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**NEWSLETTER JULY 2020** 

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#### 1. Engaging with users on the EPO Guidelines

EPO MANAGEMENT
AND EXPERTS IN THE
FRAMEWORK OF THE
STANDING ADVISORY
COMMITTEE BEFORE THE
EPO

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Following the online user consultation held earlier this year in March/April, representatives of user associations and other experts have been meeting on 3 occasions these last weeks with EPO management and experts in the framework of the Standing Advisory Committee before the EPO (SACEPO Working Party on Guidelines). The over 130 responses received in the consultation process have been carefully analysed and assessed, and a host of changes have been proposed and discussed with user representatives. A significant proportion of the responses related to the Parts of the EPC-Guidelines which concern computerimplemented inventions and inventions in the area of biotechnology. Dedicated meetings have therefore... Read more

# 2. Relief for the delay of statutory or specified time period of patent and trademark cases due to the Covid-19 pandemic

TIPO ANNOUNCED

THE RELIEF FOR THE DELAY

OF STATUTORY OR

SPECIFIED TIME PERIOD

DUE TO THE COVID-19

PANDEMIC

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TIPO announced the relief for the delay of statutory or specified time period due to the Covid-19 pandemic.

1. Statutory time period - According to Article 17.2 of the Patent Act and Article 12 of the Enforcement Rules of the Patent Act, or Article 8.2 of the Trademark Act and Article 9 of the Enforcement Rules of the Trademark Act, an applicant filing a written request for reinstatement should state the delay of statutory time period is due to the Covid-19 pandemic and provide evidence thereof. While requesting for reinstatement, the applicant shall concurrently fulfil all obligations that should have been fulfilled within the concerned time period. In principle, such cases will be determined leniently on a case-by-case... Read more

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# 3. USPTO announces COVID-19 Prioritized Examination Program for certain trademark and service mark applications

USPTO TODAY
ANNOUNCED A NEW
COVID-19 PRIORITIZED
EXAMINATION PROGRAM
FOR CERTAIN TRADEMARK
AND SERVICE MARK
APPLICATIONS

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The United States Patent and Trademark Office (USPTO) today announced a new COVID-19 prioritized examination program for certain trademark and service mark applications. Under this new program, the USPTO will accept petitions to advance the initial examination of applications for marks used to identify qualifying COVID-19 medical products and services. Additionally, the USPTO will waive the fee for such petitions. "Inventors and entrepreneurs are working around the clock to develop products that will help prevent, diagnose, treat, or cure COVID-19," said Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director of the USPTO. "Accelerating initial exami... Read more

# 4. Copyright Office Updates Proposed Rule Regarding Mandatory Deposit of Electronic-Only Books

U.S. COPYRIGHT
OFFICE UPDATES
PROPOSED RULE
REGARDING MANDATORY
DEPOSIT OF ELECTRONICONLY BOOKS

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The U.S. Copyright Office has updated its proposed rule providing for the mandatory deposit of certain electronic-only books with the Copyright Office for use by the Library of Congress. The proposed rule would make electronic-only books published in the United States subject to the Copyright Act's mandatory deposit provisions if they are affirmatively demanded by the Office. The Office previously issued a proposed rule on this topic in April 2018. In response to public comments on that proposal, today's update clarifies the scope of material subject to demand and adjusts the provisions governing the use of technological protection measures on deposited material. The Off... Read more

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#### 5. IPOPHL Reinforces Partnership With EUIPO

IPOPHL HAS
RENEWED ITS
PARTNERSHIP WITH THE
EUIPO TO CONTINUE
IMPROVING THE
COUNTRY'S USE OF THE IP
SYSTEM..

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The Intellectual Property Office of the Philippines (IPOPHL) has renewed its partnership with the European Union Intellectual Property Office (EUIPO) to continue improving the country's use of the intellectual property (IP) system for innovation and knowledge diffusion. IPOPHL Director General Rowel S. Barba and EUIPO Executive Director Christian Archambeau separately signed last May the "Memorandum of Understanding on Bilateral Cooperation" which renews the MoU first signed in 2014. "The outcomes of the previous IPOPHL-EUIPO MoU contributed substantially in our goal of improving the Philippine IP environment," DG Barba said. In force for five years... Read more

## 6. EPO receives top marks for quality of its patents and services

EPO HAS FOR THE
NINTH CONSECUTIVE TIME
BEEN RANKED NUMBER
ONE AMONG THE WORLD'S
LARGEST PATENT OFFICES
BY USERS FOR THE QUALITY
OF ITS PATENTS AND
SERVICES IN IAM..

