

Standing Committee on

**Designs**

2016



Date: 5th September 2016

## REPORT Standing Committee on Designs

Chair: Christopher CARANI  
Responsible Reporter: Anne Marie Verschuur

1) Report on the activities of your Standing Committee during the reporting period

Please provide a general overview of the activities of your Standing Committee over the last 12 months, but please include at least:

a) meetings of the Standing Committee during the reporting period

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The Designs Committee met during the 2015 AIPPI World Congress in Rio de Janeiro, Brazil. The Designs Committee also conducted meetings via teleconference. The Designs Committee will meet again during the 2016 AIPPI World Congress in Milan, Italy.

Designs Committee members Lili Wu, Sara Ashby and Christopher V. Carani presented as panelists at the 2015 AIPPI World Congress in Rio de Janeiro, Brazil. The title of the presentation was "Industrial Designs: Form Over Function?".

b) any external representation on behalf of AIPPI by any member of your Standing Committee

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The Designs Committee Chair Christopher V. Carani represented AIPPI at the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications in Geneva at WIPO from April 25 to 27, 2016. This session marked the 35th convergence of the SCT.

The Designs Committee Chair Christopher V. Carani represented AIPPI at the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs in Geneva at WIPO from December 14 to 16, 2015. This session marked the 5<sup>th</sup> convergence of this Working Group.

The Designs Committee Chair Christopher V. Carani represented AIPPI at the Working Group on the Legal Development of the Hague System for the International Registration of Industrial Designs in Geneva at WIPO from June 20 to 21, 2016. This session marked the 6<sup>th</sup> convergence of this Working Group.

The Designs Committee Co-Chair Ruth Almaraz represented AIPPI at the Third Working Group meeting for OHIM's CP07 Harmonisation of Product Indications project on January 27-28, 2016 in Alicante, Spain.

The Designs Committee Co-Chair Ruth Almaraz represented AIPPI at the Second Working Group meeting for OHIM's CP07 Harmonisation of Product Indications project on September 11, 2015 in Alicante, Spain.

A group of AIPPI members, including Designs Committee Co-Chair Ruth Almaraz, attended a bilateral meeting at EUIPO premises on May 10, 2016 to discuss (among others) the best formats to record desing mark depictions.

- c) any contribution by your Standing Committee to any external consultations
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In February of 2016, the Designs Committee submitted comments to the OHIM-Consultation on WP2 2016 draft guidelines.

- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s)
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The Designs Committee is currently studying the Questionnaire reponses to the design study question that will be presented at the 2016 AIPPI World Congress in Milan, Italy.

- e) involvement of your Standing Committee in any other activities of AIPPI, eg Panel Sessions, contribution to Study Guidelines, etc
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The Designs Committee assisted in the creation of the Questionnaire and Study Guidelines used for the design question that is being studied at the 2016 AIPPI World Congress in Milan, Italy.

Designs Committee members Wayne Slater, Reinhard Oertli and Christopher V. Carani participated as both organizers/speakers at the joint AIPPI-INTA Conference entitled "Designs - Into the Future: Leveraging the Value of Design Rights as Key Protection & Enforcement Tools" which took place in Singapore in February 2016.

- f) any other relevant activities
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*not responded*

- 2) Key issues/developments relevant to the Terms of Reference of your Standing Committee during the reporting period

Please include a short summary of any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally

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The Designs Committee is focused on bringing a successful resolution to the design question that is being studied at the 2016 AIPPI World Congress in Milan, Italy.

- 3) Any recommendation for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames. For example, please include:

- a) any recommendation for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives
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Monitor outcome of Apple v. Samsung case in the United States; the design matter will be argued before the United States Supreme Court on October 11, 2016. The case marks the first time the United States Supreme Court has heard a design patent case in over 130 years.

- b) any other recommendation(s) for AIPPI involvement/action
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*not responded*

- 4) Outline of the work programme of your Standing Committee for the next 12 months
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Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames

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- In conjunction with 2016 World Congress in Milan, conduct comparative analyses of the impact the issue of functionality has on issues of validity and scope of protection
- Monitor impacts of accession of new countries to the The Hague System for the International Registration of Industrial Designs, which provides applicants the ability to register up to 100 designs in over 64 territories through the filing of one single international application
- Monitor and contribute input to the the Design Law Treaty, which is a treaty currently being negotiated at the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications ("SCT")
- Continue discussion and debate regarding harmonization of design rights
- Giving general comments and opinions about design cases in different countries amongst committee members (whenever the decisions and judgments are given)
- Attending WIPO sessions about designs (when held)
- Organizing internal committee meetings within the annual congresses of AIPPI (every year)
- Quarterly teleconferences.

## Names and Functions of Committee Members

Chair	Christopher CARANI	United States of America
Co Chair(s)	Ruth ALMARAZ PALMERO	Spain
Secretary	Sara ASHBY	United Kingdom
Members	Cristiano BACCHINI	Italy
	Curtis BEHMANN	Canada
	Klaudia BLACH - MORYSINSKA	Poland
	Subroto BOSE	United States
	Pina CAMPAGNA	United States
	Fernand DE VISSCHER	Belgium
	Aysu DERICIOGLU EGEMEN	Turkey
	Octavio ESPEJO	Mexico
	Mario FRANZOSI	Italy
	Lucas Martins GAIARSA	Brazil
	Qing GE	China
	Arnout GROEN	Netherlands
	Michiel HAEGENS	Netherlands
	Jens KÜNZEL	Germany
	Mattias MALMSTEDT	Sweden
	Kazuko MATSUO	Japan
	Markus MATTILA	Finland
	Saulo MURARI CALAZANS	Brazil
	Reinhard OERTLI	Switzerland
	Iván POLI	Argentina
Wayne SLATER	Australia	
Simon STRÄSSLE	Switzerland	
Lili WU	China	
Robert WULFF	Australia	
Irmak YALCINER	Turkey	