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1. India: Patents (Amendment) Rules 2018 published for comments

**DIPP OF THE
MINISTRY OF COM-
MERCE AND INDUSTRY
PUBLISHED DRAFT
PATENT (AMENDMENT)
RULES, 2018**

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On 4 December 2018, the Department of Industrial Policy and Promotion (DIPP) of the Ministry of Commerce and Industry published Draft Patent (Amendment) Rules, 2018 for stakeholders' comments, objections and suggestions which can be submitted thirty days from the publication date to DIPP by e-mail at sushil.satpute@nic.in. The most important changes proposed by the new Patent (Amendment) Rules are the following:

- For international applications, agents will be allowed to submit all documents only via electronic submission. There will be no transmittal fee for international applications filed through e-PCT. Furthermore, the preparation of certified copies... [Read more](#)

2. Brazil patent examination: Defying the backlog

**BRAZIL'S IP OFFICE
HAS INTRODUCED A
NUMBER OF PRO-
GRAMMES TO EXPEDITE
EXAMINATION—
WITH SOME POSITIVE
RESULTS**

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Despite a reputation for being slow to grant patents, Brazil's IP office has introduced a number of programmes to expedite examination—with some positive results. Gustavo Sartori and Rana Gosain of Daniel Legal & IP Strategy report. For many years, the Brazilian Patent and Trademark Office (INPI) has been facing a huge backlog of pending patent applications. Currently, a patent application takes 11 years to be granted, on average; depending on the technical field, a grant decision can be even longer. Needless to say this delay poses serious drawbacks and damage to companies' enforcement strategies, assets value, and business planning, etc. Given this serious drawbacks and... [Read more](#)

3. Africa: Trade mark opposition highlights the issue of reclassification

NIGERIA USES THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES FOR ITS TRADE MARK REGISTRATION SYSTEM

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Nigeria uses the International Classification of Goods and Services for its trade mark registration system. However, there was a time when it used the old British Classification system, a system that consisted of 50 classes (all for goods). Although the Nigerian Trade Marks Act 1990 does make provision for the reclassification of old registrations, there are still many trade marks on the register that were classified under the old system. So is there any disadvantage to having a registration that was classified under the old classification system? The recent Nigerian High Court decision in the case of Aventisub LLC (formerly Aventis Holdings Inc) v Macleod's Pharmaceuticals Limited (October 12... [Read more](#)

4. USPTO Releases 2018-2022 Strategic Plan to Optimize Timeliness and Quality

THE U.S. PATENT AND TRADEMARK OFFICE RECENTLY RELEASED ITS 2018-2022 STRATEGIC PLAN TO OPTIMIZE TIMELINESS AND QUALITY

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The U.S. Patent and Trademark Office recently released its 2018-2022 Strategic Plan, setting various goals to ensure high quality services for the agency's customers and stakeholders aligned with the Department of Commerce's strategic objective to strengthen intellectual property protection. The USPTO's strategic plan is primarily focused on optimizing the quality and timeliness of patents issued and trademarks registered by the agency as well as the provision of leadership, both domestically and globally, to improve IP policy and enforcement across the world. "We are confident in attaining the goals set out in this plan and look forward to the continued engagement and feedback from our... [Read more](#)

5. Taiwan and Japan sign an MOU on patent dossier information exchange

**TIPO AND THE
JAPAN PATENT OFFICE
WILL SOON COOPER-
ATE ON PATENT DOS-
SIER INFORMATION
EXCHANGE**

Patent examination cooperation between Taiwan and Japan just turned a new page. Following Patent Prosecution Highway (PPH), Priority Document Exchange (PDX), and Taiwan-Japan Cooperation on Deposit of Biological Materials in Relation to Patent Procedure, TIPO and the Japan Patent Office will soon cooperate on patent dossier information exchange. On November 30, Taiwan-Japan Relations Association and Japan-Taiwan Exchange Association signed an MOU on patent dossier information exchange between Taiwan and Japan, using a one-stop platform for patent applicants and patent examiners to review high-quality documents on patent examination comprehensively and... [Read more](#)

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6. Singapore IP Office Grants First Accelerated Patent Under New FinTech Initiative

**SINGAPORE
IP OFFICE GRANTS
FIRST ACCELERATED
PATENT UNDER
NEW FINTECH
INITIATIVE**

The Intellectual Property Office of Singapore (IPOS) has granted its first accelerated patent under its new FinTech Fast Track initiative last week to Voyager Innovations, a technology company based in Southeast Asia, according to an IPOS press release. "While patent grants typically take at least two to four years, and in many cases even longer, the fast track patent granted to Voyager took only seven months from application to grant," the release explained. "This accelerated patent application-to-grant process comes at no additional cost and is open to any FinTech enterprises from anywhere in the world who file through IPOS," it said. IPOS explained in the release that "it is crucial... [Read more](#)

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7. China's top court to handle intellectual property appeals

