Carlo Maria Faggioni welcomed attendees to Milan yesterday at the Opening Ceremony. He noted that the last time the Congress was in Italy was 1969, in Venice. One person in the crowd even said there were there. “A lot has changed since then,” Faggioni noted.

Francis Gurry, WIPO’s Director General, gave a speech noting that AIPPI and WIPO (and its predecessor organisations) have been linked from the very start of AIPPI’s 120-year history. Gurry identified a number of challenges for the IP system. “The first one arises as a consequence of the success of intellectual property; it is in some respects a victim of its success,” he said. “Our first challenge, which is a challenge and opportunity, is managing the demand and managing it in such a way as to have a simple, cost effective intellectual property system that delivers quality outcomes.”

A second challenge concerns copyright and the creative industries, with one survey estimating the value of creative industries worldwide as greater than the GDP of India. “We have a real challenge in the creative industries of trying to identify exactly where the value resides in the value chains that arise out of the new business models for the production and distribution of music, films, literature, video games and other creative content,” said Gurry.

He noted a third challenge “really concerns two things that are inevitable but in many ways irreconcilable – that is, managing the tension on the one hand of globalization and on the other diversity.”

He said a fourth challenge is the maintenance of coherence in a multi-speed and multi-layered world, with parties pursuing their agendas in whichever forum best suits them. “The role of AIPPI with its extremely important professional programme is exceptionally important in this,” he said.

Finally, he noted many challenges of communication.

Attendees were then treated to a show honouring famous Italians featuring an acrobat, dancers and a band being suspended by wires above the stage (right). Renata Righetti noted: “Italy is a very old country, but Milan and Italy is a place where a lot of new things are happening. And AIPPI is a place where we build the future of intellectual property.”

Attendees were then treated to a range of Italian food from the North, South and Centre of Italy at the Welcome Reception.

However busy they are attending panel sessions and meetings, visitors to this year’s Congress will be sure to get at least a small taste of Italy. That is the promise of Carlo Maria Faggioni, chair of this year’s Organizing Committee.

“We chose to have a wide area for networking, including a special Italian café on Sunday morning,” he told the Congress News. “We also have a number of sessions that reflect Italian culture – such as food and fashion.”

Tonight’s Cultural Evening will offer an opportunity to visit the Teatro alla Scala or the Pinacoteca di Brera while Tuesday’s Gala Dinner will be at Hangar Bicocca.

There will be considerable Italian participation in the educational programme, too. Representatives of local industry have been involved in the planning and some are sponsoring the Congress – look out for them around the exhibition area.

Those who have not visited Milan for a little while may be in for a bit of a surprise. “The city has changed a lot,” said Gualtiero Dragotti, vice president of the Italian national group. “There is a brand new skyline, and new places to visit. We will give you the chance to understand the vicinity, including Lombardy and The Lakes, which you might like to visit after the Congress.”

New AIPPI national group approved

The ExCo yesterday welcomed a new national group from Jordan. Its creation was approved overwhelmingly with 180 votes in favour, four against and one abstention.

AIPPI already has a regional group known as APPI-MAF, and the new Jordanian group has grown out of this. It already has 14 members and was represented at the ExCo by its president Ghaida’s Ala’Eddein and secretary Nader Qumsieh who collected the national flag.

Also announced at yesterday’s ExCo meeting were two awards of merit – to Bob Sacoff and Luiz Henrique do Amaral. Sacoff has been active in AIPPI since 1997 and has twice chaired the US group, while do Amaral chaired last year’s memorable Congress in Rio de Janeiro.

During the meeting, Secretary General Laurent Thibon, Reporter General Sarah Matheson and others provided updates on AIPPI activities. Thibon highlighted some meetings planned for the next few months, in Beijing, The Philippines and Jurnula (Latvia) as well as the annual trilateral meeting between the Chinese, Japanese and Korean groups. Matheson announced the creation of two new Standing Committees on IP Office Practice & Procedure and Trade Secrets.

