

Inside this Issue

<u>Mexico – Trademark law reform enters into force</u>	2
<u>USPTO Issues Updated PTAB Practice Guide for Post-grant Review Proceedings</u>	2
<u>EUIPO publishes 436 page survey on pre-Directive EU trade secrets protection</u>	3
<u>India: IPO publishes issues and suggestions from the latest stakeholder meeting</u>	3
<u>Strict examination criteria needed for drug patents</u>	4
<u>Patent Prosecution Highway: BPTO Regulates Agreement with Denmark for Granting of Patents</u>	4
<u>India Hosts Global Innovation Index Event</u>	5
<u>USPTO seeks public comments on draft 2018-2022 Strategic Plan</u>	5
<u>Chinese Super Trademarks—A Creative Strategy for Overseas IP Protection</u>	6
<u>Unified Patent Court: UK to be a member during Brexit transition</u>	6

1. Mexico – Trademark law reform enters into force

**THE MEXICAN
TRADEMARK LAW
REFORM CAME INTO
FORCE AS REPORTED
IN OUR PREVIOUS
POSTS, THE TM**

On August 10, the Mexican Trademark Law Reform came into force. As reported in our previous posts, the Trademark Reform brings a range of largely positive changes for brand owners, including:

- *protection of "non-traditional marks", namely holographic signs, sound and smell marks*
- *mandatory acceptance of consent letters and coexistence agreements*
- *refusals on descriptiveness/lack of distinctiveness may be overcome by arguing "secondary meaning" (acquired distinctiveness due to its use)*
- *oppositions will become binding and the Mexican Trademark Office (MTO) will be required to issue reasoned... [Read more](#)*

2. USPTO Issues Updated PTAB Practice Guide for Post-grant Review Proceedings

**U.S. PATENT AND
TRADEMARK OFFICE
ISSUED REVISIONS
TO ITS PATENT TRIAL
AND APPEAL BOARD
(PTAB) GUIDE**

On August 8th, the U.S. Patent and Trademark Office issued revisions to its Patent Trial and Appeal Board (PTAB) Guide (see "Trial Practice Guide Update"), first promulgated in 2012 as part of the Office's implementation of inter partes review (IPR), post-grant review (PGR), and covered business methods review (CBM) proceedings established under the Leahy-Smith America Invents Act (AIA). As discussed in an accompanying memorandum from USPTO Director Iancu, this update is part of the Office's plan to issue updates periodically, on section-by-section, rolling basis; the Director anticipates further future updates "to take into account feedback received from stakeholders, changes in... [Read more](#)

3. EUIPO publishes 436 page survey on pre-Directive EU trade secrets protection

**AIPPI, AMERIKAT,
BREACH OF CONFIDENCE,
EU TRADE SECRETS
DIRECTIVE,
EUIPO, GLOBAL
TRADE SECRETS**

The AmeriKat has been noticeably whiskers down in her day job over the past few months. But now, with the frenzy of a new Court term still several weeks away, she has taken the relatively quiet opportunity to review the much awaited publication of the EU IPO's report entitled "The Baseline of Trade Secrets Litigation in the EU". This report was commissioned by the EU IPO in order to prepare the future report that will assess what impact the EU Trade Secrets Directive has had (see previous Kat posts here). That report is to be published before 9 June 2021 (just think, 2021...what might be in store for us then?). The 436-page report covers all 28 Member States and addresses how each... [Read more](#)

4. India: IPO publishes issues and suggestions from the latest stakeholder meeting

**IPO PUBLISHES
ISSUES AND SUGGESTIONS
FROM THE LATEST
STAKEHOLDER
MEETING ON 03
AUGUST 2018 IN DELHI**

The Indian Patent Office (IPO) has published a list of issues and suggestions for improvement, collected during the last stakeholder meeting which took place on 03 August 2018 in New Delhi. The list contains 23 points raised for patents, 24 for trade marks, 3 for designs and copyrights. For each point, the IPO provides a response and - if applicable - describes the step which is planned to be taken by the IPO. In the area of patent information, the users wished for granted patents to be accompanied by the final set of claims (point 3). The stakeholders also pointed out the difficulty of tracking the progress of an opposition procedure and suggested that this information should also be include. [Read more](#)

