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Advocates, Patent And Trademark Attorneys

NEWSLETTER SEPTEMBER 2023

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01. Global news media organizations seek revised AI copyright regulations

SERVICES LIKE OPENA-I'S, CHATGPT AND GOOGLE'S BARD A group of the world's biggest news media organizations in the U.S. and Europe called for revised regulations on the use of copyrighted material by makers of artificial intelligence (AI) technology, according to an open letter published on Wednesday. The note, signed by industry bodies like the News Media Alliance, which includes nearly 2,000 publications in the U.S., and the European Publishers' Council, batted for a framework enabling media companies to "collectively negotiate" with AI model operators regarding the operators' use of their intellectual property.....Read more

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02. Canada Proposes Patent Term Extension for IP Owners

CANADIAN PATENT WOULD RECEIVE THE ADDITIONAL TERM IF IT WAS GRANTED

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Owners of Canadian patents may receive some good news in the form of a patent term extension. For strategic Canadian patents in a patent owner's patent portfolio, such a patent term extension could provide significant value. The proposed extension recognizes that delays in patent application examination by the Canadian Intellectual Property Office (CIPO) may unintentionally penalize patent owners by shortening the length of time they may enforce a Canadian patent.

Current Canadian law provides a standard 20-year patent term, which begins on the filing date. According to a recent Consultation Document published by the CIPO, under this proposed patent term adjustment (PTA), "an additional term of protection could be granted to compensate for delays in the issuance of the patent..... Read more

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03. Philippines to move to cloud for IP registration services

WIPO HAD ALREADY GRANTED IPOPHL AC-CESS TO THE IPAS 4 TEST VERSION With the assistance of the World Intellectual Property Organization (WIPO), the Intellectual Property Office of the Philippines (IPOPHL) is considering moving its mission-critical IP registration services to the cloud in 2024 to streamline internal procedures and increase data management efficiency.

This was mentioned by Rowel S. Barba, the director general of IPOPHL, at a side event at the 64th General Assembly of WIPO, where the IP offices of Uganda and Norway also spoke about their respective digital transformation programs. Barba discussed the IP Administration System (IPAS) limits, pain spots, IPOPHL's experiences....Read more

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04. The Danish Patent and Trademark Office has Adjusted the Fees for Patents

Type of fee

2nd fee year

THE REQUEST FOR
PAYMENT OF PUBLICATION FEE IS MADE AFTER THE 30TH OF JUNE
2023

The Danish Patent and Trademark Office has made a price adjustment of publication and renewal fees for patents, including validated European patents. The fees have increased by approximately 3.9 percent. The adjustment was made on the 1st of July 2023*. Please find an overview of adjusted fees in the table below. The prices are in DKK.

Fees from the 1st of July 2023*

 Publication fee
 2.000
 2.075

 1st fee year
 500
 515

500

Fees before 1st of July 2023

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....<u>Read more</u>

515

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05.TIPO Publishes English Version of Patent Examination Guidelines, Part II, Chapter 1

PART II: SUBSTANTIVE
EXAMINATION FOR INVENTION PATENTS,
CHAPTER 1. WRITTEN DESCRIPTION, CLAIM, ABSTRACT & DRAWING

TIPO has released the English version of the "Patent Examination Guidelines, Part II: Substantive Examination for Invention Patents, Chapter 1. Written Description, Claim, Abstract and Drawing" to enhance the international IP community's understanding of Taiwan's patent examination process. Moreover, it functions as a helpful tool for foreign applicants, enabling them to assess whether their patent applications meet the requirements specified in said Guidelines.

To learn more about the "Patent Examination Guidelines, Part II: Substantive Examination for Invention Patents, Chapter 1. Written Description, Claim, Abstract and Drawing,"....Read more

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06. New guidance on trademark classification of emerging technologies

IP AUSTRALIA HAS OB-SERVED A SURGE IN TRADEMARK APPLICA-TIONS IP Australia have released new guidance on classification of emerging technologies in trademark applications. Here's where you can learn more. Like many global Intellectual Property (IP) Offices, IP Australia has observed a surge in trademark applications relating to:

- Virtual goods
- Metaverse
- Non-fungible tokens (NFTs)
- Blockchain.

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This guidance aims to clarify our practice relating to the classification of these emerging technologies in....Read more

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7. Pfizer, BioNTech challenge Moderna COVID-19 vaccine patents at US Patent Office

MODERNA IN THE LAWSUIT
ACCUSED PFIZER AND BIONTECH OF VIOLATING ITS
PATENT RIGHTS IN MESSENGER-RNA VACCINE
TECHNOLOGY

Pfizer (PFE.N) and BioNTech (22UAy.DE) asked a U.S. government tribunal on Monday to cancel patents on COVID-19 vaccine technology that rival Moderna (MRNA.O) has accused the companies of infringing. Pfizer and its German partner told the U.S. Patent Office's Patent Trial and Appeal Board that the two Moderna patents are "unimaginably broad" and cover a "basic idea that was known long before" their invention date of 2015.

Representatives for Moderna did not immediately respond to a request for comment on the filings.

