



**International Association for the Protection of Intellectual Property**

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**AIPPI Bureau**

## Contents

**[AIPPI e-News' first Anniversary – résumé of a successful first year and update on activities](#)**

We have reached a milestone in the first anniversary edition of our e-News. The proposal of our Editorial Advisory Committee (Q197), ably led by Esmé du Plessis, and which was adopted by the Bureau, seems to have been fully justified and we have been able to increase the amount of information we publish and also the frequency of publication, while also widening the contributions to keep as up-to-date as possible with significant IP issues. Various innovations we are making are steadily improving our interaction with members and are rolling out further changes soon.

*(Article by Michael Brunner, Secretary General of AIPPI)*

**[Meeting with EU Commission, 3 March 2009, Brussels](#)**

On 3 March, an AIPPI delegation had the opportunity to meet with Ms. M. Fröhlinger (Director IP in DG Market) and Dr. J. Gaster (Principal Administrator IP) of the EU Commission in Brussels. This meeting was intended to pick up the discussions which were initiated two years ago and concerned the latest developments in IP on the European level and also future plans of the Commission and the possible support which AIPPI can provide for certain projects and issues. The meeting was very welcome by Ms. Fröhlinger and should be followed up in due course by intensified contacts.

*(Report by Jochen Bühling, Reporter General of AIPPI)*

**AIPPI Committees**

**[Special Committee Q132 – Amicus Brief for submission to the EPO](#)**

Special Committee Q132 drafted an Amicus Curiae Brief for submission to the Enlarged Board of Appeal of the European Patent Office before the end of April regarding the case G3/08 on the patentability of computer programmes (see AIPPI e-News Nr. 5).

The Amicus Brief reflects the resolutions and report already adopted by AIPPI, i.e. resolution Q133 (1997), resolution Q158 (2001) and the 2006 report of Special Committee Q132.

*(Report by José Antonio B.L. Faria Correa, Chair of Q132 and Laurent Thibon, Secretary of Q132)*

**Forthcoming Events**

**[Central and Eastern European Seminar on IP](#)**

**[Five years after EU enlargement, 27-28 April 2009, Warsaw](#)**

AIPPI invites all IP experts to a seminar on IP issues arising in Central and Eastern Europe. The seminar will be organised with special support of WIPO and the Polish, Ukrainian and German National Groups of AIPPI who organise jointly each spring since 1999 meetings devoted to the current issues in IP. It will be held shortly after the 90th birthday celebration of the Polish Patent Office in the National Library in Warsaw. The two days event will be divided into two parts: the first day will treat among others the current issues of copyright and trademark in EU, and the second day will be specifically devoted to the perspectives of patent system in Europe.

Detailed information as well as the preliminary programme are available at the AIPPI website [www.aippi.org](http://www.aippi.org) under "upcoming events".

**[AIPPI Baltic Conference, 2–5 September 2009, Tallinn](#)**

The Estonian Group of AIPPI invites to attend the AIPPI Baltic Conference 2009 held on 2-5 September 2009 at the Nordic Hotel Forum in Tallinn, Estonia.

This year, the AIPPI Baltic Conference is also dedicated to the European Year of Creativity and Innovation, providing opportunities for all – AIPPI members, non-members, the newcomers and those skilled in matters of intellectual property – to exchange their latest experiences in intellectual property work and to draw inspiration on how to stimulate and enhance the capacity for creativity and innovation in an environment in which intellectual property is respected and protected.

*(Article by Urmas Kauler, President of AIPPI Estonia)*

**[AIPPI Forum & ExCo, 11-14 October 2009, Buenos Aires](#)**

Detailed information on the meeting as well as the preliminary programme are available at the meetings website [www.aippi.net](http://www.aippi.net). Online registration will open shortly.

If you are interested in sponsorship for the AIPPI Forum & ExCo in Buenos Aires please access our Sponsorship Prospectus with all information and conditions [here](#).

## National Groups

### **AIPPI Forum & ExCo 2009 – Women in IP Lunch**

Further to the successful Breakfast Roundtable "Women in IP Law" organised last September in Boston during the 41th World Congress, many lady members of the Association expressed their wish to have similar opportunities to meet, discuss and network at AIPPI meetings.

Specific ladies-only events have not been held regularly within our Association, but now an entire lunch time has been arranged to discuss whether and how to organise ladies only events at future AIPPI meetings and what topics/issues are of particular interest to the ladies.

Ladies, attending either Forum or ExCo, are warmly invited to join the lunch, to bring their ideas on this project, to share and discuss such ideas, to give input for possible future programmes and to enjoy some time with their female colleagues.

Don't miss this opportunity!

*(Renata Righetti, Assistant to the Secretary General of AIPPI and Nicola Dagg, Assistant to the Reporter General of AIPPI)*

For further information on IP Meetings please refer to the [AIPPI Master Calendar of IP Events](#).

### **XXIV Symposium on Industrial & Intellectual Property, 17 – 18 February 2009, Madrid**

The XXIV Symposium on Industrial and Intellectual Property of the Spanish Group of AIPPI was held in Madrid on 17 and 18 February 2009.

