

Inside this Issue

<u><i>EPO and Peru IP Office make their PPH fast-track programme permanent</i></u>	2
<u><i>PPH pilot program between the Japan Patent Office (JPO) and the National Institute of Industrial property of Brazil (INPI)</i></u>	2
<u><i>German Constitutional Court decision on EPO appeal system</i></u>	3
<u><i>New Plant Variety Rights Act and Regulations enter into force</i></u>	3
<u><i>New fees from the 18th of March 2023</i></u>	4
<u><i>Unpacking the Banjul & Harare Protocol Amendments</i></u>	4
<u><i>Brazilian Patent and Trademark Office (BPTO) simplifies the process of registration of technology transfer agreements</i></u>	5
<u><i>Hydrogen patents shift towards clean technologies with Europe and Japan in the lead</i></u>	5
<u><i>JPO Exchanged Opinions with EUIPO on Operation regarding Distinctiveness Proceedings of Trademarks</i></u>	6
<u><i>U.S. Copyright Office Issues a Supplemental Interim Rule Related to the Music Modernization Act Reports of Usage and Payment</i></u>	6
<u><i>Madrid E-Filing Now Live in Trinidad and Tobago</i></u>	7
<u><i>Entry into force of the 14th edition of the Locarno Classification and the list of goods for designs (version: 2023_LOC14)</i></u>	7
<u><i>Hague System: Changes In Individual Designation Fees – Israel</i></u>	8
<u><i>Fictional Characters and Copyright</i></u>	8

01. EPO and Peru IP Office make their PPH fast-track programme permanent

PPH PROGRAMME PERMANENT IN BETWEEN THE EPO AND PERU INTELLECTUAL PROPERTY OFFICES

The Patent Prosecution Highway (PPH) programme between the EPO and the National Institute for the Defense of Competition and Intellectual Property Protection of Peru (INDECOPI) became permanent on 2 January 2023. This follows the successful completion of a pilot programme launched on 1 January 2020. The current conditions and requirements for participation will continue to apply.

The EPO's PPH portfolio

In addition to this PPH programme with the Peruvian IP office, the EPO has operational PPH programmes with the IP5 offices (the collective term for the world's five largest IP offices, made up of the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the National Intellectual Property Administration of the People's... [Read more](#)

[GO TO TOP](#)

02. PPH pilot program between the Japan Patent Office (JPO) and the National Institute of Industrial property of Brazil (INPI)

EXTEND THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM UPTO NOVEMBER 30, 2026

The Japan Patent Office (JPO) and the National Institute of Industrial Property of Brazil (INPI) have been implementing the Patent Prosecution Highway pilot program since April 2017. On November 9, 2021, the two Offices agreed to renew the program to extend the pilot period until November 30, 2026. The period may be further extended as necessary.

INPI now accepts more requests per IPC section

The INPI had limited the annual acceptable number of PPH requests to 150 for each IPC section, but increased the number to 250 on January 1, 2023. The total number of normal PPH requests (those from the INPI's all PPH partner Offices including the JPO) and the total number of PCT-PPH requests it accepts annually remain at 700 and 100, respectively....

[Read more](#)

[GO TO TOP](#)

03. German Constitutional Court decision on EPO appeal system

THE EPO'S APPEAL SYSTEM IS INDEPENDENT AND EFFECTIVE IN JUDICIAL RELIEF

The German Federal Constitutional Court has published a decision on 12th January 2023, confirming that the EPO's appeal system provides independent and effective judicial relief, as required by the German constitution for courts of international organizations.

Further information:

- ◆ **Decision of the Federal German Constitutional Court**
- ◆ **Press release of the Court**
- ◆ **French translation of the press release of the Court**
- ◆ **Communication from the Boards of Appeal...[Read more](#)**

[GO TO TOP](#)

04. New Plant Variety Rights Act and Regulations enter into force

NEW PLANT VARIETY RIGHTS ACT AND REGULATIONS WILL COMMENCE ON JANUARY 24, 2023

*The Plant Variety Rights Act 2022 ("the new Act") and Plant Variety Rights Regulations 2022 have commenced as of **24 January 2023**. Applications filed on or after this date are subject to the provisions of the new Act.*

- ◆ *Plant Variety Rights Act 2022 — [legislation.govt.nz](#)*
- ◆ *Plant Variety Rights Regulations 2022 — [legislation.govt.nz](#)*

The new Act creates a modern Plant Variety Rights (PVR) regime that:

- ◆ *Makes changes according to recommendations of the Wai 262 report.*
- ◆ *Implements extended exclusive rights provided for by UPOV 91, the most recent international agreement on PVR protection....[Read more](#)*

[GO TO TOP](#)

05. New fees from the 18th of March 2023

**THE NEW FEES EFFEC-
TIVE FROM
MARCH 18, 2023**

[GO TO TOP](#)

There will adjustments of fees for patents, trademarks, designs and registration of Swedish municipal coat of arms. The new fees apply on payments that occur from the 18th of March 2023.