**GO TO TOP** 

The EPO has for the ninth consecutive time been ranked number one among the world's largest patent offices by users for the quality of its patents and services in Intellectual Asset Management (IAM)'s latest annual benchmarking survey. The full survey released yesterday shows that 88% of respondents at IP-owning companies view the quality of the EPO's patents as good-to-excellent, with 26% rating it as excellent and 38% as very good, while 0% said it was poor in quality, and just 4% of those surveyed found it adequate. In a second category of IP professionals surveyed, those working in private practice, 90% of respondents rated our patent quality as good-to-excellent. "The EPO continues to stand head and shoulders above its peers in terms of service level and the quality of its patents,"... Read more

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#### 7. USPTO launches COVID-19 Response Resource Center

USPTO TODAY

LAUNCHED THE COVID-19

RESPONSE RESOURCE

CENTER TO PROVIDE

STAKEHOLDERS AND

OTHER INTERESTED

PARTIES ..

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WASHINGTON — The United States Patent and Trademark Office (USPTO) today launched the COVID-19 Response Resource Center to provide stakeholders and other interested parties with improved access to USPTO initiatives, programs, and other helpful intellectual property (IP)-related information regarding the COVID-19 outbreak. "As it always does, our nation's innovation community will play a crucial role in devising creative solutions to the ongoing pandemic," said Andrei Iancu, Under Secretary of Commerce for Intellectual Property and Director of the USPTO. "The USPTO stands shoulder-to-shoulder with inventors and entrepreneurs and is working on a variety of measu... Read more

# 8. TIPO-KIPO Permanent PPH MOTTAINAI Program Comes Into Effect on July 1, 2020

PPH PILOT
PROGRAM BETWEEN
TAIWAN AND KOREA
PROGRAM COMES INTO
EFFECT ON
JULY 1, 2020

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The Patent Prosecution Highway (PPH) pilot program between Taiwan and Korea will expire on June 30, 2020. In view of its impressive results in acceleration of examination, both sides have agreed that a permanent PPH program will replace the current one, starting July 1, 2020. The permanent program is aimed at continuing to provide applicants with stable and convenient PPH services. Taiwan and Korea have been close economic and trading partners. For long years, Korea has made the top four countries in invention patent applications filed in Taiwan. Last year (2019), TIPO received a total of 1,656 invention patent applications from Korean applicants. On the other hand, KIPO received 1,102 invention patent applications from Taiwanese applicants. To speed up examination so that applicants could acq... Read more

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#### 9. New Zealand joins Design View

INTELLECTUAL
PROPERTY OFFICE OF NEW
ZEALAND (IPONZ) HAS
MADE ITS DESIGN DATA
AVAILABLE TO THE
DESIGNVIEW SEARCH TOOL

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As of 29 June 2020, the Intellectual Property Office of New Zealand (IPONZ) has made its design data available to the Design View search tool. With IPONZ on board, Design View now contains data from 72 participating offices.

With the addition of more than 51,000 industrial designs from IPONZ, Design View provides information and access to more than 16.2 million designs in total. Since the introduction of Design View on 19 November 2012, the tool has served more than 5.6 million searches from 163 different countries, with the UK, Germany and China among the most frequent users. The integration of IPONZ, which follows its integration... Read more

# 10. IPOPHL Now Accepts Online Requests for a Commercial Patent Search

INTELLECTUAL
PROPERTY OFFICE OF THE
PHILIPPINES NOW ALLOWS
COMMERCIAL PATENT
SEARCH REQUESTS TO BE
LODGED VIA EMAIL

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The Intellectual Property Office of the Philippines (IPOPHL) now allows commercial patent search requests to be lodged via email. Clients requesting the IPOPHL to conduct a commercial patent search usually intend to launch a product or service in the Philippines. This kind of search helps them for various purposes of their research, whether it is to kickstart R&D or to ensure that no infringement case can arise with inventions covered by already existing intellectual property (IP) protection. IPOPHL's commercial patent search services, as conducted by its IP Search & Documentation Division (IPSDD) under the Innovation Bureau, include:

• Equivalent Search – determines Philippine patent equivalent of a patent filed or granted in other IP Offices. <u>Read more</u>

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#### 11. Important update on CIPO operations and services

CANADIAN
INTELLECTUAL PROPERTY
OFFICE (CIPO) REMAINS
OPEN AND IN OPERATION
AT THIS TIME

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The Canadian Intellectual Property Office (CIPO) remains open and in operation at this time. We are working to eliminate any residual delays in services that have occurred as a result of the ongoing COVID-19 outbreak. We are grateful to our clients and stakeholders for their patience as we have adjusted our operations to respond to restrictions related to COVID-19. We have made efforts, in coordination with other intellectual property offices, to ensure flexibility for clients by using designated days to extend deadlines. However, we understand that the ongoing COVID-19 outbreak is still having a negative impact on Canadians and Canadian businesses alike, and we remain committed.. Read more

