

IPRIA International Developments in IP

Update April 2006

Welcome to the IPRIA **International Developments in IP** Bulletin for April 2006. The following is a summary of some of the featured updates on the website. The page can be viewed in full at http://www.ipria.org/developments_in_ip/intdev/index.html

WORLD INTELLECTUAL PROPERTY ORGANISATION (WIPO)

WIPO reports a busy year for 2005

WIPO administered a significant number of accessions or ratifications to treaties in **2005**. Forty-five instruments of accession or ratification of treaties administered by WIPO were deposited with the Director General of WIPO. In addition, **April 2005** saw the entry into force of a new international instrument - the Patent Law Treaty (PLT) - which applies to formal patent procedures. In 2005, there was also an increase in the membership of the WIPO Performances and Phonograms Treaty (WPPT) with the deposit of 7 new instruments of accession and ratification. The WIPO Copyright Treaty (WCT) registered a similar increase with 6 new instruments deposited with the Director General of WIPO. The WPPT and WCT establish minimum standards of protection for owners of protected materials on the Internet.

http://www.wipo.int/edocs/prdocs/en/2006/wipo_upd_2006_264.html

Progress made in discussions for a WIPO development agenda

In **February 2006**, WIPO reported that discussions on establishing a WIPO development agenda have moved forward. Member states have agreed to structure their future work under six main themes. These are: technical assistance and capacity building; norm-setting, flexibilities, public policy and public domain; technology transfer, information and communication technology and access to knowledge; assessments, evaluation and impact studies; institutional matters including mandate and governance; and 'other issues'.

http://www.wipo.int/edocs/prdocs/en/2006/wipo_upd_2006_267.html

PATENTS

WIPO reports exceptional growth from North East Asia in record year for international patent filings. In a record year for international patent filings, 2005 saw over 134,000 applications of WIPO's Patent Cooperation Treaty (PCT) filed, representing a 9.4% increase from 2004. In 2005, the five top users of the international patent system remained unchanged: United States of America, Japan, Germany, France and the United Kingdom. And, for the second year running, the most impressive rates of growth came from North East Asia – namely, Japan, the Republic of Korea and China, which between them accounted for 24.1% of all international applications. The Republic of Korea overtook the Netherlands as the 6th biggest user of the PCT and China dislodged Canada, Italy and Australia to take 10th position. According to WIPO, "The rate of growth from Japan, Republic of Korea and China continues to be exceptional, reflecting the rapidly expanding technological strength of those countries. Since 2000, the number of applications from Japan, Republic of Korea, and China, has risen by 162%, 200% and 212%, respectively."

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_436.html

WIPO announces improvements to its online patent database

WIPO has announced improvements to its online patent database, PatentScope, so as to make PCT data more complete, usable, and searchable. The upgrade went live on 6 April 2006.

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_443.html.

TRADEMARKS

WIPO adopts a new treaty on the Law of Trademarks

On 28 March 2006, WIPO adopted the Singapore Treaty on the Law of Trademarks to facilitate international trademark registration. The new treaty concludes efforts by WIPO's member states to update the 1994 Trademark Law Treaty and bring it in line with the technological developments of the past decade. Dealing for the most part with procedural aspects of trademark registration and licensing, the Treaty provides a regulatory framework for brand rights. According to WIPO, "[The] Treaty recognizes developments in the branded goods industry and marks a new approach to securing investment in product differentiation."

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_442.html

WIPO reports record number of international trademark applications in 2005

A record 33,565 international trademark applications were received in 2005 by WIPO under the Madrid system for the international registration of trademarks. This represents a 13.9% increase from 2004 figures. Germany, for the 13th consecutive year, led the list of top filers. Applications from developing countries increased by 30.6% from 2004, with China topping the list of users. China also unseated Switzerland as the most designated country in international trademark applications. The top eight countries with the most international trademark applications received by WIPO in 2005 were: Germany (5,802 or 17.3% of the total), followed France (10.4%), the United States of America (8.5%), Benelux (7.2%), Italy (7.0%), Switzerland (6.7%), the European Community (5.5%) and China (4.0%). In 2005, Australia had an increase of 24.7% in international trademark applications under the Madrid system.

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_437.html

WIPO launches new on-line service for renewal of international trademark registrations

In **April 2006**, WIPO launched a new "e-renewal" service that allows applicants to renew international trademark registrations up to six months before the date on which the payment of the renewal fee is due. WIPO will continue to receive requests for renewal of international applications on paper for trademark owners that wish to continue to do so.

<http://www.wipo.int/madrid/en/notices/>

DOMAIN NAMES

WIPO reports increase in the number of cybersquatting cases filed in 2005

In **2005**, a total of 1,456 cybersquatting (abusive registration of trademarks as domain names) cases were filed with WIPO's Arbitration and Mediation Center. This represents an increase of 20%, and is the highest number of cybersquatting cases handled by the WIPO Center since 2001. While most cases are filed by parties based in the United States of America or Europe (including, increasingly, in Eastern European countries), cases in 2005 were filed by parties from Antigua and Barbuda, Argentina, Bahamas, Barbados, Brazil, China, Honduras, Israel, Japan, Mexico, Morocco, Qatar, Senegal, South Africa, Tanzania, United Arab Emirates and Venezuela. Disputes are decided by independent panelists drawn from the Center's list of 400 trademark specialists from over 50 countries. The domain name in question is suspended during the proceedings. After reviewing each case, panelists submit their decisions within a period of about 14 days.