The ExCo also discussed some proposed reforms to the organisation of the annual Congress, and AIPPI’s Strategic Plan to develop and grow the association over the next few years.
Giving in-house counsel more of a voice

Yesterday at the Congress a closed meeting of in-house counsel took place. This was the start of a new effort to provide a forum for in-house counsel.

“We are reformatting the entire organisation of the in-house attorneys committee,” explains Luiz Henrique do Amaral, AIPPI Assistant Secretary General and partner at Dannemann Siemsen Bigler & Ipanema Moreira in Brazil.

“The idea is to give a separate forum for in-house attorneys to get together, discuss IP issues affecting AIPPI somehow, and discuss the priorities that AIPPI should be focusing on in our own questions and our own studies.”

AIPPI is keen to ensure that the questions and the discussion of issues by standing committees are aligned with the priorities of in-house attorneys.

Do Amaral says: “Corporations at the end of the day are the main targets of all the changes we propose. We want to incite innovation. We want to have a better IP system that will benefit innovation. If that is what we want to achieve, we need to align our discussions and our studies to the priorities that a corporation wants.”

The previous in-house counsel standing committee was dissolved. The reformed in-house committee will be tasked with allowing in-house counsel to discuss among themselves the issues, identify the priorities, and then filter (through the Bureau) into the association what they would like to see discussed.

Do Amaral says this is important to ensure AIPPI is addressing topics that are relevant to corporations.

“I could have a beautiful point of law that I believe is very academically enriching but has nothing to do with the real world where the corporations are facing difficulties with the law for promoting innovation,” he says. “So they will have their own space within the association to discuss among themselves and assist us in aligning the priorities of the association according to their needs.”

About 70 to 80 corporate members are taking part in the Congress in Milan. The meeting yesterday was to set up the leadership of the in-house group. The meeting included representatives from Brazil, France, Germany, the UK and the US. In-house counsel heard about a number of topics such as pharmaceutical patents, copyrights in motion pictures and atomic energy technology.

“The idea is for the leaders of this group to give guidance to the discussion when we are on the broad committee,” he says. “We are going to have different industries focusing on different aspects of IP law, but on each of these areas they will take the leadership into the committee at large and have the support of all corporations. Sometimes it could be an issue that for one corporation isn’t that important but for others it is. But they can support each other because then you gain strength politically in terms of improving the legislation and improving the practice.”

Do Amaral identifies two results he would like to see from the reformatting of the in-house committee.

“The first one is that they will come up with issues that they would like AIPPI to address,” he says. “This is going to be sent to the standing committees that have the questions and the topics that for instance the Congress they take into account what the in-house members of the association think are important issues. The second one is that once we have a position on the issue, AIPPI will be able to advocate those changes and advocate those policies in national governments and in international bodies like WIPO and others. That’s the idea.”

He concludes: “AIPPI has this goal of being the voice of IP in the world. So if we want to be the voice, we have to hear what the corporations need.”

Managing Intellectual Property

The European Commission announced its latest plans to reform copyright law as part of its Digital Single Market strategy. The planned changes will make exceptions for teaching activities, text and data mining and preservation of cultural heritage mandatory. They will also introduce a new right for press publishers, and increase remuneration from video-sharing platforms such as YouTube. The proposed new Directive and Regulation must be approved by the European Parliament and Council, before they can become effective. A further Directive and Regulation will implement the Marrakesh Treaty.

EUROPE/UK

It would be constitutionally possible for the UK to participate in the Unified Patent Court after Brexit, provided it signs up to all of the provisions of the UPC Agreement that protect EU constitutional principles, according to a legal opinion published last week. But the opinion, by constitutional law barristers Richard Gordon QC and Tom Paccoe of Brick Court Chambers, said there is a risk the CJEU would reach the opposite conclusion. The 39-page opinion was commissioned and paid for by the UK IP associations CIPA, IFLA and IP Federation.

EUROPE

On September 14, the European Commission announced its latest plans to reform copyright law as part of its Digital Single Market strategy. The planned changes will make exceptions for teaching activities, text and data mining and preservation of cultural heritage mandatory. They will also introduce a new right for press publishers, and increase remuneration from video-sharing platforms such as YouTube. The proposed new Directive and Regulation must be approved by the European Parliament and Council, before they can become effective. A further Directive and Regulation will implement the Marrakesh Treaty.

