

Inside this Issue

<u>PPH: BPTO Establishes Phase II of Shared Examination Pilot Project PPH INPI-PROSUL</u>	2
<u>Ninth China-ASEAN Heads of Intellectual Property Offices Meeting Held in Singapore</u>	2
<u>China Planning to Enhance International Patent Cooperation</u>	3
<u>Patent Cooperation Treaty (PCT) News and Announcements</u>	3
<u>Respect for IP – Growing from the Tip of Africa International Conference</u>	4
<u>PCT Patent Prosecution Highway (PCT-PPH) Pilots New Pilots (United Kingdom and Brazil; Denmark and Brazil)</u>	4
<u>European Patent Office: quota reached for Collaborative Search and Examination pilot</u>	5
<u>Electronic Filing and Processing of International Applications</u>	5
<u>Amendments to the Mexican Industrial Property Law</u>	6
<u>Entry into force of the twelfth edition of the Locarno Classification</u>	6
<u>International registrations containing the designation of Mexico: requirement to file a declaration of actual and effective use of the mark</u>	7
<u>"Drugs Are Not Sweets" – Bombay HC Imposes Exemplary Costs for Pharma Trademark Infringement</u>	7

1. PPH: BPTO Establishes Phase II of Shared Examination Pilot Project PPH INPI-PROSUL

**IN CONTINUITY
WITH THE PPH, THE
BPTO PUBLISHED IN
THE INDUSTRIAL PROP-
ERTY BULLETIN NO.
2487, DATED
SEPTEMBER 4, 2018**

In continuity with the Patent Prosecution Highway program ("PPH"), the Brazilian Patent and Trademark Office ("BPTO") published in the Industrial Property Bulletin No. 2487, dated September 4, 2018, Resolution/INPI/PR No. 224, establishing phase II of the shared project PPH INPI-PROSUL. The PPH-PROSUL is a type of priority patent examination. In order to participate, a prior patent examination granted by one of the PROSUL member Patent Offices of, namely, Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Paraguay, Peru and Uruguay, must be submitted to the BPTO. Such patent application will only be considered if it belongs to the same patent family, and if other requirements... [Read more](#)

2. Ninth China-ASEAN Heads of Intellectual Property Offices Meeting Held in Singapore

**NINTH CHINA
-ASEAN HEADS OF IPO
MEETING, CO-HOSTED BY
THE CNIPA AND ASEAN
SECRETARIAT WAS HELD
ON SEPTEMBER 5 IN
SINGAPORE**

The ninth China-ASEAN Heads of Intellectual Property Offices Meeting, co-hosted by the China National Intellectual Property Administration (CNIPA) and ASEAN Secretariat was held on September 5 in Singapore. CNIPA Commissioner Shen Changyu and principals of Intellectual Property Offices of the ASEAN member states attended the meeting. The meeting was moderated by Freddy Harris, Directorate General of Intellectual Property, Ministry of Law and Human Rights of the Republic of Indonesia and Chairman on Duty of China-ASEAN Intellectual Property Cooperation Joint Working Group. In his keynote speech, Shen noted that China and ASEAN member states are joined... [Read more](#)

3. China Planning to Enhance International Patent Cooperation

CHINA WILL ENHANCE ITS INTERNATIONAL COOPERATION IN PATENTS AS PART OF ITS EFFORT TO PROMOTE FURTHER OPENING-UP

Conference reviews country's successes in IP protection since opening-up launched in 1978. China will enhance its international cooperation in patents as part of its effort to promote further opening-up, senior officials said at a key industry forum. The cooperation will include technical communications, data exchange and improved efficiency of patent examination, said Shen Changyu, commissioner of the China National Intellectual Property Administration at the ninth China Patent Annual Conference held in Beijing last Thursday and Friday. This year's conference recalled the achievements of patent developments since the reform and opening-up began in 1978, and aimed to... [Read more](#)

4. Patent Cooperation Treaty (PCT) News and Announcements

THE NEW DOLLAR AMOUNT OF THE SEARCH FEE REQUIRED BY THE IPAU WILL BE \$1,631 AND WILL GO INTO EFFECT 01 OCTOBER 2018

01 October 2018 Change to IPAU Search Fee :- *The International Bureau of the World Intellectual Property Organization has informed the United States Patent and Trademark Office that a new dollar amount has been established for the search fee required by the IP Australia (IPAU) when acting as an International Searching Authority. The new dollar amount of the search fee required by the IPAU will be \$1,631 and will go into effect 01 October 2018.*

The revised PCT Fee Schedule will be available at: [Click here](#) Filing Patent Applications Electronically during Designated Significant Electronic Filing System Outages- Applicants... [Read more](#)

5. Respect for IP – Growing from the Tip of Africa International Conference

THE INTERNATIONAL CONFERENCE RESPECT FOR INTELLECTUAL PROPERTY GROWING FROM THE TIP OF AFRICA

The International Conference Respect for IP – Growing from the Tip of Africa will foster policy dialogue and serve as an incubator of ideas that can support an effective and balanced intellectual property (IP) enforcement system. More than 400 participants from all over the world are expected, including government ministers and policymakers, judges and senior enforcement officials, international governmental and non-governmental organizations, businesses, the legal fraternity and consumer groups.