**CHINA IS
MULLING A SERIES OF
STEPS TO STRENGTHEN
PROTECTIONS
AGAINST IP THEFT
CHINA IS MULLING A
SERIES OF STEPS**

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China's top court will rule on intellectual property cases for the first time from January 1, the government said, elevating the handling of an issue that has become a key complaint in the trade war with the US. Washington and Beijing are currently in talks to resolve a bruising trade spat that has spooked markets worldwide. The two sides imposed tit-for-tat tariffs on more than \$300 billion worth of goods this year, before agreeing to a 90-day truce on December 1. The United States, along with the European Union, has long complained about lax enforcement of intellectual property rights in China. Forced technology transfers have been another major bone of contention for foreign comp.... [Read more](#)

8. China utility models: Fast and flexible IP protection

**THE UTILITY
MODEL PATENT PLAYS
A VERY IMPORTANT
ROLE IN CHINA IN PRO-
VIDING QUICK, SHORT-
TERM AND FLEXIBLE
PROTECTION**

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China's Supreme People's Court has shed light on the scope of protection of utility model patents, as Xiaojun Guo of CCPIT Patent and Trademark Law Office explains. A utility model, according to the Chinese Patent Law, means any new technical solution relating to the shape and/or the structure of a product which is fit for practical use. The utility model patent plays a very important role in China in providing quick, short-term and flexible protection for certain creations. As implied in its definition, a utility model patent protects only products having a definite shape and/or structure and occupying certain space. Methods including use, composition, molecular structure, and metallographic phase structure are not eligible for utility model patent pro... [Read more](#)

9. International Trademark Association Adopts Guidelines for Examination of Industrial Designs

**NEW YORK -
THE INTERNATIONAL
TRADEMARK ASSOCIATION (INTA) BOARD
OF DIRECTORS
RECENTLY ANNOUNCED
THAT IT APPROVED
A RESOLUTION ADOPTING
GENERAL
GUIDELINES ...**

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NEW YORK - *The International Trademark Association (INTA) Board of Directors recently announced that it approved a resolution adopting general guidelines on a range of issues related to the examination of applications for industrial designs. According to INTA, the Guidelines for Examination of Industrial Designs are intended to serve as a reference document for Industrial Property Offices and are meant to reflect various international systems in an effort to harmonize design law practice.*

"These new guidelines will allow INTA to comment on the administration of designs by Industrial Property Offices and to assist Offices to set up and implement their practices and procedures," said INTA President Tish Berard. "INTA has been focusing on design rights themselves, independent of their impact on trademark law and practice. The examination guidelines are instrumental for the Association to continue advocating for the protection of this intellectual property right." The guidelines are divided into sections, including filings, requirements, and elements of design applications, the examination procedure, and post-registration acts.

The Designs Committee's Design Law and Practice Subcommittee drafted the guidelines, building on the work carried out by the Committee during the previous term. Subcommittee Member Michael Hawkins, of Noerr Alicante IP, S.L, Alicante, Spain, presented them to the Board for approval at its November 2018 meeting. In drafting the guidelines, subcommittee members best.. [Read more](#)

10. Introduction of Punitive Damages for Patent and Trade Secret Wilful Infringement in South Korea

KOREAN NATIONAL ASSEMBLY PASSED BILLS TO REVISE THE KOREAN PATENT ACT AND THE UNFAIR COMPETITION PREVENTION AND TRADE SECRET PREVENTION ACT TO INCLUDE PUNITIVE DAMAGES AWARD AGAINST WILLFUL VIOLATIONS

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On December 7, 2018, the Korean National Assembly passed bills to revise the Korean Patent Act and the Unfair Competition Prevention and Trade Secret Prevention Act to include punitive damages award against willful violations. These bills will be enacted into laws as early as June of 2019. According to the revised Article 128, paragraphs 8 and 9 of the Korean Patent Act, those who knowingly or willfully infringe another party's patents will be liable for up to three times the amount determined as damages. Some of the factors considered in determining enhanced damages are: whether the infringer possesses domineering status over the patentee, the degree of willfulness, the duration and frequency of the infringing act(s) and the degree of economic gain of the infringer from the infringing act(s). The courts currently calculate damages in consideration of the factors, namely the claimant's lost profits, the infringer's profits from the infringement, and reasonable royalty, as set forth by the Korean Patent Law. However, the current compensation system has been criticized by the industry for the damages award being insufficient to properly compensate the IP right holders for their loss and also to penalize those who abuse the current system. According to a study conducted by KIPO, the median value of damages awarded in patent infringement lawsuits in South Korea during the period of 1997-2017 stood at 60 million won (\$53,121), whereas the corresponding figure for the United States was 6.57 billion won (\$5.82 million). Even considering the size of both markets, the imbalance of damage awards is too great and the bills are expected to address this imbalance. Meanwhile, the Korean Unfair Competition Prevention and Trade Secret Protection Act was also amended similarly to allow punitive damages for willful infringement of trade secret.

Observations :- This introduction of enhanced damages for willful infringement will reinforce the protection of intellectual property in South Korea and will require parties to be more cautious in practicing the intellectual property rights of others.