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**NEWSLETTER FEBRUARY 2022** 

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#### 1. OAPI: New IP Law

ENTERED INTO FORCE ON JANUARY 1, 2022

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YAOUNDE – The African Intellectual Property Organization (OAPI) announced that the new OAPI IP laws concerning trademarks, designs, utility models and geographical indications entered into force on January 1, 2022.

The new law brought significant changes as follows: 1) The new law extends the definition of trademark to include sounds trademarks. 2) The new law extends examination of trademark applications on absolute grounds, in order to include the possibility of refusal because a mark misses distinctive character or may confuse the public concerning the geographical origin, or the nature or characteristics of the goods or services. 3) Divisional applications are now possible. 4) Trademark applica... Read more

# 2. PPH pilot program between the Japan Patent Office (JPO) and the Department of Intellectual Property in Thailand (DIP)

FOR ANOTHER
TWO YEARS FROM 1
JANUARY 2022

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The Japan Patent Office (JPO) and the Department of Intellectual Property in Thailand (DIP) have been implementing the PPH pilot program since 1 January 2014. The JPO and the DIP have agreed to extend the program for additional two years from 1 January 2022.

How to make a request - Global PPH participating Offices: Applicants can request accelerated examination by a prescribed procedure including submission of relevant documents on an application which is filed with the JPO and satisfies the following requirements under the Patent Prosecution Highway (PPH) pilot program based on the national work products from any one of the offices listed in Appendix A. When filing a reque... Read more

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#### 3. Iraq Joins the PCT

ENTER INTO FORCE ON APRIL 30, 2022

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On January 31, the Government of Iraq deposited its instrument of accession to the Patent Cooperation Treaty (PCT) with WIPO's Director General, making Iraq the 155th member of the PCT Union. The PCT will enter into force for Iraq on April 30, 2022. As from April 30, inventors in Iraq can file patent applications under the PCT as a means of seeking patent protection in PCT Contracting States.

Likewise, starting April 30, foreign innovators can use the PCT System to seek patent protection for their inventions in Iraq. Information about Iraq's functioning as a PCT receiving Office and designated (or elected) Office will soon be available in the PCT Applicant's Guide. The PCT Applicant's Guide is upd... Read more

# 4. Joint Statement by USPTO and JPO on efforts to further improve the Patent Prosecution Highway

THESE OFFICES
ALREADY SUCCESSFUL
PPH PROGRAMS TOOK
EFFECT 01 JANUARY
2022

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The United States Patent and Trademark Office (USPTO) and Japan Patent Office (JPO) intend to further improve their Patent Prosecution Highway (PPH) programs. The PPH is a fast-track examination framework that enables users to make a simple request to accelerate examination of a patent application pending at a second office (office of later examination) when a corresponding application has been found allowable/patentable by a first office (office of earlier examination). In order to further improve the user experience under the PPH, the two Offices each set a target deadline for issuing office actions for PPH applications and strive to meet the target as they examine each application, thus making it easier for users to predict... Read more

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#### 5. Jamaica Joins the Madrid System

NOW COVERS
126 COUNTRIES
IN THE MADRID
SYSTEM

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On December 27, 2021, the Government of Jamaica deposited its instrument of accession to the Madrid Protocol, making it the 110th member of the Madrid System, which now covers 126 countries. The Protocol will enter into force for Jamaica on March 27, 2022. Starting March 27, 2022, local brand owners in Jamaica will be able to start using the Madrid System to protect their trademarks in the 125 territories of the System's other 109 members by filing a single international application and paying a single set of fees. With its straightforward designation process, foreign businesses and trademark owners can, from March 27, 2022, seek trademark protection through the Madrid System when selling their products and services in Jamaica. Read more

# 6. Changes to Names and Notes of Designated Goods and Services for Trademark Registration

THE CHANGES
INCLUDE 45
REVISIONS AND 556
ADDITIONS

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In response to the latest version of Nice Classification NCL (11-2022), TIPO has amended its own list of Names of Designated Goods and Services for Trademark Registration, effective January 1, 2022. The changes include 45 revisions and 556 additions. As for amends done to class/subclass names or notes, there are 4 additions, 18 revisions, and 8 removals.

Those using the electronic trademark application system after January 1, 2022, are advised to download the updated list featuring all incorporated changes.