Background:- An incomplete public understanding of the benefits of IP, as well as the socio-economic risks associated with counterfeit goods and piracy, compromises the potential of the global IP system in driving sustainable economic growth... [Read more](#)

6. PCT Patent Prosecution Highway (PCT-PPH) Pilots New Pilots (United Kingdom and Brazil; Denmark and Brazil)

PCT PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOTS NEW PILOTS (UK AND BRAZIL; DENMARK AND BRAZIL)

New one-way PCT-PPH pilot programs started between the Intellectual Property Office (United Kingdom) and the National Institute of Industrial Property (Brazil) (INPI) (on 1 August 2018), and between the Danish Patent and Trademark Office and INPI (on 1 September 2018). Under these programs, accelerated processing in the national phases in the United Kingdom and Denmark, is available on the basis of a PCT application with a positive written opinion from either the International Searching Authority (ISA) or the International Preliminary Examining Authority (IPEA), or a positive international preliminary report on patentability (IPRP) (Chapter II), issued by INPI in its capacity as ISA/IPEA. [Read more](#)

7. European Patent Office: quota reached for Collaborative Search and Examination pilot

COLLABORATIVE SEARCH AND EXAMINATION (CS&E) PILOT, WHEREBY THE IP5 OFFICES (THE EUROPEAN PATENT OFFICE (EPO)

The last issue of the PCT Newsletter (No. 07-08/2018) gave details of a Collaborative Search and Examination (CS&E) pilot, whereby the IP5 Offices (the European Patent Office (EPO), the Japan Patent Office, the Korean Intellectual Property Office, the State Intellectual Property Office of the People's Republic of China and the United States Patent and Trademark Office) would all contribute towards the international search report and written opinion for a particular international application. The pilot, which uses applications in respect of which the applicant has submitted a request to participate, will ideally select applications which make up a representative distribution of applicants, technology... [Read more](#)

8. Electronic Filing and Processing of International Applications

OFFICES WHICH NO LONGER ACCEPT INTERNATIONAL APPLICATIONS IN ELECTRONIC FORM US- ING THE PCT-SAFE SOFTWARE

Offices which no longer accept PCT-SAFE filings :- The following Offices have notified the International Bureau that, with effect from 1 October 2018, they will no longer accept international applications in electronic form using the PCT-SAFE software:

- The National Institute of Industrial Property (Portugal) (which already accepts international applications filed electronically using ePCT-Filing or EPO Online Filing);*
- The Patent Office of the Republic of Poland (which already accepts international applications filed electronically using ePCT-Filing or EPO Online Filing);*
- The State Office for Inventions and Trademarks (Romania) (which already accepts international applications.. [Read more](#)*

9. Amendments to the Mexican Industrial Property Law

MADRID PROTOCOL CONCERNING THE INTERNATIONAL REGIS- TRATION OF MARKS AMENDMENTS TO THE MEXICAN INDUSTRIAL PROPERTY LAW

1. The Mexican Institute of Industrial Property (IMPI) has provided information to the International Bureau of the World Intellectual Property Organization (WIPO) regarding amendments to the Mexican Industrial Property Law which entered into force on August 10, 2018, and has requested that this information be made available to users of the Madrid System. For further information on these amendments, please refer to Information [Notice No. 13/2018](#).
2. The communication sent by IMPI reads as follows: "Declaration of actual and effective use The amendment requires right-holders to submit an official form, directly to IMPI, declaring... [Read more](#)

10. Entry into force of the twelfth edition of the Locarno Classification

HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

1. A new edition of the international classification used for the purposes of the registration of industrial designs (Locarno Classification) will enter into force on January 1, 2019. In conformity with its previous practice, the International Bureau of the World Intellectual Property Organization (WIPO) does not reclassify the products, which constitute an industrial design or in relation to which an industrial design is to be used, in the international registrations classified according to a previous edition.
2. The International Bureau of WIPO will apply the twelfth edition of the Locarno Classification to all international applications that have a filing date on or after January 1, 2019. [Read more](#)

11. International registrations containing the designation of Mexico: requirement to file a declaration of actual and effective use of the mark

**MEXICO (IMPI)
HAS INFORMED WIPO
THAT HOLDERS OF IN-
TERNATIONAL REGIS-
TRATIONS CONTAINING
THE DESIGNATION OF
MEXICO**

The Office of Mexico (IMPI) has informed WIPO that holders of international registrations designating Mexico must file declarations of actual and effective use of the mark. Failure to do so will prompt IMPI to declare, ex officio, the cancellation of the mark in Mexico. Such declarations must be filed directly with IMPI in the appropriate official format, as prescribed by the applicable laws and regulations and upon payment of a fee:

- *within a three-month period, following three years counted from the date on which protection was granted in Mexico, as specified in the declaration sent by IMPI to the... [Read more](#)*

12. “Drugs Are Not Sweets” – Bombay HC Imposes Exemplary Costs for Pharma Trademark Infringement

**BOMBAY HIGH
COURT IMPOSES EXEM-
PLARY COSTS FOR
PHARMA TRADEMARK
INFRINGEMENT
PHARMACEUTICAL
PRODUCTS**

In Glenmark Pharmaceuticals Ltd. vs. Curetech Skincare and Anr., Mr. Justice Kathawalla of the Bombay High Court imposed costs of 1.5 crores against the defendant found to be ‘habitually’ committing trademark infringement of pharmaceutical products. The decision is significant for the quantum of damages awarded and the reasoning (or lack thereof) behind the award of exemplary costs.

Brief Background :- *The dispute concerns Mumbai-based generics manufacturer Glenmark, and its product Candid – B (an anti-fungal cream). The principal defendant is Galpha... [Read more](#)*