a href="#"><u>UK Supreme Court Decision In Actavis V. Eli Lilly – Doctrine Of Equivalent Rec-ognized</u></a>	<b>7</b>
<a href="#"><u>Using Provisional Patent Applications in Invalidity Challenges</u></a>	<b>7</b>

## 1. USPTO bows to Federal Court and raises bar for Antibodies Patents -Epitope characterisation not enough to meet written description requirement

**THE US PATENT AND TRADEMARK OFFICE HAS RELEASED A MEMORANDUM THAT PROVIDES UPDATED GUIDANCE**

*The US Patent and Trademark Office has released a memorandum that provides updated guidance on how examination of claims directed to antibodies is to be assessed with respect to the written description requirement (35 U.S.C. § 112(a)). In providing the updated guidance, the USPTO has followed the Federal Circuit's recent decision in Amgen Inc. v. Sanofi (Fed. Cir. 2017) ["Amgen"]. The memorandum indicates that:*

*The guidance goes against USPTO practice to date, under which it had been possible to obtain broad claims to an antibody to a "new" antigen even without production of an actual antibody, or with the disclosure of only one or two specific [Read more](#)*

## 2. The United Kingdom Joins The Hague System

**THIS MAKES THE UNITED KINGDOM THE 54TH MEMBER OF THE 1999 ACT AND 68TH MEMBER OF THE HAGUE UNION**

*On March 13, 2018, the Government of the United Kingdom deposited its instrument of ratification of the Geneva Act (1999) of the Hague Agreement with WIPO's Director General Francis Gurry. This makes the United Kingdom the 54th member of the 1999 Act and 68th member of the Hague Union. The 1999 Act will enter into force in the United Kingdom on June 13, 2018. Companies and designers from the UK have been using the Hague System to protect their industrial designs since 2008 thanks to the European Union's membership to the Geneva Act.*

*As of June 13, 2018, Hague applicants both inside and outside the UK will enjoy more flexibility in their protection [Read more](#)*

## 3. New USPTO Specimen Pilot Program

**USPTO ANNOUNCED  
THAT IT HAS STARTED A  
PILOT PROGRAM THAT  
MAKES IT EASY TO  
REPORT SPECIMENS  
THAT HAVE BEEN  
DIGITALLY CREATED**

*On March 6, 2018 the USPTO announced that it has started a pilot program that makes it easy to report specimens that have been digitally created, altered or fabricated. Third parties that believe that an application contains suspect specimens can now send an email to [TMSpecimenProtest@uspto.gov](mailto:TMSpecimenProtest@uspto.gov) to report such issues. The complaint must contain "objective evidence" of either of the following:*

*1. objective evidence of third party use of the identical image without the mark in question, such as the URL and screenshot from an active website or a digital copy of a photograph from a print advertisement and the publication in which it was featured, or [Read more](#)*

## 4. Validation agreement with Cambodia enters into force

**EPO AND VALIDATED  
IN CAMBODIA WILL  
HAVE THE SAME LEGAL  
EFFECTS AS A  
CORRESPONDING  
CAMBODIAN PATENT**

*European patents granted by the EPO and validated in Cambodia will have the same legal effects as a corresponding Cambodian patent and will be subject to Cambodian patent law. EPO's President Benoît Battistelli explains the significance of this new development: "The entry into force of the validation agreement with Cambodia extends the attractiveness of the European patent system beyond Europe. It represents a reduction of both processing times and costs for applicants and a reduction of the administrative burden for the Cambodian patent office.*

*The accompanying technical co-operation between the EPO and the Ministry of industry and handicraft will contribute [Read more](#)*

## 5. Germany: Making an impact – enforcing patents at trade fairs

**TRADE FAIRS OFFER  
PATENT PROPRIETORS  
PARTICULAR OPPORTUNI-  
TIES TO TAKE ACTION  
AGAINST INFRINGEMENTS  
OF THEIR IP RIGHTS**

*Trade fairs offer patent proprietors particular opportunities to take action against infringements of their IP rights. However, successfully enforcing patent rights requires careful planning and expert implementation to avoid pitfalls. Exhibitors who fear being sued for patent infringement at a trade fair must also be well prepared. Trade fairs are one of the key marketing tools used by companies. In addition to increasing awareness and helping maintain customer relationships, they are primarily a means of showcasing new products. It is not uncommon for an entrepreneur visiting a competitor's trade fair stand to lay eyes on a new [Read more](#)*