Individuals who fill out applications with names of goods and services not found on the system's current list will not qualify for the NT\$300 application fee waiver. Read more

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#### 7. New Patent Law in the United Arab Emirates

REPEALS THE FORMER PATENT LAW NO. 17 OF 2002

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ABU DHABI – The United Arab Emirates has issued the Federal Law No. 11 of 2021, which covers the patents, industrial designs, integrated designs, undisclosed information and utility models, and repeals the former Patent Law No. 17 of 2002. The most notable changes to the UAE's Patent Law are summarized as follows: Disclosure Grace Period: According to Article 5(4), a grace period will be provided to any previous disclosures made by the inventor himself or any party obtained information directly/indirectly from the inventor. If the disclosure is made within a period less than 12 months prior to the filing date, the application will still novel for substantive examination purposes. According to Article 43, the same is applicable for industrial... Read more

# 8. The Republic of Belarus Accedes to the Protocol on the Protection of Industrial Designs

THE PROTOCOL
WILL COME INTO
FORCE FOR THE
REPUBLIC OF BELARUS
IN 3 MONTHS

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On December 31, 2021, the President of the Republic of Belarus signed the Law of the Republic of Belarus № 137-3 "On Accession of the Republic of Belarus to the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention of September 9, 1994". The Law was adopted by the House of Representatives of the National Assembly on December 8, 2021 and approved by the Council of the Republic of the National Assembly of the Republic of Belarus on December 17, 2021. The Protocol on the Protection of Industrial Designs was adopted by the Member States of the Eurasian Patent Convention on September 9, 2019 at a diplomatic conference in Nur-Sultan, the Republic of Kazakhstan. In accordance with Article... Read more

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#### 9. EAPO-KIPO PPH Programme Became Permanent

THE EAPO
AND
KIPO, SIGNED
ON SEPTEMBER 25,
2018

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The Eurasian Patent Office (EAPO) informs that the Patent Prosecution Highway (PPH) programme between the EAPO and the Korean Intellectual Property Office (KIPO) became permanent on 1 January, 2022.

The PPH programme is based on the Memorandum of Understanding on the Patent Prosecution Highway between the EAPO and KIPO, signed on September 25, 2018.

The PPH programme with KIPO provides applicants whose inventions are recognized as patentable by the KIPO with the opportunity to obtain a patent for an invention in the Eurasian Patent Office faster and more efficiently by using the results of the search and examination conducted by the KIPO. Read more

# 10. TIPO Launches Design Patent Priority Document Exchange Program with JPO

THIS CAN
INCREASE APPLICATION
EFFICIENCY &
STREAMLINE
APPLICATION
PROCEDURES

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The Taiwan-Japan MoU on Electronic Patent Priority Document Exchange (PDX) was signed in 2013, applicable to both invention and utility model patent applications. As the PDX program has been put to extensive use by applicants from both countries since its implementation, an additional MoU on Design Patent Priority Document Exchange signed 2019. Upon was in implementation, by providing an alternative to mailing paperwork, the PDX program can increase application efficiency and streamline cross-country application procedures. Broadening the scope of the bilateral PDX cooperation has also made the exchange mechanism between Taiwan and Japan progressively comprehensive and robust. Starting from January... Read more

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#### 11. Go-ahead for the unitary patent system (EU)

25 EU COUNTRIES

AGREED ON A

SOLUTION TO ACHIEVE

A UNITARY PATENT

SYSTEM

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Today, history is being written - the last hurdle now gone for a unitary patent. As early as 2009, 25 EU countries agreed on a solution to achieve a unitary patent system. In practice, however, the solution could not be launched because questions about the validity of the agreements were raised in the German Constitutional Court and it has taken a long time. But now all the countries involved have given the go-ahead and the unitary patent system looks set to enter into force in the autumn of 2022. The Unitary Patent Protection (UPP) and the Unified Patent Court (UPC) which together is called the Unitary Patent System will mean that it is possible to navigate between a classical European patent, a national patent and the unitary patent. Read more

## 12. NEW CARIBBEAN TRADE MARK TOOL AVAILABLE ONLINE

NEW CARIBBEAN
TRADE MARK
LAUNCHING A NEW
CONSULTATION TOOL
AVAILABLE ONLINE

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On 9 December 2021, the CARIFORUM Directorate and the CARIFORUM Intellectual Property and Innovation Project, CarIPI, will be launching a new consultation tool, Caribbean TMclass, a regional interface of TMclass.

This classification tool developed by the European Union Intellectual Property Office (EUIPO) and IP Offices of the EU Member states, is already used by more than 80 IP Offices worldwide. Caribbean TMclass is multilingual and provides free-of-charge access to the lists of terms accepted as suitable to identify goods and services for the purposes of the registration of marks by participating Caribbean IP Offices. Please see the following link for more information on the Caribbean Tradema... Read more

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#### 13. The EUIPO supports the intellectual property system in Ukraine

EUIPO SIGNED A

MEMORANDUM OF

UNDERSTANDING WITH

THE UKRPATENT, UNDER

THE EUIPO'S BILATERAL

TECHNICAL COOPERAT..