EUROPE

A café owner is not liable for copyright infringement committed by his users using his WiFi network, the Court of Justice of the EU said in its judgment in the McFadden case, published on Thursday. But the Court also said that copyright owners can require the café to password protect the WiFi network. The case was brought by Sony Entertainment against shop owner Tobias McFadden after someone illegally uploaded an album by the band Wir Sind Helden over his network.

CJEU

The five year anniversary of the America Invents Act being signed in the US by President Obama was on September 16. Among the Act’s provisions were a shift to a first-to-file regime and the introduction of Patent Trial and Appeal Board proceedings, which became available exactly one year later. Announced on the anniversary was the formation of the PTAB Bar Association by more than 45 law firms, with the mission “to promote the highest professional and ethical standards among lawyers and stakeholders who appear before the PTAB”, Bob Steinberg of Latham & Watkins will serve as interim president and director and Erika Amer of Finnegan Henderson Farabow Garrett & Dunner will serve as interim president-elect and director.

UNITED STATES

The Federal Circuit has provided guidance on Section 101 while finding software patents valid for only the fourth time since the Supreme Court’s Alice v CLS decision in June 2014.

In its McRO (dba Planet Blue) v Bandai Namco Games America opinion, the Federal Circuit has ruled that the claimed steps in two video game patents are not directed to an abstract idea and are patent-eligible under Section 101.

“We held that the ordered combination of claimed steps, using unconventional rules that relate sub-sequences of phonemes, timings, and morph weight sets, is not directed to an abstract idea and is therefore patent-eligible subject matter under § 101,” said the appeals court.
The second publication in AIPPI's series of law books published by Wolters Kluwer is being launched at this year's Congress. The new book focuses on second medical use patents, and follows the publication of Employees' Intellectual Property Rights in 2015.

Like the previous publication, the new book includes chapters on different jurisdictions from a range of AIPPI members. Copies can be viewed and ordered in the Exhibition Area of the Congress.

"We have contributions on all the main jurisdictions in North and South America, Europe and Asia," says Jochen Bühling, who edited the book. There is even a chapter on India, which does not allow second medical use claims – though protection can be obtained in some cases.

Each contributor has followed the same template, making the book accessible for readers. However, the European sections are slightly different as they focus on national law, rather than duplicating discussion of the EPO position. "The chapters provide a good insight into the situation in each jurisdiction," says Bühling. "In some jurisdictions there is hardly any case law, but in others, such as Germany, the UK and the US there is a lot. I hope that will make for a good comparative law study."

The publication builds on the work done on second medical use patents before and during the 2014 Congress in Toronto, where a resolution on the subject was passed.

Bühling said that further books in the series with Wolters Kluwer are planned. "I think the next volume may be on trademarks or designs. We need to identify a topic that is interesting."
As usual, there will be four questions debated and voted on this year, the culmination of work by AIPPI’s national groups and individual members over the past year. The background to these four topics will be set out ahead of the relevant plenary sessions in the Congress News.

A further two resolutions have been proposed by AIPPI Standing Committees this year on publication of patent applications (AIPPI is an observer with regard to the work being carried out by national IP offices) and on IP and green technology (which builds on work done at the Toronto Congress in 2014). The final vote on all the resolutions will take place at the ExCo meeting on Tuesday, after which they will be published on AIPPI’s website.

Turning to the educational sessions more generally, Matheson says she expects a lot of interest in the lunchtime discussions on Sunday and Monday (tickets are available for both).

Expert witnesses and a 21st century EPO
The former will feature judges from different jurisdictions discussing the role of expert evidence in IP cases – including the differences between civil and common law systems, the relative merits of court-appointed and party experts and the so-called hot tubs used in Australia. “There will be a good spread of views and approaches represented,” says Matheson.

Tuesday’s lunch features EPO President Benoît Battistelli, who will set out how the EPO is setting the pace for the 21st century.

