# HASAN AND SINGH Intellectuals @ Law

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**NEWSLETTER MARCH 2022** 

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### NEWSLETTER MARCH 2022

#### 1. China Joins the Hague System

ENTER INTO FORCE ON MAY 5, 2022

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China has joined the Hague System bringing the total number of countries covered to 94. The Government of China deposited its instrument of accession to the 1999 Geneva Act of the Hague Agreement on February 5, 2022. China is the 68th contracting party to the 1999 Act and 77th member of the Hague Union. The 1999 Act will enter into force in China on May 5, 2022.

#### What does this mean for you?

With China's accession, the Hague System will now cover nine out of ten of the world's top economic markets (World Bank rankings). As a non-resident, from May 5, 2022 you will be able to secure international design protection in China, facilitating expansion of your business into one of the world's largest and... Read more

# 2.MyIPO - Proposed Amendments on the Provisions Relating to the Copyright Regulations and Order 2022

WISH TO SEEK
FEEDBACKS ON
PROPOSED CHANGES

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The Copyright (Amendment) Act 2022 [Act A1645] has received the royal assent on the 26 January 2022 and published in the Gazette dated 10 February 2022.

As such, following our public consultation on proposed amendment to the Copyright Act in December 2021, we now wish to seek feedbacks on the corresponding proposed changes to the relevant Copyright subsidiaries legislation.

As part of our on-going review, we invite stakeholders on the proposed amendments to the Copyright (Voluntary Notification) (Amendment) Regulations 2022, Copyright (Collective Management Organization) Regulations 2022, Copyright Authorized Entity) Regulations 2022, (hereinafter... Read more

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#### 3. China Joins Two Key WIPO Treaties

THEY ARE HAGUE
SYSTEM AND THE
MARRAKESH TREATY

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China has joined WIPO's Hague System for the International Registration of Industrial Designs, marking a major development for the International Design System, as well as the Marrakesh Treaty, bringing one of the world's great cultural and literary traditions into the Marrakesh community.

WIPO Director General Daren Tang received China's accession document to the Marrakesh Treaty from Vice Minister Zhang Jianchun, National Copyright Administration of China, and China's accession document for the Hague System from Commissioner Shen Changyu, China National Intellectual Property Administration. Chinese residents filed a total of 795,504 designs in 2020, representing some 55% of the... Read more

## 4. The EUIPO Supports the Intellectual Property System in Ukraine

THE KNOWLEDGE AND
EXPERIENCE
EXCHANGE DURING
TECHNICAL &
PRACTICAL SESSIONS

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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

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#### 5. AU - Update to design rights formal requirements

WILL BE EFFECTIVE FROM 10 MARCH 2022

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The Registrar of Designs has been empowered to determine the formal requirements for designs applications by a non-legislative instrument. After comprehensive consultation, the Registrar of Designs signed the Designs (Form and Means of Filing Documents) Instrument 2022 and the Designs (Formal Requirements) Instrument 2022. The instruments set out the formal requirements for filing a design right application. These instruments replace Schedule 2 of the Designs Regulations 2004 and are a codification of current practice. Details of the requirements for filing a design right will continue to be available on our website for customers. These instruments will be effective for any design applications filed on or after 10 Marc... Read more

# 6. CIPO to become a Digital Access Service depositing office for patent applications

EFFECTIVE FEBRUARY
1, 2022

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The Canadian Intellectual Property Office (CIPO) is pleased to announce that it will become a depositing office for patent applications for the World Intellectual Property Organization (WIPO) Digital Access Service (DAS), effective February 1, 2022. Applicants can request that their documents be uploaded to DAS at the time of filing. If applicants need to make a DAS request after filing, they can use CIPO's new document request form. **About DAS** -

DAS is a digital library service administered by WIPO that facilitates the secure exchange of priority documents between intellectual property offices (IPOs). This initiative will simplify the patent application process for clients who have a.. Read more

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#### 7. Delhi High Court notifies IPR Division Rules, 2022

DHC-IPD RULES,
2022, WILL COME INTO
FORCE AFTER
NOTIFYING IN THE
GAZETTE

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The High Court of Delhi has notified the Intellectual Property Rights Division Rules, 2022, which will replace the erstwhile Intellectual Property Appellate Board (IPAB), among others, in a relief to the industry including pharmaceutical players who are looking for an appellate court for remedy to their grievances in the Intellectual Property-related disputes.