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In the context of the EU external action and its Neighbourhood policies, the EUIPO is committed to support the Ukrainian IP system in order to align it with EU standards, practices and tools. In 2021 the EUIPO signed a Memorandum of Understanding with the Ukrainian Intellectual Property Institute (Ukrpatent), under the EUIPO's bilateral technical cooperation. The key element of the joint cooperation is to develop stronger cooperation ties that can lead to building a strategic partnership, sharing experiences in IP administration, adopting common tools and practices developed under the European Union Intellectual Property Network (EUIPN) as well as supporting IP users in registration and enforcement in Ukraine. Under this framework, the EUIPO held a... Read more

# 14. Sri Lanka receives its first-ever GI certification with Ceylon cinnamon

SRI LANKA RECEIVES
ITS FIRST-EVER GI
CERTIFICATION WITH
CEYLON CINNAMON

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Marking a moment of historical significance, Sri Lanka received its first-ever Geographical Indication (GI) certification when the European Union (EU) Commission on February 02, 2022 granted GI status to Ceylon cinnamon. The outcome was a result of a painstaking, decade-long, arduous endeavour led by the Sri Lanka Export Development Board (EDB) under the Ministry of Trade with the support of numerous public and private stakeholders. During this monumental task, the much-needed technical assistance was provided by UNIDO, the Delegation of the European Union to Sri Lanka and the World Trade Organisation (WTO) while some financial assistance was granted by the Common Fund for Commodities, based in the Netherlands. In this... Read more

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### 15. USPTO launches new Patent Public Search tool and webpage

UNITED STATES

PATENT AND

TRADEMARK OFFICE

LAUNCHES NEW PATENT

PUBLIC SEARCH TOOL

AND WEBPAGE

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WASHINGTON—The United States Patent and Trademark Office (USPTO) today announced a new Patent Public Search tool that provides more convenient, remote, and robust full-text searching of all U.S. patents and published patent applications. Based on the advanced Patents End-to-End (PE2E) search tool USPTO examiners use to identify prior art, this free, cloud-based platform combines the capabilities of four existing search tools scheduled to be retired in September 2022: Public-Examiner's Automated Search Tool (PubEAST), Public-Web-based Examiner's Search Tool (PubWEST), Patent Full-Text and Image Database (PatFT), and Patent Application Full-Text and Image Database (AppFT). "This new platform represents a significant step forward... Read more

# 16. 1 January 2022: Update to the Patent Cooperation Treaty (PCT) fees

THE PATENT
COOPERATION
TREATY (PCT) FEE
STRUCTURE CHANGED
ON 1 JANUARY
2022

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The Patent Cooperation Treaty (PCT) fee structure changed on 1 January 2022. The Patent Cooperation Treaty (PCT) fee structure changed on 1 January 2022 and are as follows.

Transmittal Fee: £75
Search Fee: £1,518
International Fee:

for the first 30 sheets: £1,056 for each sheet over 30: £12

**Restoration for Restoration of Priority:** £150

Reductions for E - FILING

electronic filing (not being in character coded format): £159 electronic filing (being in character coded format)... Read more

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#### 17. Hague System-Changes in Individual Designation Fees: Israel

CHANGE IN
THE AMOUNTS OF
THE INDIVIDUAL
DESIGNATION FEE:
ISRAEL

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From March 15, 2022, the individual designation fees applicable in relation to Israel will be lower. New fees are as follows:

- 119 Swiss francs (default amount) and 72 Swiss francs (reduced amount1) per design, when designating Israel in an international application;
- 149 Swiss francs for the first renewal, 178 Swiss francs for the second renewal, 208 Swiss francs for the third renewal and 238 Swiss francs for the fourth renewal of an international registration in which Israel is designated.

The Government of Israel has notified to the Director General of the World Intellectual Property Organization (WIPO) a declaration modifying the amounts of the individual designatio... <u>Read more</u>

## 18. TIPO Releases Guide to AI Application in Precision Medicine IP

GUIDE TO AI
APPLICATION IN
PRECISION MEDICINE
IP IS AVAILABLE ON
THE TIPO YOUTUBE
CHANNEL

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To assist in building IP Portfolio for Precision Health – one of the Six Core Strategic Industries of Taiwan – TIPO held various speeches, consultations, and interviews throughout 2021, intending to facilitate conversations between TIPO, the precision health industry, and research institutions. Additionally, TIPO offered customized coaching to research programs granted by the Department of Life Sciences of the Ministry of Science and Technology, and gained a deeper understanding of the obstacles that may arise when eHealth and Precision Health industries seek IPR protection. Based on the above-mentioned experiences, the

Guide to AI Application in Precision Medicine IP was compiled for

public reference. The Guide, presented in the form... Read more

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