For attendees’ convenience, the sessions in this year’s programme are set out in themed groups and colour coded according to audience and topic. Once again, there will be a whole day of sessions on pharma issues (this year on Monday) and a number of panels inspired by topics associated with the host country – Italy. These include IP and food (including packaging, trade marks and food design), IP and fashion and geographical indications (which will include information from WIPO on the Lisbon Agreement). Other notable panels include one on the Digital Single Market – a topical subject after the European Commission’s latest proposals last week – and the EU trade mark package implemented earlier this year.

“We have a fantastic line up of speakers, bringing the perspectives of in-house counsel, regulators and judges,” says Matheson. “It is a broad cross-section and I’m sure all attendees will find many things of interest to them in the programme.”

Resolution on patent publication passed

AIPPI delegates yesterday voted on a resolution on publication of patent applications. The topic was identified as warranting a resolution at the beginning of this year and 36 responses were received from national groups.

The timing of publication of patent applications, and the related issues of a grace period and prior user rights, are hot topics at the moment. They are being addressed on a multilateral level by the Br-Group and the Tegneres Group as part of their discussions about substantive patent law harmonisation.

In yesterday’s Plenary Meeting, AIPPI resolved that as a general rule a patent application should be published 18 months after the date of priority. In the case of divisional and continuation applications, the application should be published as soon as possible after filing if the earliest parent application has already been published and not then concurrently or as soon as possible afterwards.

The resolution also sets out principles regarding early publication at the request of the applicant; notification by patent offices; the timing of a search report and preliminary assessment of patentability (if provided by the patent office), and deferment of publication.

“We thought this might not be a controversial topic, but I didn’t expect it would be so non-controversial,” said Koen Bijvank, who chaired the session. The most contentious matter was a final para-graph on the availability of interim relief after publication but before grant of a patent, in jurisdictions where national/regional law provides for interim relief. This paragraph was deleted following a vote.

The amended resolution was passed by 62 votes to 0 with 3 abstentions. The full text of the resolution will be voted on at the ExCo I on Tuesday and published on AIPPI’s website soon.

A welcome for the new kids in town

Newcomers to the AIPPI Congress were welcomed at the First Time Attendees and Young Members Information session yesterday. Bureau member Ralph Nack of Germany gave an overview of what to expect from this year’s Congress. He also urged members to get involved in standing committees.

Nack outlined how attendees can get involved in AIPPI. “That’s very easy,” he said. “It is hard to find another association that makes it as easy.”

Ways to get involved include: contacting your national group, speaking to Bureau members in Milan, participating in events, being a delegate to the ExCo, being a study group representative, and getting nominated for and being active in AIPPI’s committees.

To underline the benefits of being actively involved with AIPPI, President Elect Hao Ma of China outlined his involvement with AIPPI over the years.

“To become a President of AIPPI is very easy!” he said. “The first step is to become a member of AIPPI. Second, become a speaker for one of the forum or seminar or anything. Thirdly, be active in your national group and gradually you will be found! Then you become a member of some standing committee. I was the member of standing committee BAC, Bureau Advisory Committee. Then, finally, enter into the Bureau. And tomorrow I’ll be president so it was very easy.”

This was followed by a drinks reception for first time attendees and young members.
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What do you see as the most important IP issues at the moment?

First, the very substance of IP is changing. Our world is evolving from a multimedia environment to a “mundimedia” world, where human beings are digitizing their existence and re-materialising it. This includes finding ways to insert chips and functionalities into the human body to transform us into a kind of cyborgs, perhaps in a quest for human transcendence!

Political events like Brexit also do not escape AIPPI’s attention, and a whole new set of issues arises for IP regulators. The organisation must be prepared to face these huge shifts in thinking and environments and to provide ideas and guidance on how to manage them and integrate them for the most effective and positive outcomes for the world.

We are uniquely poised to meet this challenge. Many harmonisation initiatives, like those proposed by the IPS member states, can be effectively tested within our Association through collecting the global experience and feedback from our worldwide membership. This can be used as a guidance to check the relevance and urgency of any proposed change to legislation or system.

