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1. Amendment to Chinese patent law adopted

**CHINESE PATENT
LAW HAS BEEN ADOPTED
AND WILL ENTER INTO
FORCE ON 1 JULY 2021 – IT
IS THE FOURTH
AMENDMENT TO CHINESE
PATENT LAW**

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New elements to Chinese patent law has been adopted and will enter into force on 1 July 2021 – it is the Fourth Amendment to Chinese patent law. It offers elements such as a new grace period and an extension of the term of protection, and also improvements in patent infringement proceedings, e.g. with regard to the provision of evidence in China. Important new regulations, especially for patent infringement proceedings in China, were adopted by the Standing Committee of the National People's Congress of China on 17 October 2020 as the Chinese patent law and will come into force on 1 June 2021. In fact, this is the Fourth Amendment to Chinese patent law. We give an overview of the main new elements in this amend... [Read more](#)

2. Heads of KIPO and USPTO agree on reinforcing cooperative efforts on AI-related policies

**HEADS OF KIPO AND
USPTO AGREE ON
DEVELOPING NEW
COLLABORATIVE EFFORTS
AMID ACCELERATED
DIGITAL
TRANSFORMATION TREND**

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In an IP Heads Meeting that took place via video call on October 16th, 8:30 (October 15th, 19:30 in the U.S.) from Seoul Office of the Korean Intellectual Property Office (KIPO), Commissioner Yong Rae Kim of the KIPO met with Director Andrei Ianku of the United States Patent and Trademark Office (USPTO) and agreed on developing new collaborative efforts amid accelerated digital transformation trend. This meeting was held as there has been a growing consensus that the cooperation between the two offices is now more important than ever amid the digital transformation trend accelerated by the Covid-19 pandemic. Both offices showed that the number of patent and trademark applications filed in their respective countries has increased after the... [Read more](#)

3. PPH pilot program between the Japan Patent Office (JPO) and the Department of Intellectual Property in Malaysia (MyIPO)

**PPH PILOT PROGRAM
BETWEEN THE JPO AND
THE DEPARTMENT OF
INTELLECTUAL PROPERTY
IN MALAYSIA**

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The Japan Patent Office (JPO) and the Intellectual Property Corporation of Malaysia (MyIPO) have commenced the PPH pilot program on 1 October 2014.

The JPO and the MyIPO agreed to fully implement the PPH program from October 1, 2020. This agreement makes the PPH available on a permanent basis unless exceptional circumstances arise. The full implementation of the program involves no change in the procedure or requirements.

How to make a request - Guidelines (Requirements and procedures in detail) and Request form for Patent Prosecution Highway (PPH). Link to the MyIPO's PPH page... [Read more](#)

4. Protocol on Eurasian Design Patents Ratified by Kyrgyzstan, Azerbaijan and Armenia

**PROTOCOL ON
EURASIAN DESIGN
PATENTS RATIFIED BY
KYRGYZSTAN, AZERBAIJAN
AND ARMENIA**

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On October 15, 2020, Kyrgyzstan deposited its instrument of ratification of the Protocol on the Protection of Industrial Designs to the Eurasian Patent Convention. Azerbaijan and Armenia have ratified the Protocol by adopting laws on its ratification on May 5 and May 11, 2020 respectively, but so far Kyrgyzstan is the first Eurasian Patent Organization (EAPO) member state that has deposited its instrument of ratification with the Director General of the WIPO. The Protocol was adopted by EAPO member states on September 9, 2019, introducing the Eurasian system of protection for industrial design patents, along with the already existing regional protection for inventions. There are... [Read more](#)

5. Indian Patents (Amendment) Rules, 2020

**INDIAN PATENT
OFFICE PUBLISHED
THE DRAFT PATENTS
(AMENDMENT) RULES,
2020**

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Last year, in the month of May, the Indian Patent Office published the draft Patents (Amendment) Rules, 2019. The Office had invited objections and suggestions from all persons with regard to the proposed amendments. On 22nd October 2020, after taking into account the suggestions from the public into consideration, the Central Government has published the Patents (Amendment) Rules, 2020, containing the revised rules through Official Gazette notification dated 20th October 2020. You may click here to access the official notification.

Highlights of the Patents (Amendment) Rules, 2020 - Rule 21 – Filing of priority document - Sub-rule (1): In ref.... [Read more](#)

6. IPO will again start accepting Form 5-1 under Chapter 5 of the PPH Guidelines from 2nd November 2020

**IPO WILL AGAIN
START ACCEPTING FORM 5-
1 UNDER CHAPTER 5 OF
THE PPH GUIDELINES
FROM 2ND NOVEMBER,
2020**

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The filing of Form 5-1 under Chapter 5 of the PPH Guidelines commenced from 5th December 2019 as [notified on 4th December 2019](#). After scrutiny of 100 requests received, 56 requests were accepted by IPO and the applicants were allowed to file request for expedited examination on Form 18A. Thereafter the IPO has twice notified acceptance of Form 5-1 under Chapter 5 of the PPH Guidelines from 9th March 2020 and 10th August for remaining slots. After scrutiny of requests received in response, 39 requests had been accepted by IPO as per the Guidelines and the applicants were allowed to file request for expedited examination on Form 18A. Since 5 requests slots are still available as per the PPH Guidelines, the IPO will again start accepting Form 5-1 under Chapter 5 of the PPH Guidelines... [Read more](#)

7. U.S. Copyright Office Issues Notice of Proposed Rulemaking in the Eighth Triennial Proceeding Under Section 1201

**U.S. COPYRIGHT
OFFICE HAS PUBLISHED A
NOTICE OF PROPOSED
RULEMAKING IN THE
EIGHTH TRIENNIAL
PROCEEDING UNDER
SECTION 1201**

