

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

<a href="#"><u>Europe gears up for the Unitary Patent</u></a>	<b>2</b>
<a href="#"><u>China: SIPO releases joint statistics on IP rights</u></a>	<b>2</b>
<a href="#"><u>UKIPO responds to consultation on implementing Trade Marks Directive</u></a>	<b>3</b>
<a href="#"><u>Upcoming changes to Canada's trademark and anti-counterfeit laws</u></a>	<b>3</b>
<a href="#"><u>The China Rules of Evidence Series – Online Purchase of Infringing Products and Forum Shopping in Trademark Infringement Cases</u></a>	<b>4</b>
<a href="#"><u>UK to explore Unified Patent Court options in Brexit negotiations</u></a>	<b>4</b>
<a href="#"><u>New German Law on the Protection of Trade Secrets</u></a>	<b>5</b>
<a href="#"><u>USPTO issues Memo on Patent Eligibility of Method of Treatment Claims</u></a>	<b>5</b>
<a href="#"><u>Korea: The Democratic People's Republic of Korea accedes to the Patent Law Treaty</u></a>	<b>6</b>

## 1. Europe gears up for the Unitary Patent

**UNITARY PATENT AND  
UNIFIED PATENT  
COURT (UPC) AT A  
CONFERENCE HOSTED  
BY THE EP OFFICE  
AND ORGANISED BY  
PREMIER CERCLE**

Conference participants voice strong support for the Unitary Patent package and are eager to see the start of the new system. More than 200 representatives of industry, government, academia and the legal profession gathered at the EPO in Munich this week to discuss the latest developments and preparations for the Unitary Patent and Unified Patent Court (UPC) at a conference hosted by the European Patent Office and organized by Premier Cercle. "The Unitary Patent and the Unified Patent Court are sources of great untapped potential," said António Campinos during his first keynote speech as EPO President. "This project will form a vital additional tool for providing access to the IP market. And in essence, that is what the EPO is about – [Read more](#)

## 2. China: SIPO releases joint statistics on IP rights

**SIPO RELEASED  
STATISTICS ABOUT  
PATENTS, UTILITY  
MODELS, DESIGNS,  
TM AND GEOGRAPHICAL  
INDICATIONS AT  
A PRESS CONFERENCE**

The State Intellectual Property Office (SIPO) released statistics about patents, utility models, designs, trade marks and geographical indications at a press conference on 10 July 2018. This was the first time for SIPO to also include trade marks and geographical indications in its official statistics. Following the approval of a restructuring plan by China's National People's Congress in March 2018, SIPO now also handles trade marks (formerly administered by the State Administration of Industry and Commerce, SAIC) and geographical indications (formerly handled by the Administration of Quality Supervision, Inspection and Quarantine, AQSIQ). In the first half of 2018... [Read more](#)

## 3. UKIPO responds to consultation on implementing Trade Marks Directive

**UKIPO HAS  
PUBLISHED ITS RE-  
SPONSE TO ITS CONSUL-  
TATION ON THE IMPLE-  
MENTATION OF THE  
TRADE MARKS  
DIRECTIVE 2015**

*The UK Intellectual Property Office (IPO) has published its response to its consultation on the implementation of the Trade Marks Directive 2015 (the "Directive"), which ran from the 19th of February to the 16th of April of this year. The consultation focused on the proposed wording of the draft Trade Marks Regulations 2018 (which will implement the Directive). The Directive aims to harmonise the conditions for obtaining and continuing to hold a registered trade mark so that they are, in the main, identical in Member States. The UKIPO says that its policy is to limit the amendments to UK trade mark law to those which are necessary but nevertheless there are a number of substantive... [Read more](#)*

## 4. Upcoming changes to Canada's trademark and anti-counterfeit laws

**THIS REVISION IS  
BY FAR THE MOST  
SIGNIFICANT ONE, AS IT  
CHANGES WHAT HAS  
BEEN A FUNDAMENTAL  
REQUIREMENT UNDER  
CANADIAN TM**

*Canada officially took the step towards the implementation of the Madrid Protocol when it introduced Bill C-31, the Economic Action Plan 2014, No. 1 (Bill). The Bill received Royal Assent on June 19, 2014, and is now the law in Canada (New Act). The ratification and implementation of the Madrid Protocol and other IP treaties have taken more time than expected initially, however, the rollout of the New Act and regulations is expected to occur in 2019. This will bring Canada in line with the rest of the developed world after having been long-criticized for maintaining an antiquated system of filing trademark applications. This article will summarize the most important changes to the TM... [Read more](#)*