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_435.html

WIPO CONFERENCES, MEETINGS AND SEMINARS RECENTLY HELD

Informal Session of the Standing Committee on the Law of Patents (SCP): April 10 to April 12 2006, Geneva, Switzerland

Member states emphasised their support for the continuation of the work of the SCP, and concluded that it was premature to establish a work program for the SCP at this stage. They decided to refer the matter to the WIPO General Assembly at its meeting in **September 2006**.

For the 'Draft Agenda' and 'Future Work Program for the SCP', click here

http://www.wipo.int/meetings/en/details.jsp?meeting_id=9962

Open Forum on the Draft Substantive Patent Law Treaty: March 1 to March 3 2006: Geneva, Switzerland

For the program, and list of participants, click here

http://www.wipo.int/meetings/en/details.jsp?meeting_id=9763

Provisional Committee on Proposals Related to a WIPO Development Agenda: February 20 to February 24 2006: Geneva, Switzerland

For the 'Draft Agenda', 'Summary by the Chair', and various proposals, click here

http://www.wipo.int/meetings/en/details.jsp?meeting_id=9643

UPCOMING WIPO CONFERENCES, MEETINGS AND SEMINARS

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore: Ninth Session: April 24 to April 28 2006, Geneva Switzerland.

Among other WIPO documents, 'The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles', and 'Practical means of Giving Effect to the International Dimension of the Committee's Work' will be discussed.

Standing Committee on Copyright and Related Rights: Fourteenth Session: May 1 to May 5 2006, Geneva Switzerland.

Among other WIPO documents, 'Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations Including Non-Mandatory Appendix on the Protection in Relation to Webcasting', and 'Working Paper for the Preparation of the Basic Proposal for a Treaty on the Protection of Broadcasting Organizations' will be discussed.

PCT Union – Working Group on Reform of the Patent Cooperation Treaty (PCT): Eighth Session: May 8 to May 12 2006, Geneva Switzerland.

Among other WIPO documents 'Minimum Requirements for International Searching and Preliminary Examining Authorities' will be discussed.

Advisory Committee on Enforcement: Third Session: May 15 to May 17, 2006: Geneva Switzerland

'Draft Agenda' will be discussed.

For further information on all upcoming WIPO conferences, meetings and seminars; and to access the aforementioned WIPO documents, click here <http://www.wipo.int/meetings/en/index.jsp>

EUROPEAN UNION

COPYRIGHT AND RELATED RIGHTS

Copyright issues remain regarding European Digital Library plan

In **March 2006**, the European Commissions' European Digital Library proposal received strong support following an extensive online consultation with a variety of stakeholders. The majority of libraries, archives and museums, publishers and right holders, and universities/academics who replied generally welcomed the initiative. However, opinions are divided on copyright issues, in particular between cultural institutions and right holders. Under the proposal, at least six million books, documents and other cultural works will be made available to anyone with a Web connection over the next five years. Before the end of the year, a Commission Communication on "Content Online" will address the issue of the appropriate framework for intellectual property rights protection in the context of digital libraries. By the end of 2006, the Commission expects the proposal should encompass full collaboration among the national libraries in the EU.

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/253&format=HTML&aged=0&language=EN&guiLanguage=en>

PATENTS

European Parliament votes against mutual recognition of patents by the EU Member States

On **15 March 2006**, a majority of the European Parliament voted against calling on the European Commission for a legislative proposal to stipulate the mutual recognition of national patents by the 25 member states of the EU. The proposal was included as part of a resolution on the EU's Lisbon Agenda for innovation and economic policy. The Foundation for a Free Information Infrastructure and NoSoftwarePatents.com campaign lobbied MEPs to vote against the related passage of a proposed resolution, stressing that the mutual recognition of national patents "would result in a flood of patent suits all over Europe, lower quality standards, and ever more software patents".

<http://wiki.ffii.de/MutualRecognition060315En>

COMMUNITY TRADE MARKS AND COMMUNITY DESIGNS

OHIM reports increase in Community Trade Mark and Community Design applications filed in 2005

There was a considerable increase in the number of Community Trade Mark (CTM) and Community Design (CD) applications filed in 2005, compared with the previous year. According to the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), more than 64,000 CTM applications were filed, including 5,814 applications received through the Madrid Protocol. The total figure is 10% more than the CTM applications received in 2004. Electronically filed applications represented 29% of the total amount, a significant increase following a fee reduction in the final quarter of 2005. There were also 59,757 CTMs registered, and 60,570 registration certificates issued. CD applications, and the number of CDs examined, also increased in 2005, both by 18% compared with the previous year. Though still short of targets established by the OHIM, there was an also improvement in 2005 regarding the time taken for many of the processes in CTM and CD registration, and the average time for the Boards of Appeal to decide a case.

http://oami.eu.int/en/office/pdf/OHIM_Production_Highlight_2005.pdf