The working conferences, which reached an attendance of 190 professionals, focused on the latest and future developments in the field of industrial and intellectual property. The session was opened by the Director General of the Spanish Patent and Trademark Office, Mr. Alberto Casado.

*(Report by the Spanish Group of AIPPI)*

### **AIPPI Australia Question Forum, 31 March 2009**

On 31 March 2009, a group of enthusiastic IP professionals met via video conferencing facilities in Sydney and Melbourne to discuss the Australian responses to the Questions to be considered in Buenos Aires in October 2009 at the ExCo and Forum.

*(Report by Carolyn Harris, Member of the Communications Committee of AIPPI, Member of the Executive Committee of AIPPI Australia)*

### **Patent Cooperation Treaty:**

#### **Peru joins the PCT**

On 11 January 2009, the Peruvian Ministry of Foreign Affairs enacted Supreme Decree No. 003-2009-RE, ratifying Peru's accession to the PCT. After Peru deposited its instrument of accession at WIPO, on 6 March 2009, it became the 141st Contracting Party of the PCT. This Treaty will enter into force in Peru on 6 June 2009, as confirmed by a note appeared in the Peruvian Official Gazette, International Agreements Section, on 3 April 2009.

*(Report by Renzo Scavia R., Scavia & Zúñiga Abogados, Lima, Peru)*

#### **Chile's support of the PCT**

Next June 2, 2009, the Patent Cooperation Treaty will become fully valid. As of that date, the National Institute of Industrial Property (INAPI, from the Spanish name) will be authorised to receive international PCT patent applications and, therefore, may also receive national phase PCT applications when appropriate.

*(Report by Andrés Melossi, President of AIPPI Chile)*

#### **An evaluation of the PCT system**

The Director General of WIPO, Dr. Francis Gurry, invited representatives of a number of user organisations which are commonly represented at PCT meetings, to discuss on 2 March 2009 "The Future of the PCT". Different NGO's such as AIPPI, FCPI, AIPLA, ASIPI, APPA, BUSINESS EUROPE EPI, FICPI and companies participated during a one day discussion about how the PCT can be used more efficiently.

*(Report by Martín Michaus, Member of the Communications Committee of AIPPI)*

## Articles and notes

### **China-Taiwan — Software and business method inventions from China & Taiwan's perspective**

An invention, as indicated in China's Patent Law, means "any new technical solution relating to a product, a process or improvement thereof." To constitute a complete technical solution, an invention must pass a 3-pronged test, namely: to solve a technical problem by a technical measure to produce a technical effect. Algorithms and business methods are generally deemed not able to satisfy the 3-pronged test, and therefore, they are non-patentable "rules and methods of mental activities," which do not constitute patentable subject matter. However, they are not absolutely non-patentable as long as the contents of a claim include not only rules and methods for mental activities, but also technical features.

*(Report by Candy K.Y. Chen and Crystal J. Chen, Tsai, Lee & Chen, Taipei, China-Taiwan)*

### **Italy — Human embryos: no – Human stem cells: yes. EPO vs. USPTO**

A short comment on the EPO Enlarged Board of Appeal G2/2006 Decision is provided, with a specific emphasis to provisions relevant to the patentability of stem cells.

*(Report by Olga Capasso, De Simone & Partners SpA, Rome, Italy)*

### **Turkey — The Turkish Patent Institute accepts colour per se registrable as a trade mark in Turkey**

The Turkish Patent Institute accepted the trademark application filed for the abstract single lilac colour, which is used in connection with "MLKA" products in the name of "Kraft Foods" (Kraft). The trademark application

was extended to Turkey by an international registration filed through the Madrid Protocol. The Turkish Patent Institute accepted our arguments filed on behalf of "Kraft" in that the lilac single colour is well known through the extensive use both in Turkey and worldwide, that the lilac single colour enjoys a significant awareness in Turkey. As no opposition has been filed in the opposition period the application for the lilac colour has matured into registration without further obstacle.

*(Okan Can, Deris Patents & Trademarks Agency and Deris Law Firm, Istanbul, Turkey)*

### **Turkey — The critical amendments in Turkish trademark legislation**

A deep gap appeared in Turkish trademark legislation as a consequence of the decisions of the Supreme Court dated 3 January 2008. The decisions No. 2005/15 E and 2008/2 K stated that the provision (b) of the first paragraph, (b) of the second paragraph and (a) and (c) of Article No. 61 of the Decree Law on Marks No. 556 were to be cancelled. The basis of these decisions was the cancelled provisions being contrary to the Constitution of the Republic of Turkey. So, a problem was faced as these decisions of the Supreme Court came into force on 5 January 2009. This gap could not be closed until 28 January 2009 when the Law No. 5833 came into force which indicates the amendment to be done in the Decree Law on Protection of Trademarks.

*(Report by Isilay S. Cengiz, Grup Ofis Patents & Trademarks, Ankara, Turkey)*

## **Feedback**

Any comments you have as members are invited and welcomed. Please let us have your input on this e-News or on anything relating to AIPPI by e-mail to [enews@aippi.org](mailto:enews@aippi.org).

## **Your contribution please!**

Readers of this e-News are encouraged to provide us with their contributions for our future editions. Articles should comply with our current [editorial policy and guidelines](#).

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