## 5. The China Rules of Evidence Series – Online Purchase of Infringing Products and Forum Shopping in Trademark Infringement Cases

**CHINA, TO SUCCEED  
IN AN IP INFRINGEMENT  
LAWSUIT, IT IS BENEFICIAL  
TO HAVE THE CASE  
HEARD IN A COURT  
THAT SPECIALIZES IN IP  
DISPUTES**

*In China, to succeed in an intellectual property (IP) infringement lawsuit, it is beneficial to have the case heard in a court that specializes in IP disputes (e.g., the IP courts in Beijing, Shanghai and Guangzhou). Securing a court that is away from the domicile of the infringer may also be beneficial, as it will reduce the risk of the court being influenced by local factors, and the unknown legal environment will force the defendant to increase its defensive efforts. In China, IP infringement generally gives rise to tort-like claims. The jurisdiction for such suits is either the domicile of the defendant or where the wrongdoing, or purchase, took place. Therefore, through a process of forum shopping i.e.. [Read more](#)*

## 6. UK to explore Unified Patent Court options in Brexit negotiations

**UK GOVERNMENT  
WILL SEEK TO ENSURE  
THE COUNTRY'S  
CONTINUED PARTICIPATION  
IN THE UPC  
PROJECT AFTER ITS EU  
MEMBERSHIP**

*The UK government will seek to ensure the country's continued participation in the Unified Patent Court (UPC) project after its EU membership ends as part of the broader Brexit negotiations, it has confirmed. The new UPC system, years in the planning but yet to become operational, foresees a Europe-wide court system to ensure that businesses have a streamlined process for enforcing patents through a single court where the patents are within the scope of the UPC – including new unitary patents.*

*The UPC is to include central, regional and local divisional courts across Europe. An international treaty, the UPC Agreement, was adopted in 2013 by 25 of the 28 EU member states. [Read more](#)*



## 7. New German Law on the Protection of Trade Secrets

**GERMANY WILL  
SOON INTRODUCE A  
NEW ACT ON THE  
PROTECTION OF TRADE  
SECRETS, WHICH WILL  
BRING SUBSTANTIAL  
CHANGE TO THE WAY**

*Germany will introduce a new act on the protection of trade secrets; the legislator is expected to pass the new law in December 2018. As the term is used in Germany, "trade secrets" relate to both technical know-how (such as construction drawings, manufacturing methods, ingredients and recipes) as well as business information (such as customer data, purchasing prices and market studies). Once the act is introduced, there will be substantial changes to the way trade secrets are protected in Germany. Due to the effects of a European Directive, some of the expected changes have already become relevant in June 2018 and enterprises doing business in Germany should be aware... [Read more](#)*

## 8. USPTO issues Memo on Patent Eligibility of Method of Treatment Claims

**USPTO RECENTLY  
ISSUED A MEMO  
PROVIDING EXAMINA-  
TION GUIDANCE ON  
THE SUBJECT MATTER  
ELIGIBILITY OF THE  
METHOD OF TREATMENT**

*The United States Patent and Trademark Office (USPTO) recently issued a memo providing examination guidance on the subject matter eligibility of the method of treatment claims. The memo discussed the recent Federal Circuit decision in Vanda Pharmaceutical Inc. v. West-Ward Pharmaceuticals, 887 F. 3d 1117 (Fed. Cir. 2018) and addressed the question of how to evaluate the patent eligibility of method of treatment claims in view of Vanda. The claims at issue in Vanda were directed to a method of treating a patient with iloperidone. The claimed treatment method includes the steps of (1) determining with an assay whether the patient has a CYP2D6 poor metabolizer genotype; and (2) administering a certain quantity of drug based on the.... [Read more](#)*

## 9. Korea: The Democratic People's Republic of Korea accedes to the Patent Law Treaty

**ACCORDING TO A  
NOTIFICATION BY WIPO,  
THE DEMOCRATIC  
PEOPLE'S REPUBLIC OF  
KOREA RATIFIED  
THE PATENT LAW  
TREATY**

*According to a notification by WIPO, the Democratic People's Republic of Korea ratified the Patent Law Treaty which will enter into force in this jurisdiction on 22 August 2018. The Patent Law Treaty (PLT) was adopted in 2000 with the aim of harmonizing and streamlining formal procedures with respect to national and regional patent applications and patents and making such procedures more user friendly. With the significant exception of filing date requirements, the PLT provides the maximum sets of requirements the office of a Contracting Party may apply. [Read more](#)*

**See also notification on [WIPO's website](#)**