Two important ways that I think we can use IP to have a positive influence in the world today are providing support to the creative initiatives of the world’s youth and supporting the adoption of effective IP systems in poor jurisdictions. I believe that initiatives in these areas will attract resources to the weakest economies, thus permitting local people to have a future at home without risking their lives in search of hopes that sometimes end up being a foreign mirage.

In this connection, WIPO’s project “Building Respect for Intellectual Property” is something significant to transmit and maintain.

What has AIPPI achieved in the past year since Rio?

Our membership continues to grow and we have succeeded in establishing National Groups in key jurisdictions, like Jordan. Furthermore, we are about to launch a Strategic Plan that will put the Association on course for improving its global relevance and coverage over the next several years.

Our cooperation with key IP Offices is also growing and we are organising regular visits to IP authorities across the world to better interact and maintain the quality of our professional work product.

Two joint Regional meetings were organised this year together with INTA and ASEAN in Singapore and Kuala Lumpur, respectively, apart from selected publications and the many activities the National Groups organised in their own jurisdictions. An example of a positive group cooperation is the Trilateral meeting organised each year by the Chinese, Korean and Japanese AIPPI Groups, to discuss IP trends at a regional level.

What are you particularly looking forward to in Milan?

I look forward to a very successful and well-attended meeting, thanks to the tremendous effort of the General Secretariat, the Bureau and the Organizing Committee, among others. In particular, I am feeling very enthusiastic about the fact that we will have several key IP officers attending the Congress.

The Conference also marks the end of my Presidency, which coincides with what I see as the end of a transformation cycle for AIPPI. The next Bureau members will take over just in time to celebrate the 120th anniversary of the Association and take us into a new era.

How will the Congress taking place in Europe mean it will differ from recent years?

It is known that for the purposes of our annual congresses, we have divided the
world into three zones and we rotate between them. They are: the Americas; Europe, Middle East and Africa; and Asia and Oceania. Since this year’s Congress is in the EMEA zone, and in particular Europe, naturally part of the agenda and the origin of the attendees will be predominantly from this region. People from outside the region have the opportunity to receive the European perspective and meet many European colleagues, clients, speakers and authorities.

Apart from that, Milan is a beautiful city with many attractions and offers the unique opportunity to organise our cultural evening in the renowned Teatro alla Scala. All of these factors have helped to guarantee an impressive attendance this year.

Your presidency is coming to an end. What has been the highlight?

To me the highlight has been to see old and new members become re-enchanted with the Association. We have also seen growing numbers in both membership and activities, which has increased AIPPI’s relevance in the world, even beyond IP. The Association has been able to change and adapt to the new times and, as a result, spread its attractiveness and influence across the globe.

You told the AIPPI Congress News two years ago about your plan to make the association more flexible and beneficial to members. How have you achieved this?

We are closing a cycle that started well before my term. We have been able to streamline the AIPPI structure and working methods. The response from the membership and the larger community has been very positive, which has been gratifying.

What advice would you give your successor?

Rather than advising my successor I very much look forward to seeing the organisation benefit from the advice of Mr Hao Ma. He comes from a country with a very long history of change, experimentation and advancement. That perspective, together with his personal wisdom and professional skills, will certainly be of benefit to AIPPI.

There is only one thing I would like to note to my successor: the Chinese AIPPI Group clearly has tremendous growth potential and I hope that the new President, together with the Chinese National Group leadership, will be able to convince the Chinese IP community to join AIPPI in greater numbers in the near future and lend their ideas and perspectives to the Association.

We have also seen growing numbers in both membership and activities, which has increased AIPPI’s relevance in the world, even beyond IP.
Taking added matter too literally?

Frustration over the added matter test being applied too literally in Europe will be addressed in a study question today about amendments to patent applications.

Is the EPO too strict?
Amendments are available in about 95% of the countries represented by the groups reporting, but the type of amendment varies. Much of the focus will be on the European Patent Office (EPO) approach, which has been referred to as the gold standard. Other jurisdictions require that the patent have a fair basis in, or be supported by, the application as filed.

