



Legal Network International

IP and trade mark news – June 2023

A monthly update on global IP and trade mark news from the member firms of the Legal Network International (LNI).



China

A recent CNIPA's decision on non-use attack highlighted the importance for trademark owners to actively cooperating with the authority in meeting their burden of proof.

In 2021, United Parcel Service of America, Inc. applied to cancel the "uBIDA Logistics" trademark. The CNIPA, believing that the submitted use evidence was invalid, decided to cancel the trademark registration. In the subsequent re-examination procedure, the submitted evidence was further challenged by United Parcel while the trademark owner refused to attend the oral hearing proposed by the CNIPA to explain. In the end, the CNIPA decided to maintain the previous cancellation decision.



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Colombia

Colombia has been slowly waking up to the benefits of patents.

In the last 10 years, largely thanks to aggressive policy and economic incentives, Colombian entrepreneurs, small businesses, large corporations, investigation centers and universities, have been able to get their first patent or increase their patent portfolio.

With this newfound access to patents, there has been an increase in legal efforts to enforce the associated rights, resulting in an increase in the number of cease-and-desist letters and lawsuits against would be infringers.



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France

In a judgement dated 17 May 2023, the French Supreme Court, overturned a decision from a Court of Appeal which judged that the publication of a patent application rendered a non-disclosure agreement null and void.

French Supreme Court judged that such publication cannot have the effect of revoking the non-disclosure agreement or release the debtor from his obligation of confidentiality in respect of the elements protected by the agreement which were not disclosed by the publication.

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India

Mohit Kapoor and Neha Sehgal from Universal Legal attended the 20th year anniversary celebration of Alpha and Omega Law Corporation held in Singapore in May. This was followed by a Legal Network International dinner. It was a great opportunity to meet and interact with intellectual property lawyers from across the globe. It was particularly interesting to meet lawyers from jurisdictions such as the Americas, the European Union and the Middle East. We look forward to building a strong bond with our Legal Network International colleagues and collaborating with them on matters in the future.


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Italy

In its order n. 12881/2023, the Supreme Court stated that the so-called necessary form, functional to the achievement of a certain technical result, is not protectable as a trademark of form. When the form is inseparably connected with the utility of a product, the imitation can be considered lawful. In fact, the law prevents the valid registration of a mark consisting, in its essential features, of a technical result, because there is a public interest in its use which precludes the creation of a monopoly on technical solutions.

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Mexico

Nowadays people are dedicated to make articles developed by Chat GPT and we ask ourselves, how are these works regulated in Mexico and who's the real author of the documents? Currently in Mexico there is no specific legislation in this regard, but in terms of the Mexican Copyright Law, the author of those articles would be the programmer. However, this is not a simple answer because many people are involved behind ChatGPT, which generates confusion about who is the author of the work. We keep reviewing this new development which eventually will imply huge changes in our legislation.

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Singapore

ZERODENSITY YAZILIM ANONIM SIRKETI is successful in opposing the registration of an identical trade mark involving similar products even though the trade channels and price point of each party's product are different. In passing off, a factor that may have an impact on whether the misrepresentation is likely to confuse the public is the degree of proximity of the parties' fields of activity: the closer their fields of activity are to each other, the greater the risk of confusion; and conversely, the further apart their fields of activity, the lower the risk of confusion." Read more [here](#)

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Sweden

Tv-shows, produced in Qatar, were sent through fiber to a company in France. The French company conveyed the television signal to other companies in Europe. These companies uplinked the signal to a satellite and the signal was subsequently received, uncoded, packaged and retransmitted by a Swedish company. The Swedish Supreme Court rejected charges of unlawful decoding against representatives of the Swedish company and held that the satellite broadcast shall be considered to have been made in the country where the broadcast was initiated. Qatar had not acceded to the Rome Convention, therefore the prohibition on decoding was not applicable.

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UK

The UK's Intellectual Property Office has published a transformation document setting out plans for an innovative new patent service. From September 2023, patent search options will be greatly expanded. A digital applications service, a customer accounts service and APIs will launch in spring 2024. Finally, a digital hearings and tribunals service will launch in late 2025. These changes will phase out eOLF and aim to improve user ease and processing efficiency.
<https://www.gov.uk/government/news/new-patents-service-one-year-to-go>

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