## 6. Consultation on the Implementation of the Trade Mark Directive 2015

**THE UK UKIPO HAS  
LAUNCHED A CONSUL-  
TATION ON CHANGES TO  
UK TRADE MARK LAW IN  
LIGHT OF THE AMEND-  
MENTS TO TRADE MARK  
LAW ARISING FROM THE  
TM DIRECTIVE 2015**

*The UK Intellectual Property Office (UKIPO) has launched a consultation on changes to UK trade mark law in light of the amendments to trade mark law arising from the Trade Mark Directive 2015. The document includes a draft statutory instrument (SI) and discussion of some issues of particular interest. The UKIPO is seeking views from businesses, trade mark attorneys and other stakeholders on how these changes should be implemented. The consultation period will run for 8 weeks, until 16 April 2018.*

**Implementation :-** *The execution of the Directive is required due to the UK's obligations as a member of the EU. Until the UK formally leaves the EU, all of its obligations remain in force. In the meantime, these changes will make it easier [Read more](#)*

## 7. China Reorganizes SIPO to Include Trademarks

**CHANGES INCLUDE  
INTEGRATION OF  
TRADEMARK RESPONSIBILITIES WITH OTHER IP  
ACTIVITIES OF THE STATE  
INTELLECTUAL PROPERTY OFFICE (SIPO)**

From March 5th through March 20th, the 2018 National People's Congress was convened in Beijing. During its proceedings, China's Communist Party passed the first amendments to the Constitution of the People's Republic of China since 2004. The amendments, widely seen as a consolidation of power over the Chinese government in the hands of President Xi Jinping, removed the two-term limit on the Chinese presidency and added sections on scientific development and "Xi Jinping Thought" to the Constitution's Preamble. Among the many bureaucratic changes that resulted from the amendments to the Chinese Constitution included the integration of trademark responsibilities with the other intellectual property activities of the SIPO. [Read more](#)

## 8. Amendments to the Mexican Industrial Property Law

**MEXICAN GOVERNMENT  
AND THE MEXICAN  
PATENT AND TRADEMARK OFFICE (IMPI)  
MADE AMENDMENTS TO  
THE MEXICAN IPL**

On March 13, 2018, the Mexican government and the Mexican Patent and Trademark Office (IMPI) made amendments to the Mexican Industrial Property Law. These changes affect specifically the publication of utility model and industrial design applications, the definition of independent creation and significative degree concepts, the extension term of industrial designs and the shortened time period for third party pre-issuance patent submissions. These amendments will go into effect beginning April 13, 2018 and a detailed description is below. **Publishing of Utility Model and Industrial Design applications** - Under the current law only patent applications [Read more](#)

## 9. UK Supreme Court Decision In Actavis V. Eli Lilly – Doctrine Of Equivalents Recognized

**UK SUPREME COURT DECISION OF JULY 12, 2017 IN ACTAVIS V. ELI LILLY THE SUPREME COURT OF THE UK FOR THE FIRST TIME FORMALLY ADOPTED**

*In its decision of July 12, 2017 in Actavis v. Eli Lilly, the Supreme Court of the United Kingdom for the first time formally adopted the concept of a doctrine of equivalents when considering what constituted an infringement under UK patent law. The patent in question arose from a European Patent application which had been validated in several European countries. The action had commenced when Actavis sought judgment that its proposed sales did not infringe the UK, German, French, Italian or Spanish patents arising from that European application. The Supreme Court found that its judgment applied not only to the UK patent, but also to those in France, Italy and Spain. [Read more](#)*

## 10. Using Provisional Patent Applications in Invalidity Challenges

**WHILE PROVISIONAL PATENT APPLICATIONS ARE NEVER PUBLISHED AND CANNOT BECOME PRIOR ART, RECENT DECISIONS FROM THE U.S. COURT**

*While provisional patent applications are never published and cannot become prior art, recent decisions from the U.S. Court of Appeals for the Federal Circuit illustrate that parties can nonetheless make effective use of provisional applications when raising invalidity challenges. For instance, parties can use the earlier filing date of a provisional application to show an issued patent or a published patent application qualifies as prior art. If a party can successfully establish priority to that earlier filing date, an asserted reference may be treated as prior art as of the provisional application's filing date for all subject matter disclosed by the provisional application and carried into [Read more](#)*