Trademark

Trademark Application

Trademark application (e-service): 2400 SEK

Trademark application (paper): 3500 SEK

Renewal Applications

Renewal application (e-service): 2400 SEK

Renewal application (paper): 3500 SEK

Increased fee for each class due to late renewal application: 200 SEK

Registration of Changes

Transfer of ownership, for each registration: 1000 SEK

Registration of licence: 1000 SEK

Changes in a word mark or a figurative mark: 1000 SEK...[Read more](#)

06. Unpacking the Banjul & Harare Protocol Amendments

**THE NOTABLE
AMENDMENTS ARE
MADE TO THE BAN-
JUL PROTOCOL**

[GO TO TOP](#)

Among the successes of the 46th Administrative Council Session which took place from 21-25 November 2022 in Maputo, are the adopted amendments to the Harare and Banjul Protocols. After a thorough review, it was the Council's decision to adopt these changes as a way to continuously simplify processes for applicants and ease facilitation by the ARIPO Secretariat.

Some of the changes to the Harare Protocol include the parameters for not granting patents in respect of plants or animals exclusively obtained by means of an essentially biological process, as well as amendments for International Applications under the Patent Cooperation Treaty (PCT).

The notable amendments to the Banjul protocol include procedures to process applications related to Changes in Registered Particulars, Cancellation of a registered mark or Withdrawal of Application or Reduction of Classes, and the corresponding forms and fees structure.... [Read more](#)

7. Brazilian Patent and Trademark Office (BPTO) simplifies the process of registration of technology transfer agreements

AT THE SAME TIME, ALLOWING REGISTRATION OF AGREEMENTS IN AN EASIER AND LESS BUREAUCRATIC WAY

On December 30, 2022, the Brazilian Patent and Trademark Office (BPTO) published the minute of an internal meeting held by its Office's board (by means of SEI INPI # 0747049) in which the BPTO considerably simplified the process of registration of technology transfer, licenses for industrial property rights and franchising agreements.

The changes follow suggestions proposed by experts and were debated and accepted by the BPTO on the 28th. The procedures for the implementation of this decision starts immediately. Besides reducing bureaucracy for registration of technology agreements in Brazil, these changes represent an important step forward for the BPTO, with the adoption of new understandings and actions aligned with the best international practices, such as those that guide public policies to encourage technological innovation in OECD.... [Read more](#)

[GO TO TOP](#)

8. Hydrogen patents shift towards clean technologies with Europe and Japan in the lead

HARNESSING THE POTENTIAL OF HYDROGEN IS A KEY PART OF EUROPE'S STRATEGY TO ACHIEVE CLIMATE NEUTRALITY BY 2050

Innovation in hydrogen is shifting towards low-emission solutions, with Europe and Japan in the lead and the United States losing ground, according to a new joint study of hydrogen technology patents by the European Patent Office (EPO) and the International Energy Agency (IEA). The report uses global patent data to provide a comprehensive, up-to-date analysis of innovation in hydrogen technologies. It is the first study of its kind and covers the full range of technologies, from hydrogen supply to storage, distribution and transformation, as well as end-use applications.... [Read more](#)

[GO TO TOP](#)

9. JPO Exchanged Opinions with EUIPO on Operation regarding Distinctiveness Proceedings of Trademarks

TAD OF THE JPO AGREED TO CONTINUE EX-CHANGING OPINIONS AND INFORMATION WITH THE EUIPO

On January 19, 2023, Mr. YASUDA Futoshi, Director-General, and his team at the Trial and Appeal Department (TAD) of the Japan Patent Office (JPO) held the sixth videoconference to exchange opinions with the European Union Intellectual Property Office (EUIPO) Boards of Appeal (BoA).

During the meeting, after an introduction of recent developments in the trial and appeal boards of the two offices, the participants exchanged opinions on the operation and efforts of the two offices regarding the distinctiveness proceedings of trademarks.