The European Patent Convention states that for patents granted by the EPO the “European patent application or European patent may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed”. The EPO Examination Guidelines clarified that amendment should be regarded as introducing subject-matter that extends beyond the content of the application as filed if the overall change in the content of the application results in the skilled person being presented with information that is “not directly and unambiguously derivable from that previously presented by the application”.

The EPO’s “directly and unambiguously” requirement has become a controversial issue. Some recent decisions of the Board of Appeal have taken a softer line and a 2014 revision to the Guidelines introduced some wording which appeared to soften the strict assessment. About 40% of the groups reported that the EPO standard or a standard very similar is adopted in their jurisdiction. Another 40% of the groups reported that a standard similar to the EPO standard is adopted, but without a requirement for “clear and unambiguous” disclosure.

The EPO standard was supported by 45% of all groups reporting for this question, twice as many as the next most popular definition of impermissible matter. The groups did not necessarily support an approach as strict or literal as the EPO has been perceived to have on some occasions, however.

Seeking a balance
The European groups reported that the EPO has adopted a relatively strict approach to added matter, making it difficult to add intermediate generalisations by amendment. The EPO has tended to require that if a passage is taken from the specification, it is added verbatim as a claim limitation, resulting in a very narrow claim.

“There has to be some ability to put in legitimate modifications and work up the application during the prosecution process but there also has to be some protection for third parties,” says Laakkonen. “That’s the balance and that’s why this added matter issue arises. The current test, at least in Europe where it is probably the clearest, is if there is new information that arises from the amendment then it shouldn’t be allowed.”

The UK and German courts generally have not always been as strict as the EPO on the issue. "The application of the standard in practice is not entirely uniform across Europe but it is supposed to be the same standard fundamentally," says Laakkonen. “The EPO has occasionally applied the test more strictly than courts might have done, and the result for the patentee can vary depending on where the assessment is carried out. There is a desire to clarify that the test ought not to be literal.”

The challenge for the committee, then, is...
The EPO has occasionally applied the test more strictly than courts might have done. To clarify the test, ‘Please don’t apply the test too literally,’ says Laakkonen, ‘but that doesn’t really tell you how to apply the test. So formulating a positive way of putting the point is going to be the main challenge that faces the committee.’

Not all groups are opposed to the EPO’s approach. ‘There is a small number of groups that would like to keep the test comparatively strict,’ says Laakkonen. ‘It provides great certainty for third parties but can cause difficulties for patent applicants. In any case, the wish to harmonise the system. The groups’ starting point is they would like one approach globally. The next question is what should that approach be?’

The UK and Hungarian groups proposed a variation of the EPO standard, which focuses on what additional, new information is learned by the skilled person as a result of the amendment. About 20% of groups suggested that impermissible added matter should be defined as matter that extends beyond what the skilled person would understand the application as filed to disclose, explicitly, implicitly or inherently. The Dutch Group’s suggestion for harmonisation was one of the most detailed. It said that: (1) Impermissible added matter is subject matter which extends beyond the content of the application as filed, being any subject matter which the skilled person cannot derive directly and unambiguously, using common general knowledge, from the disclosure of the invention as filed, also taking into account any features implicit to a person skilled in the art in what is expressly mentioned in the document. (2) The definition of impermissible added matter should not be interpreted as meaning that literal support is required. On the other hand, the overall change in the content of the application (whether by way of addition, alteration or excision) should also not result in the skilled person being presented with information that is not directly and unambiguously disclosed in the application as filed and that would improve applicant’s or patentee’s position and would be damaging to the legal certainty of third parties relying on the content of that application.
VOXPOP

What are you looking forward to at this year’s AIPPI Congress?

Eckard Nachtwey, Nachtwey IP, Bremen, Germany
To meet friends. Being on a call is not as interesting as sitting in front of someone and saying, “How are you, what is going on?”

Saleit Shahar, Reinhold Cohn & Partners, Tel-Aviv, Israel
Meeting new people and new professionals.

Tamar Morag-Sela, Reinhold Cohn & Partners, Tel-Aviv, Israel
You always meet new associates, but for me the most important thing is to keep in touch with the professionals that we have already met and make sure of the ongoing relationship. Coming to this conference, we meet them every year and it is important so we know we have someone if we have a need in their country. We work with a lot of companies but when you meet them face to face you feel a lot more comfortable working with them.