"The Delhi High Court Intellectual Property Rights Division Rules, 2022" (DHC-IPD Rules, 2022), notified on February 28, will come into force on the date on which the Chief Justice of the Delhi High Court may notify in the Official Gazette. The IPD will deal with Intellectual Property Right (IPR) matters except cases dealt with by the Division Bench of the Delhi High Court. The stat... Read more

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

FOUR POWERFUL
SEARCH PLATFORMS
IN ONE EXPANSIVE
TOOL

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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

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#### 9. European Patent Office to Increase Fees on April 1, 2022

OFFICIAL FEES
INCREASE BY APPR.
3%, AND SOME FEES
ARE UNCHANGED

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The European Patent Office has published a decision to increase official fees in the January 2022 issue of The Official Journal of the EPO, see Decision of the Administrative Council of December 15, 2021 (CA/D 13/21). After the last increase that took effect on April 1, 2020, most EPO official fees will see an increase effective April 1, 2022. On average, official fees will increase by approximately 3%, although some fees remain unchanged. Generally, official fees paid on or after April 1, 2022, must be paid at the increased rate. If within six months of April 1, 2022, i.e. until October 1, 2022, an official fee is paid in due time but only in the amount due before April 1, 2022, that fee shall be deemed to have been validly paid if the deficit is made good within two... Read more

#### 10. Consolidated Rules of Procedure of the Boards of Appeal

THESE RULES WILL BE
REVIEWED AND
UPDATED ON A
YEARLY BASIS

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Consolidated Rules of Procedure of the Boards of Appeal have been published on the EUIPO website. The document can be found here.

The Rules of Procedure of the Boards of Appeal seek to increase transparency, consistency, and legal certainty for users of the appeal system, as well as streamlining the decision-making processes throughout the Boards of Appeal.

Since their adoption on 27 February 2020, some amendments have been introduced to the Rules of Procedure. All these amendments and their entry into force can be easily seen from this comparative consolidated version.

The Rules of Procedure will be reviewed and updated on a yearly basis, and a new consolidated version will be pub... Read more

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#### 11. TIPO Publishes Case Studies on IT Patent Examination

INCLUDES BOTH
PATENTABLE & NONPATENTABLE
REQUESTS TO
ILLUSTRATE

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In order to protect innovation and establish clear standards for patent examination, TIPO has updated Part II, Chapter 12 of the Software-Related Examination Guidelines for Computer Inventions, in response to industry changes. The revisions came into effect on July 1, 2021. TIPO also provides 20 case studies across the five major fields of IT - AI, IoT, blockchain, cloud applications, and big data - to help applicants better understand the basis on which patent applications are assessed and ensure that patent examiners utilize the same concepts during examination. The compendium of case studies, Case Studies on IT Patent Examination, is available to the public and includes both patentable and non-patentable requests to illustrate... Read more

#### 12.EPO-Final preparations for the start of the Unitary Patent

UNITARY
PATENT WILL
COMPLETE ITS
WORK BY 30 JUNE
2022

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EPO President António Campinos yesterday met with Alexander Ramsay, Chair of the Unified Patent Court Preparatory Committee, the representatives of the participating member states in charge of the five work streams for the Preparatory Committee, as well as Jérôme Debrulle, the Chair of the Select Committee of the Administrative Council in charge of the Unitary Patent. The meeting enabled participants to update each other on progress in preparing the remaining tasks to be undertaken for the launch of the Unitary Patent and Unified Patent Court (UPC). President Campinos emphasised the importance of close cooperation between all partners in the final preparatory phase: "The start of the provisional application period last month gave the signal that the UPC/UPP package will soon be... Read more

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# 13. Executive Yuan Approves Draft Amendments to the Copyright Act and the Trademark Act on January, 20, 2022 for Bid to Join CPTPP

AGAINST COPYRIGHT

AND TRADEMARK

INFRINGEMENT

MATTERS

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In order to facilitate Taiwan's accession to the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), TIPO has proposed amendments to the Copyright Act and the Trademark Act based on differences in regulations found in 2016 between the Trans-Pacific Partnership (TPP) Agreement (CPTPP's original incarnation) and those of Taiwan. As the review procedure of the proposed amendments were not finished by the Legislative Yuan during the previous (9th) term, they were resubmitted to the Executive Yuan in 2020 and have just been approved by the 3787th meeting on January 20th, 2022. The drafts have been submitted to the Legislative Yuan for review and once ratified into laws, will be able to enhance deterrence against... Read more