# 12. 50 years since Patent Cooperation Treaty (PCT) Diplomatic Conference

WIPO PCT SYSTEM
MARKED THE 50TH
ANNIVERSARY OF THE
SIGNATURE OF THE PCT,
WHICH TOOK PLACE AT
THE END OF THE THREEWEEK DIPLOMATIC
CONFERENCE

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On June 19, 2020, the WIPO PCT System marked the 50th anniversary of the signature of the Patent Cooperation Treaty, which took place at the end of the three-week Diplomatic Conference, held in Washington, D.C., United States of America. The development of the PCT began in 1966, with the recognition by the Executive Committee of the International (Paris) Union for the Protection of Industrial Property of the need for "more economical, quicker and more effective protection for inventions throughout the world". Over the following two years, delegates from governments, intergovernmental organizations, and non-governmental organizations worked together during a number of meetings to deliberate, draft, and redraft a Treaty and associated Regulations, which was then considered at the 1970... Read more

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#### 13. European Cooperation: New Trade Mark Law in Cyprus

PARLIAMENT OF THE
REPUBLIC OF CYPRUS
VOTED IN FAVOUR OF ITS
NEW TM LAW WHICH WAS
SUBSEQUENTLY PUBLISHED
-17/06/2020

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On 5 June 2020 the Parliament of the Republic of Cyprus voted in favour of its new Trade Mark Law which was subsequently published on 17 June 2020. This milestone was achieved with the active involvement of the EUIPO, which offered legal assistance throughout the process of drafting the new law. The new Trade Mark IP Law in Cyprus encompasses, inter alia: the transposition of Directive (EU) 2015/2436; the introduction of the multi-class system; the discontinuation of the need for a power of attorney document; new paper applications; and fees. The new Trade Mark IP Law in Cyprus has simplified the whole application and registration procedure, while adding timelines for the... Read more

# 14. EAPO and WIPO Representatives Discussed Industrial Design Agenda

EAPO AND
REPRESENTATIVES OF THE
HAGUE REGISTRY OF
BRANDS AND DESIGNS
SECTOR AND THE
DEPARTMENT FOR
TRANSITION...

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On June 17, 2020, representatives of the Eurasian Patent Office (EAPO) and representatives of the Hague Registry of Brands and Designs Sector and the Department for Transition and Developed Countries of the World Intellectual Property Organization (WIPO) discussed the accomplished and upcoming stages of establishment of the Eurasian system of legal protection of industrial designs. WIPO representatives were informed on the status of ratification of the Protocol for the Protection of Industrial Designs to the Eurasian Patent Convention (EAPC) by the EAPC Contracting States and the prospective terms of its entry into force. EAPO representatives briefed on the preparation of the Office for the beginning of practical activities in the field of industrial designs and elaboration of normative legal.. Read more

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# 15. Mexican Patent and Trademark Office launches electronic tools

IMPI CONTINUES TO
UPDATE ITS ELECTRONIC
SERVICES AND TO PROVIDE
OPTIONS TO TRADE MARK
AND PATENT APPLICANTS
AND OWNERS

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The Mexican Patent and Trademark Office (IMPI) continues to update its electronic services and to provide options to trade mark and patent applicants and owners. These efforts are especially relevant during the current COVID-19 pandemic, as Laura Collada of the MARQUES International Trade Mark Law and Practice Team explains. IMPI suspended deadlines and closed to the public by the end of March 2020. Only new applications submitted using the online filing system were possible. Since then, three significant electronic capabilities have been enabled. In April 2020, IMPI allowed users to submit writs, responses to office actions, payments of grant and maintenance fees.... Read more

# 16. CNIPA Issues Criteria on Determining Trademark Infringement

CNIPA ISSUES
CRITERIA
ON DETERMINING
TRADEMARK
INFRINGEMENT

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The Criteria on Determining Trademark Infringement was introduced by the China National Intellectual Property Administration (CNIPA) to execute the plan of the CCP Central Committee and the State Council on bolstering IP protection, to provide guidelines on trademark enforcement, unify enforcement practice and enhance protection of trademark exclusive rights. The formulation of the Criteria not only conforms to the practical needs of improving trademark enforcement guidance, but also boosts a concrete measure to implement the Opinions on Strengthening IP Protection and the action plan thereof. Created under the framework of trademark law and with the objective of offering guidance to trademark enforcement, the... Read more