Mihajlo Zatezalo, PETOŠEVIC, Belgrade, Serbia
This is the first time I am attending the AIPPI. We have organised a lot of meetings with the professionals and the actual clients so this is an opportunity to ensure our cooperation with clients in Eastern Europe where we operate and use the opportunity to meet with potential clients.

Hélio Fabbri Jr, Ariboni Fabbri & Schmidt, São Paulo, Brazil
The technical part is different from other associations. Here, the questions are important to developing the general concept of the ideas about IP and also because we have the resolutions, which are a very important part of AIPPI. I do trade marks so I am interested in everything related to trade marks. This is my probably 10th meeting. I am definitely a veteran!

Merve Bihter, Abacioglu IP Services, Ankara, Turkey
Information. This is my second time at the AIPPI. Rio was amazing. There was ocean by the Congress Centre! So far so good in Milan. It is my first time here.

Riza Ferhan Çağrınan, Çağrınan Law Firm, Istanbul, Turkey
Of course networking is part of the game, but AIPPI is totally different to all the other conferences and I like it. AIPPI is always educational. I am very much involved in AIPPI for a long time so I am always focused on the study questions, to make good resolutions and make AIPPI go further.

Mark O’Donnell, Madderns, Adelaide, Australia
Catching up with past contacts. I have a pretty full agenda. I usually come every second year, so I was in Toronto and Seoul before that. The people here maybe represent a broader cross section of firms than elsewhere.

Fernando Becerril, Becerril Coca & Becerril, Mexico City, Mexico
I am looking forward to participating actively in the questions and to try to really get the position of the association regarding the particular matters that are very interesting this year. So I am actively working the committees. Also I am on the organising committee for 2018’s event in Cancun so we are looking for how to organise our event for then.
2016 has been a year of great change for EUIPO. On March 23 the new EU Trade Mark Regulation came into force, resulting in the CTM becoming the EUTM and OHIM becoming EUIPO, as well as a number of fee changes and other reforms. Among these were the six-month window to file so-called Article 28(8) declarations on the classification of goods and services for certain EUTMs – a window which closes next Saturday September 24.

But the changes are not over yet. Further reforms are due to come into force next year, following the publication of Implementing Rules. Chief among these is the abolition of the graphical representation requirement for EUTMs, which some expect to lead to more applications for non-traditional marks. But Luis Berenguer, Head of the Communication Service of EUIPO, told the AIPPI Congress News: “I don’t think this [the abolition] will make a big difference,” adding that in any case the Office is “drafting several scenarios”. EUIPO officials will explain more about the recent and pending reforms during the Congress this week. António Campinos, EUIPO Executive Director, will give a special introductory talk at Monday’s Plenary Session III on Design, while Berenguer will speak on Tuesday’s Panel Session X “Unwrapping the European Trademark Reform Package”.

Berenguer said the Office is already looking ahead to its work over the next four years, following the approval of the Strategic Plan 2020 by the Administrative Board and Budget Committee (on which all EU member states are represented) in June this year. The Plan has six lines of action to deliver three main goals: (1) improve operational effectiveness; (2) enhance access to the IP system and IP knowledge; and (3) build network convergence with global impact.

Key to the Plan is working with other IP offices and authorities, says Berenguer: “International cooperation is an important part of the Strategic Plan and the role of the Office.” Observant readers will also note that the Office’s new name (EUIPO) suggests a broader remit than just registering trade mark and design rights, and Berenguer says that reflects the reality – though he adds that the decision to change the name was made by the EU institutions and not the Office itself. Since 2012 the Office has been responsible for the EU Orphan Works Database and it is expected to take on more responsibility for other rights, such as geographical indications, though not European patents which are administered by the EPO.

This wider role is also seen in the work of the EU Observatory on Infringements of IP Rights, which is based at EUIPO. Berenguer says its role is partly to be an IP “think tank” compiling data and case studies, partly to create networks to help harmonisation and partly to promote awareness of IP rights.