5. Strict examination criteria needed for drug patents

THE PHARMACEUTICAL COMPANY FOR AN IMPORTANT HIV/AIDS DRUG THAT COMBINES LOPINAVIR AND RITONAVIR DID NOT FILE FOR PATENTS

Patent problem: *The Health Ministry is paying high prices for many crucial drugs while generic versions can be obtained at lower prices. THE PHARMACEUTICAL company for an important HIV/AIDS drug that combines Lopinavir and Ritonavir did not file for patents on the two base compounds in Malaysia. However, between 1999 and 2006, several secondary patents were filed on the compounds and granted by the Malaysian intellectual property office. The patents for Lopinavir and Ritonavir base compounds expired worldwide between 2014 and 2017 respectively. But unfortunately, the last secondary patent is due to expire in Malaysia in 2027. "All of these increase the patent life of the... [Read more](#)*

6. Patent Prosecution Highway: BPTO Regulates Agreement with Denmark for Granting of Patents

LATEST CHAPTER REGARDING THE PILOT PROJECT OF SHARED PRIORITY EXAMINATION, THE PPH, THE BRAZILIAN PATENT AND TRADEMARK OFFICE

In the latest chapter regarding the pilot project of shared priority examination, the Patent Prosecution Highway ("PPH"), the Brazilian Patent and Trademark Office ("BPTO") published in the Official Industrial Property Bulletin No. 2485, dated August 21, 2018, Resolution No. 223, which sets forth the regulation of the program signed with the Danish Patent and Trademark Office - DKPTO. Representing another major advance in the PPH project, as of September 1, 2018, when Resolution No. 223 comes into force, the applicant of a patent application in Brazil belonging to a patent family whose older application has been filed in the DKPTO may enjoy this benefit, provided that other requirements as described in the Resolution are complied with. [Read more](#)

7. India Hosts Global Innovation Index Event

WIPO, IN COLLABORATION WITH INDIA'S DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION AND THE CII, ORGANIZED ON AUGUST 8, 2018

WIPO, in collaboration with India's Department of Industrial Policy and Promotion and the Confederation of Indian Industry (CII), organized on August 8, 2018, an event on India's innovation drive, based on the country's climb in the recent [Global Innovation Index \(GII\)](#). The event (program PDF, Program GII 2018 Launch, India) "India: Marching Towards Innovation-Driven Economy", brought together over 100 participants from Government and the private sector to discuss the particular role of India in global innovation. A special address by WIPO Assistant Director General Naresh Prasad said the GII has become the premier reference for measuring a country's innovation performance, evolving into a valuable benchmarking tool that can facilitate public-private... [Read more](#)

8. USPTO seeks public comments on draft 2018-2022 Strategic Plan

UNITED STATES PATENT AND TRADE-MARK OFFICE SEEKS COMMENTS ON THE DRAFT 2018-2022 STRATEGIC PLAN

The United States Patent and Trademark Office (USPTO) seeks comments on the draft 2018-2022 Strategic Plan. The draft plan sets out the USPTO's mission-focused strategic goals: to optimize patent quality and timeliness; to optimize trademark quality and timeliness; and to provide domestic and global leadership to improve intellectual property (IP) policy, enforcement, and protection worldwide.

The USPTO welcomes comments on all aspects of the plan. Comments should be sent by email addressed to Strategicplanning1@uspto.gov (link sends e-mail). The USPTO will consider all comments received during the public comment period. [Read more](#)

9. Chinese Super Trademarks—A Creative Strategy for Overseas IP Protection

TO PROTECT YOUR IP IN CHINA, CONSIDER GOING BEYOND THE STANDARD TM REGISTRATION AND GETTING THE "SUPER TRADEMARK"

Enforcement of trademark rights in China is an ongoing issue faced by numerous corporations. Invalidating or canceling a trademark registration in the Chinese market is time-consuming and costly. The best way to defend your company's valuable intellectual property assets is to put in place as many protections as possible. If your company owns a creative design mark, consider going beyond the standard trademark registration and getting the "super trademark" by obtaining copyright registration for this artistic design element. The current trademark protection system in China can be frustrating. First, registration is mandatory to establish trademark rights as China is a "first to file" ... [Read more](#)

10. Unified Patent Court: UK to be a member during Brexit transition

UK GOVT. HAS REVEALED THAT A DEAL WAS STRUCK EARLIER THIS YEAR TO ENABLE THE UK TO PARTICIPATE IN THE NEW UPC SYSTEM..

The UK government has revealed that a deal was struck earlier this year to enable the UK to participate in the new Unified Patent Court (UPC) system during any Brexit implementation period that might apply. The deal, between UK and EU27 Brexit negotiators, was agreed in March, but its relevance to the UPC was subtly referenced in a new guidance document for life sciences companies published on Monday. The new UPC system, years in the planning but yet to become operational, foresees a Europe-wide court system to ensure that businesses have a streamlined process for enforcing patents through a single court where the patents are within the scope of the UPC – including new unitary patents. The UPC is to include central, regional and local divisi... [Read more](#)