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The Copyright Office has published a notice of proposed rulemaking in the eighth triennial proceeding under section 1201 of Title 17. Section 1201 generally makes it unlawful to circumvent technological measures used by copyright owners to prevent unauthorized access to their works. Through the triennial rulemaking, the Librarian of Congress may, upon the recommendation of the Register of Copyrights, temporarily exempt certain classes of works from the statutory prohibition. For the second consecutive rulemaking, the Office conducted a streamlined procedure to allow members of the public to request renewal of exemptions that were granted in the last... [Read more](#)

8. USPTO welcomes new interim Trademark Public Advisory Committee member

**USPTO WELCOMES
TRICIA MCDERMOTT
THOMPSON AS A NEW
INTERIM MEMBER OF THE
TRADEMARK PUBLIC
ADVISORY COMMITTEE**

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The United States Patent and Trademark Office (USPTO) welcomes Tricia McDermott Thompkins as a new interim member of the Trademark Public Advisory Committee (TPAC). The interim appointment will be effective on October 30, 2020 and run through December 1, 2022. Ms. Thompkins serves as Executive Vice President, General Counsel, and Secretary at Perry Ellis, where she currently manages the company's global legal operations in over 150 countries. The Public Advisory Committees for the USPTO were created by statute in the American Inventors Protection Act of 1999 to advise the Under Secretary of Commerce for Intellectual Property and Director of... [Read more](#)

9. High Court of Delhi publishes draft of proposed rules for patent suits

HIGH COURT OF DELHI PUBLISHES DRAFT OF PROPOSED RULES FOR PATENT SUITS AND IS NOW SEEKING COMMENTS AND SUGGESTIONS FROM MEMBERS OF THE BAR

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The High Court of Delhi has published the draft of "The High Court of Delhi Rules Governing Patent Suits" and is now seeking comments and suggestions from members of the Bar. The proposed Rules were drawn up to simplify the process for filing and adjudication of patent suits in India. For the past 15 years or so, the High Court of Delhi has been receiving majority of total patent infringement suits being filed in India, with the numbers significantly growing in the last five years. This was particularly more evident after India amended its patent laws to comply with the Agreement on Trade Related Aspects of Intellectual Property Rights or TRIPS. The patent infringement actions... [Read more](#)

10. Changes in Designation Fees: Republic of Korea and Turkmenistan

CHANGES IN DESIGNATION FEES STANDARD DESIGNATION FEES: REPUBLIC OF KOREA AND TURKMENISTAN

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Republic of Korea - From December 1, 2020, level three of the standard designation fees will apply to international applications for designs falling under classes 1, 3, 9 and 11 of the Locarno Classification, in which the Republic of Korea is designated. This is in addition to classes 2, 5 and 19. All other classes of the Locarno Classification will be subject to individual designation fees as follows: **1.** 184 Swiss francs per design when designating the Republic of Korea in an international application; **2.** 296 Swiss francs for the first renewal, 699 Swiss francs for the second renewal and 806 Swiss francs for the third renewal of an international registration in which the Republic of Korea is designated. Find out more in Information.... [Read more](#)

11. Soft Opening Ceremony of the IP Office of Myanmar was Held

**THE NEWLY
ESTABLISHED IP OFFICE OF
MYANMAR PARTIALLY
OPENED (COMPLETED SOFT
OPENING*) AND STARTED
PREFERENTIALLY
ACCEPTING TRADEMARK..**

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In Myanmar, Intellectual Property (IP) related Acts (including Trademark, Design, Patent, and Copyright Act) were enacted last year. On October 1, 2020, the newly established IP Office of Myanmar partially opened (completed soft opening) and started preferentially accepting trademark applications filed based on marks registered under the existing Registration Act or unregistered marks actually being used in Myanmar. The Japan Patent Office (JPO) has been cooperating toward the establishment of the IP Office by dispatching experts to Myanmar through the Japan International Cooperation Agency (JICA) since 2015. Due to this close cooperation, Mr. Iwasaki... [Read more](#)*

12. Protection of coloured vs non-coloured trade mark in Vietnam

**ONE OF THE MOST
FREQUENTLY ASKED
QUESTIONS BY OUR
CLIENTS WHO INTEND TO
FILE TRADE MARK
APPLICATIONS IN
VIETNAM...**

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“Should I file my mark in colour or in black-and-white?”

One of the most frequently asked questions by our clients who intend to file trade mark applications in Vietnam is “Should I file my mark in colour or in black-and-white?”. In order to answer this question, it is essential to look at how IP Vietnam and other authorities treat each type of trade mark through three aspects: (i) scope of protection, (ii) use of trade mark, and (ii) claim of priority right.

1. Protection scope - *The scope of protection between black-and-white marks and coloured marks is a long debated topic, with two main perspectives. One perspective is that black-and-white marks, just like their coloured counterparts, can only... [Read more](#)*

13. USPTO Issues Guidance on Examination of Generic.com Terms

**US SUPREME COURT
RULED THAT A PROPOSED
MARK CONSISTING OF THE
COMBINATION OF A
GENERIC TERM AND A
GENERIC TOP-LEVEL
DOMAIN, LIKE ".COM,...**

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In June of this year, the US Supreme Court ruled that a proposed mark consisting of the combination of a generic term and a generic top-level domain, like ".com," is not per se generic. (USPTO v. Booking.com). In response, the United States Patent and Trademark Office (USPTO) recently issued Examination Guidelines for examining such "generic.com" terms. This all began when the USPTO originally refused to register the proposed mark BOOKING.COM, asserting it was generic with respect to hotel reservation services or, alternatively that it was merely descriptive and had not acquired distinctiveness. The Trademark Trial and Appeal Board affirmed the refusal, but the district... [Read more](#)