Pfizer said in a statement on Monday that it and BioNTech's vaccine was "based on BioNTech's proprietary mRNA technology......<u>Read more</u>

The COVID-19 Technology Access Pool (C-TAP), a multi-stakeholder

partnership to facilitate sharing of intellectual property (IP), knowledge

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8. WHO initiative signs new licensing agreements on COVID-19 technologies

COVID-19 IS HERE TO STAY, AND THE WORLD WILL CONTINUE TO NEED TOOLS TO PREVENT IT, TEST FOR IT AND TREAT IT

and innovations has announced three new licensing agreements acquired through the Medicines Patent Pool (MPP). The agreements include the following licenses to transfer know-how, materials and clinical data needed in different countries: Medigen Vaccine Biologics Corp, the first private manufacturer, is offering its patent and know-how for a COVID-19 vaccine that has seen more than three million doses adminis-

tered across seven countries. It is the first time that a vaccine manufac-

turer is using the WHO C-TAP model - a win-win.....Read more

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9. UN Committee Urges Rich Countries To Waive Patents On Covid Vaccine

TO WAIVE CORONAVIRUS VACCINE PATENTS
AND SAID THEY VIOLATED A GUARANTEE
AGAINST RACIAL DISCRIMINATION

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A UN anti-racism committee on Thursday urged rich countries -- particularly Britain, Germany, Switzerland and the United States -- to waive coronavirus vaccine patents and said they violated a guarantee against racial discrimination. In June 2022, World Trade Organization member countries reached an agreement authorising developing nations to lift Covid-19 vaccine patents for five years, but further talks on the issue have stalled. The UN Committee on the Elimination of Racial Discrimination, a group of 18 independent human rights experts whose views are not binding, said the deal has not done enough to reduce disparities. According to the latest WHO data, 32 percent of the world's population has received at least one booster....Read more

10. More drugmakers are filing continuation patents that sideline generic competition

PHARMACEUTICAL IN-DUSTRY UNFAIRLY WINS MONOPOLIES ON MEDI-CINES

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Amid concerns that the pharmaceutical industry unfairly wins monopolies on medicines, a new analysis finds there has been a whopping 200% increase in patents filed by companies that made few substantive changes to their drugs during a 15-year period.

Pharmaceutical companies often file what are known as continuation patents in order to extend their window to thwart lower-cost generic competitors from reaching the market. But critics argue such patents can amount to inconsequential tweaks, which bolster bottom lines, but force the U.S. health care system to pay higher prices for medicines for extended periods....Read more

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11. PPH pilot program between the Japan Patent Office (JPO) and the National Institute of Industrial Property of Brazil (INPI)

INPI HAVE BEEN IM-PLEMENTING THE PA-TENT PROSECUTION HIGHWAY PILOT PRO-GRAM The Japan Patent Office (JPO) and the National Institute of Industrial Property of Brazil (INPI) have been implementing the Patent Prosecution Highway pilot program since April 2017. On November 9, 2021, the two Offices agreed to renew the program to extend the pilot period until November 30, 2026. The period may be further extended as necessary.

INPI stopped accepting PPH requests for 2023

The INPI now no longer accepts PPH requests because it has already accepted the maximum number for 2023 both under the normal PPH and the PCT-PPH. Details are available on the INPI's PPH.... Read more

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12. New Feature on IPKM – Reference Sign(s) of the Drawing(s) for Documents of Taiwanese Invention and Utility Model Patent

HOPEFULLY HELP US-ERS BETTER GRASP THE RELATIONSHIP BETWEEN REFERENCE SIGN(S) OF THE DRAWING(S) TIPO used text recognition technology to build a new function on IPKM that allows users to browse reference sign(s) of the drawing(s) for documents of Taiwanese invention and utility model patent. This will hopefully help users better grasp the relationship between reference sign(s) of the drawing(s) and description when perusing patent documents. A pilot test of the new feature is currently available to the public.

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Main functions include:

1. Side-by-side comparison: Clicking on a drawing will display the patent document and the drawing in a dual-column view....Read more

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13.No Copyright Protection for Works Created Solely by AI, DC Federal District Court Holds

THIS DECISION COMES
AFTER THE GUIDANCE
PUBLISHED BY THE
COPYRIGHT OFFICE IN
MARCH 2023

On August 18, 2023, the US District Court for the District of Columbia held that the US Copyright Office did not abuse its discretion in determining that works generated entirely by artificial intelligence (AI) systems are ineligible for US copyright protection. The court's opinion affirms the Copyright Office's longstanding position that under the US Copyright Law, human authorship is a requirement for material to be eligible for copyright protection. This decision comes after the guidance published by the Copyright Office in March 2023 regarding the preparation of applications for copyright registration for works that contain material generated using AI technology.....Read more

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14. Version 2.5.1 (New List of Goods and Services) of the Electronic Application System Released, Updates Must be Installed by August 14, 2023

AUTOMATIC UPDATES FOR HTML2PDF AND E-SET PROGRAMS BE-TWEEN AUGUST 1 AND AUGUST 14, 2023

Electronic Application System" for more information. The updated electronic application system employs HTML2PDF/WORD add-ons & E-SET. Users are reminded to execute the automatic updates for HTML2PDF & E-SET programs between Aug. 1 & Aug. 14, 2023. Alternatively, users can download & install the latest HTML2PDF/WORD add-ons v.2.5.1 & E

-SET v.2.5.1 from TIPONet under "01 Case Appl'n." Version 2.5.0 of both

In response to certain amendments to the list of goods and services,

TIPO has released the latest version of the electronic application system

on August 1, 2023. Please refer to the appendix titled "Updates to the

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programs....<u>Read more</u>