

RECENT IP UPDATES

ALGERIA:

Joins the Madrid Protocol.

Algeria has acceded to the Madrid Protocol for the International Registration of Marks. On July 31, 2015, the Government of the People's Democratic Republic of Algeria deposited with the Director General of WIPO its instrument of accession to the Madrid Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

The Protocol will enter into force with respect to Algeria on October 31, 2015.

ASIA - PACIFIC:

TPP: Trans-pacific partnership with intellectual property provisions affecting Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the US and Vietnam .

On October 4th, 2015, Ministers of the mentioned 12 countries signed this agreement which, among other things, intends to create a platform for regional economic integration, reduce barriers and facilitate the development of production and supply chains.

Chapter 18 of the TPP Agreement contains provisions on IP rights. It implements a number of measures that are aimed at providing a more robust protection for intellectual property rights as well as to promote cooperation between its members in relation to the protection and enforcement of throughout the region.

AUSTRALIA:

Resolution on Isolated nucleic acid sequences.

The High Court of Australia in the Myriad Genetics appeal has decided that an isolated nucleic acid sequence, coding for a BRCA1 protein, with specific variations from the norm that are indicative of susceptibility to breast cancer and ovarian cancer, is not a patentable invention within the meaning of the Australian Patents Act.

CAMBODIA - TAIWAN:

Re-registration of Singapore patents in Cambodia.

As a consequence of the agreement between the Intellectual Property Office of Singapore and the Cambodian Ministry of Industry, owners of granted Singaporean patents can now re-register their patents in Cambodia.

CHINA:

Reduction of certain IP official fees.

China announced the reduction of certain administrative fees related to IP matters. In particular, fees for filing a TM application, for designation over 10 items of goods or services per class as well as the filing fee for each additional item.

Also, fees for Computer software copyright registration as well as the new plant variety annuities after the sixth year enjoy certain reduction.

COLOMBIA:

Recently implemented procedural changes.

The Colombian Patent Office is now conducting a review of patent applications shortly after they are filed, in order to verify if the application contains claims not allowed under their legislation - i.e.: method claims, second uses, Suisse type claims and others.

If they find that the application contains evident unacceptable claims, they are issuing an Official Action requesting the applicant to amend such claims, giving the applicant the chance to modify the claiming chapter by deleting those claims not allowed - without the payment of voluntary modification. Likewise, when recording the answer to the official action, applicant is allowed to pay the respective official taxes for the exceeding claims.

EUROPE:

EU Trademark reform.

The European Parliament, European Council and European Commission have reached an agreement in relation to a new European Union trade mark reform package, which represent the most substantial change to EU trade mark law since the Community Trade Mark was introduced

These changes are aimed at providing a simpler registration system, with reduced fees for new applications and renewals, as well as more robust powers for TM owners to prevent the entering and circulation of counterfeit goods within the European Union. The new provisions should start to come into effect in the second quarter of 2016 and will then have to be transposed into national law in a period of three years.

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GAMBIA:

Accession to the Madrid Protocol.

The Government of The Gambia deposited with the Director General of WIPO its instrument of accession to the Madrid Protocol.

The Madrid Protocol will enter into force, with respect to The Gambia, on December 18, 2015.

INDIA:

New Computer related invention Guidelines.

The Indian Patent Office has released its Guidelines for Examination of Computer Related Inventions with the purpose of providing a more uniform and consistent guidelines for the examination of patent applications in this field. The guidelines are available in English on the IPO's website.

The following may be highlighted: "a mathematical or business method or a computer program per se or algorithms" is not patentable. Some guidance has been provided for the interpretation of this section: "For being considered patentable, the subject matter should involve either: (a) a novel hardware, or (b) a novel hardware with a novel computer program, or (c) a novel computer program with a known hardware, which goes beyond the normal interaction with such hardware and affects a change in the functionality and/or performance of the existing hardware". "A computer program, when running on or loaded into a computer, going beyond the "normal" physical interactions between the software and the hardware on which it is run, and is capable of bringing further technical effect may not be considered as exclusion under these provisions".

ISRAEL:

New Designs Bill.

On July 13, 2015, a new Designs Bill passed its first reading in the Israeli Parliament - the Knesset.

The new Designs Law still needs to be enacted but it is intended to provide a new definition for "product" encompassing graphic symbols and typographic typefaces, set forth international novelty (compared to the current local novelty), confer protection to unregistered designs, establish a grace period and set forth some provisions for Israel's accession to The Hague Agreement.

JAPAN:

Geographical indication protection in Japan.

Pursuant to a direction of the Ministry of Agriculture of Japan (MAFF), protection for geographical indications is now possible in Japan.

It is aimed at protecting the name of regional brand products with high quality and reputation obtained through a singular production process and natural characteristics. So far, geographical indications were protected through the Regional Collective Trademark System under Japanese trademark law.

KUWAIT:

Increase in official fees.

The Ministry of Commerce and Industry, Patents and Trademarks in Kuwait has verbally announced that the official fees for trademarks registration will be substantially.

New fees are expected to be applicable for all new applications filed after December 21, 2015 although it may also be retroactively applied for pending trademark applications regarding their publication and registration.

SPAIN:

Amendment of Criminal Code affecting changes to crimes related to Intellectual Property Rights.

Changes in the Criminal Code in Spain are effective as of July 1st, 2015. These changes are aimed at broadening the scope of criminal offences against IP rights, affecting, in particular, fight against counterfeiters and street sellers.

THAILAND:

Stricter time limits to submit formal documents.

Effective July 2015, the Thailand Patent Office is requiring to submit the following documents within 90 days from the filing date: PoA, Assignment document and, if applicable, a Statement of Applicant's Right to Apply for a Patent.

Previously, applicants were allowed to file two 90-day extension requests, followed by a final 30-day extension request for submitting such documents.