



Legal Network International

IP and trade mark news – July 2023

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



China

The CNIPA published the Interpretation on Regulation on Situations Under Which Trademark Review Cases Can Be Suspended.

According to the Interpretation, suspension shall be granted if the status of the citation has a substantial effect on the outcome of the case. The Interpretation further specifies 7 situations where suspension shall be granted. For instance, if the case of the citation has been concluded pending the conclusion to take effect, suspension shall be granted.

This change was introduced to address the lack of coordination among various procedures and will be greatly beneficiary to legitimate brand owners in practice.



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Colombia

Protection for assistive technologies for people.

These inventions must meet requirements to be patent-protected in Colombia: a physical component, a computer program, and executable steps using a programmable device.

Computer-implemented inventions can utilize a programmable device to solve technical problems or employ steps to transform matter, energy, data, information, signals, or variables. Colombia recognizes the significance of safeguarding new developments in assistive technologies, hence establishing computer-implemented inventions as an avenue for protection.

These requirements ensure that innovative assistive technologies receive the necessary legal protection.



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France

In a decision dated May 12, 2023, a French Court of appeal ruled that taking a selfie in a lift was not protected by copyright, unfair competition or parasitism.

An influencer initiated a proceeding against a fashion house for infringing her selfie which consists in a picture representing her and a dog in a lift, showing her outfit.

The Court judged that the disputed picture was not original and that the influencer did not benefit from any notoriety in connection with the selfie, such practice *"had already been known to other influencers since 2016"*.

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India

The Union Cabinet approved India's draft Digital Personal Data Protection (DPDP) Bill, 2023 ("Bill"), which will be introduced in the upcoming session of parliament. If passed, the law will establish India's data governance framework. The Bill retains certain exemptions for the central government. The central government will also retain control over the appointment of members to the Data Protection Board, which will handle privacy-related disputes. The Bill introduces a blacklisting mechanism for cross-border data flow, allowing transfers to all jurisdictions except those on a specified negative list. The Bill also includes provisions on consent requirements and penalties for data breaches.



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Italy

In its judgment n. 15903/2023, regarding the application for a declaration of non-use of trademarks relating to a TV format, the Italian Supreme Court stated that it is necessary to relate the broadcast to the TV market, in order to verify whether the broadcast conveying the trademark has actual impact on the relevant market, so that it can be ruled out that the broadcast has to be considered merely symbolic. Whereas it is not relevant whether the program is transmitted by broadcaster whose signal reaches every potential user in the television market.

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Mexico

In 2019 the Supreme Court issued a ruling that establishes that hotels must pay a collective society called "EGEDA" (Entidad de Gestión de Derechos de los Productores Audiovisuales) for the indirect public communication of works that are broadcast through televisions in hotel rooms. For this reason, the Mexican Copyright Institute recently have had more conciliatory meetings where EGEDA has requested that hotels be charged for the use of Television in their rooms. Currently, a solution to this problem is being sought because, due to current regulations, Hotels are being charged double since they already pay a fee for the cable signal that is broadcast.

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Singapore

First reported case in Singapore that triggered the Simplified Process pursuant to Part 2 of the Supreme Court of Judicature (Intellectual Property) Rules 2022. This case affirms the Court's role in facilitating a simplified process as an alternative and quicker route to resolve IP Litigation in court. Read more here.

[Link: https://www.alphaandomega.com.sg/updates/popular/the-singapore-high-courts-first-decision-on-a-claimants-invocation-of-the-simplified-process-for-intellectual-property-claims-as-an-alternative-and-quicker-route-to-resolve-ip-disputes](https://www.alphaandomega.com.sg/updates/popular/the-singapore-high-courts-first-decision-on-a-claimants-invocation-of-the-simplified-process-for-intellectual-property-claims-as-an-alternative-and-quicker-route-to-resolve-ip-disputes)

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Sweden

Two people were charged with criminal liability for *trademark infringement*. They had imported fake cartons with trademarks for a laundry detergent. The plan was to fill the cartons with a lesser quality detergent at a later stage. The Patent- and Market Court of Appeal held the defendants liable of a punishable *attempted* trademark infringement. The Court underlined that the empty cartons had not yet been used for the intended products.

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UK

WIPO has announced changes to the Madrid protocol fees for UK designations and renewals. The new reduced fees will apply to the registration and renewal of international trade marks designating the UK filed on or after 12 July 2023.
<https://hamlins.com/trade-marks-world-intellectual-property-organization-reduces-fees-for-single-application/>

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