The Trial and Appeal Department (TAD) of the JPO also agreed to continue exchanging opinions and information with the EUIPO in the future..... [Read more](#)

[GO TO TOP](#)

10. U.S. Copyright Office Issues a Supplemental Interim Rule Related to the Music Modernization Act Reports of Usage and Payment

THERE IS A LEGITIMATE NEED TO MAKE THIS AMENDMENT EFFECTIVE IMMEDIATELY

Pursuant to the Music Modernization Act, the Copyright Office has issued a supplemental interim rule relating to certain reporting and payment requirements of digital music providers and related duties of the mechanical licensing collective (MLC). The amendment extends a previously adopted transition period provided to the MLC pending further rulemaking regarding reports of adjustment. Based on the imminent expiration of the transition period and recent public comments requesting further proceedings on the subject of adjustments, the Office has determined that there is a legitimate need to make this amendment effective immediately...[Read more](#)

[GO TO TOP](#)

11. Madrid E-Filing Now Live in Trinidad and Tobago

MADRID E-FILING – A FULLY DIGITAL PRO- CESS

[GO TO TOP](#)

Trinidad and Tobago is the latest Madrid System Member [PDF] – and the first from the Latin American and the Caribbean (LAC) Region – to sign up to our Madrid e-Filing service, bringing the number of intellectual property (IP) Offices using the platform to 18. Starting January 10, 2023, trademark holders from Trinidad and Tobago will be able to file their applications for international trademark registrations online, directly via the website of the Trinidad and Tobago Intellectual Property Office (TTIPO).

We are excited to be the first country within the LAC region to add the Madrid e-Filing Service to our expanding slew of online services as a part of continued efforts to promote the ease of doing business in Trinidad and Tobago.... [Read more](#)

12. Entry into force of the 14th edition of the Locarno Classification and the list of goods for designs (version: 2023_LOC14)

ENTERED INTO FORCE ON JANUARY 1, 2023

[GO TO TOP](#)

On 1 January 2023, the 14th edition of the Locarno Classification and the official list of goods for designs (version: 2023_LOC14) entered into force. In December 2022, the list of classes and the alphabetical list of goods for designs were published in the Federal Gazette (Bundesanzeiger). The current versions of the list of the classes of the Locarno Classification (in German) and the alphabetical list of the official list of goods for designs (in German) are available on our webpage Search/Designs. Terms relating to the product indication in the context of a design application can be searched in our online search engine.

The International Classification for Industrial Designs (Locarno Classification) is reissued every two years. Major structural amendments (changes of classes) are made in these editions only. The official list of goods for designs is based on the currently applicable edition of the Locarno Classification and also contains other permitted national entries ...[Read more](#)

13. Hague System: Changes In Individual Designation Fees – Israel

CHANGES MADE IN INDIVIDUAL DESIGNATION FEES

[GO TO TOP](#)

Starting **March 29, 2023**, there will be a slight reduction in the individual designation fees applicable when designating Israel in an international application or when renewing an international registration.

New fees will be as follows:

- 117 Swiss francs (CHF) (default fee) and 70 CHF (reduced fee), per design included in an international application
- First renewal: 146 CHF per design
- Second renewal: 175 CHF per design
- Third renewal: 204 CHF per design
- Fourth renewal: 234 CHF per design...[Read more](#)

14. Fictional Characters and Copyright

AUTHORS AND SCRIPT WRITERS WILL NOW BE ABLE TO OPPOSE THE USE OF THEIR RECOGNISABLE FICTIONAL CHARACTERS

[GO TO TOP](#)

Last year, for the first time, the High Court of England & Wales held that a fictional character can be recognised as a copyright work (*Shazam Productions Ltd v Only Fools The Dining Experience Ltd and others* [2022] EWHC 1379 (IPEC) ([link](#))). The Court's finding brings English law in line with international jurisprudence, for example Germany and the USA (see *Re Pippi Longstocking* [2014] ECC 27; *Klinger v Conan Doyle Estate, Ltd* 755 F3d 496, 498 7th Cir 2014). The judgment stated that the character "Del Boy", from the famous British TV sitcom "Only Fools and Horses" (OFAH), is a literary copyright work.

Background

The BBC broadcast seven series of OFAH from 1981 to 1991, with further shows being broadcast until 2003. John Sullivan wrote the scripts for every episode...[Read more](#)