In this latter role, he highlights continuing work to reach out to young people. A 2013 study on perceptions of IP conducted by the Observatory found that younger people have different perceptions to older ones. “It suggested we should devote special resources to young people and to promoting IP,” says Berenguer. One result of this is the Ideas Powered initiative, aimed at Europeans between the ages of 15 and 24, which runs on the web and social media and includes contributions from young artists and a video competition. Another was a meeting of young creators held in Alicante in June. “A lot of fresh ideas came out of that,” says Berenguer.

Another initiative that has come out of the Observatory’s work is the DesignEuropa awards. A study on the contribution of IP-rich industries to the economy highlighted the role played by design, and its high impact on growth in GDP and employment in Europe. “Design is an engine of the European economy,” explains Berenguer.

The DesignEuropa awards were launched earlier this year, and 250 applications were received. The jury have now met and the finalists for the three awards (industry, SME and lifetime achievement) will be revealed on October 17. The winners will be announced and presented with their awards in a ceremony at the UniCredit Pavilion in Milan on November 30 – a location known for its innovative design. “We thought it was the natural place to hold the ceremony!” says Berenguer.
We don’t just practice
Mexican IP Law.
We help shape it.

INTELLECTUAL PROPERTY, CORPORATE & COMMERCIAL LAW

TODAY’S SCHEDULE:
SUNDAY 18 SEPTEMBER 2016

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tr>
<td>07.30 - 08.30</td>
<td>RGT, PC breakfast</td>
<td>White 1</td>
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<td>SGT breakfast</td>
<td>Meeting 5</td>
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<tr>
<td>08.30 - 09.30</td>
<td>BREXIT session</td>
<td>Red 1-2</td>
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<tr>
<td>09.30 - 10.30</td>
<td>Hot topics for Sydney 2017</td>
<td>Blue 1-2</td>
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<td>10.30 - 11.00</td>
<td>Networking Italian cafe</td>
<td>Orange 1-3 / Green 1-3</td>
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<tr>
<td>11.00 - 12.30</td>
<td>Hot topics for Sydney 2017</td>
<td>Blue 1-2</td>
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<td>Plenary session: SC IP/Green Tech</td>
<td>Red 1-2</td>
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<td>Standing committee meetings</td>
<td>Orange 1-3 / Green 1-3</td>
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<tr>
<td>12.00 - 14.00</td>
<td>Networking lunch</td>
<td>Exhibition area</td>
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<td>Lunch I: Judges’ panel: Expert evidence and the role of experts (RGT)</td>
<td>Silver (ticketed event)</td>
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<tr>
<td>14.00 - 15.30</td>
<td>Plenary session I: Patents (AL)</td>
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<td>Panel session I: IP and food (SM/LHA)</td>
<td>Blue 1-2</td>
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<td>Panel session II: Contributory infringement (JO/YI)</td>
<td>Yellow 1-3</td>
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<tr>
<td>14.00 - 15.00</td>
<td>Secretaries and treasurers meeting</td>
<td>Green 1-2</td>
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<td>15.00 - 16.00</td>
<td>Secretaries and treasurers Q&amp;A session</td>
<td>Green 1-2</td>
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<td>16.00 - 17.30</td>
<td>Coffee break</td>
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<td>Plenary session III: Developments in GIs (AMV/RN)</td>
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<td>Panel session IV: TPP/TTIP (YI/JO)</td>
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<td>Women in AIPPI</td>
<td>Cafe Trussardi</td>
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<td>18.00 - 19.30</td>
<td>Cultural evening</td>
<td>La Scala</td>
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<tr>
<td>19.30 - 22.30</td>
<td>Cultural evening</td>
<td>Brera Museum</td>
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<td>20.00 - 22.30</td>
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In an uncertain legal environment, we are one law firm that is not content simply to accept the status quo. We work constantly to influence the evolving body of Mexico’s intellectual property laws, with the goal of ultimately bringing them in line with international standards. While we continue to make great strides in this regard, clients from all over the world rely on us to prosecute, manage, and defend their IP portfolios under the laws that exist today. In other words, we work effectively with the system, even as we seek to change it.