Dear ABA-IPL Members;

Welcome to the 7th edition of the International Associates Action Group Newsletter. We are still looking for contributors so please get in touch with me at david@gearhartlaw.com If interested in becoming an editor or just want to get involved in our Action group please do let myself or Cristina Guerra know. See you next Month!

Yours,

David Postolski

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Stand-by Rights - Registered Designs in Australia

In the United States, they are referred to as Design Patents. In Australia, we don’t regard them as patents. They form a different category within our IP System and we have a separate Designs Register.

Otherwise, both systems are related in the sense that a registered design is intended to protect visual features in relation to a product. Our Designs Act defines a design, in relation to a product, as the overall appearance of the product resulting from one or more visual features of the product. Visual features include shape, configuration, pattern and ornamentation of the product.

In addition, our respective jurisdictions recognise each other as far as the Paris Convention is concerned. Unfortunately, Australia has not joined the Hague Agreement. There are a number of reasons for this, not least of which are the system of an unenforceable registration and a lifespan of 10 years. These are explained briefly below.

Early publication

The Australian system is quite unique in the sense that a design will be registered within about 1 month after filing the application, provided that the registration request block is ticked at the time of filing. Registration must be requested within 6 months of filing if the block is not ticked. Registration brings with it publication that can, in some cases, have damaging effects on an IP strategy. For that reason, we sometimes elect not to tick the box. This gives the applicant a further 6 months before the design is published.

Unenforceable until certified

A registered design cannot be enforced until it is certified. It is unlawful to make threats of infringement proceedings until such time as the registered design is certified.

Certification can be requested at any time during the life of the registered design. A request for certification results in an examination as to “newness” and “distinctiveness” of the design. It is possible to request that examination be expedited by providing cogent reasons, such as infringement and pending licence agreements.

A benefit of this is that the owner can avoid prosecution expenses until such time as enforcement becomes necessary. A licensee may also request that the registered design be certified as a condition for entering into a licence agreement.

A liberal approach to subject matter

The design subject matter need not be ornamental at all. This can be useful for such things as extrusions and components of machinery, provided that they are not inseparable from a larger, composite product.

Of course, this does not mean that any functional characteristics are protected. Rather, it means that a registered design can be useful where the visual appearance of an article is inextricably tied to its function.

Enhancing enforcement options

As practitioners, we are often faced with clients who require protection for a product that may only be marginally capable of patent protection. It can then be useful to file an application for the registration of a design at the same time as filing a patent application. The registered design can be used as a stand-by in case patent rights are not granted.

Any statements of functionality in a patent application are irrelevant to the validity of the registered design because the visual appearance embodied by a design can be restricted by function.

Infringement is often in the form of direct copying. An infringer might purchase a product and send it to a manufacturer. This is much easier and cheaper than going through the design process. In such a case, the registered design can be used in addition to the patent to enforce the owner’s rights.

In our experience, we have found that registered designs are particularly useful for items of clothing and also for products that can be used to cast a mould.
The requirements

In Australia, a design must be “new” and “distinctive” in order for it to be certified and enforceable.

A design is said to be “new” if it has never before been known or used in Australia or anywhere else in the world. A design is said to be “distinctive” unless it is substantially similar in overall impression to a design that forms part of the prior art base for the design. In very simple terms, the assessment of distinctiveness is to be made from the informed user’s point of view. The “informed user” is a nominal person who is familiar with the product to which the design is applied.

It is important to remember that, unlike patents, there is no grace period for registered designs.

The representations that are filed with the application can either be drawings or good quality black and white photographs. There is no hard and fast rule regarding the nature of the representations. However, they must clearly show the whole design. We usually recommend 6 two-dimensional views and at least 2 three-dimensional views.

A final word

The markets for consumer devices and clothing are extremely competitive in Australia. A solid portfolio of registered designs can help clients to carve out a niche for themselves here. Furthermore, the liberal, simple approach taken in Australia to registered designs allows filing and enforcement in a relatively short time span.

Endnotes:
1. Designs Act 2003, s5 (definitions)
2. Designs Act 2003, s7(1)
3. Article 6 - Paris Convention for the Protection of Industrial Property
4. Hague Agreement Concerning the International Deposit of Industrial Designs

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Get Ready For Season Finale: Trade Secrets Are Coming In Europe

As part of the Europe 2020 strategy (a.k.a. Innovation Union), trade secrets are about to get unified protection on European level. At least, that’s the plan…

Every intellectual property right starts with a secret

The TRIPS Agreement requires members of the WTO (160 members states in its club) to have laws in place that provide for different kinds of IP protection, among others, the protection of undisclosed information (section 7). Although there is not a complete uniformity of trade secret law across the U.S., they have done so with The Uniform Trade Secrets Act (UTSA), adopted by 47 states in some form. In Europe, it has remained often below the TRIPS minimum standards.

As you may know, trade secrets are amongst the most used form of protection of intellectual creation and innovative know-how by businesses. Indeed, every intellectual property right (IPR) starts with a secret: “writers do not disclose the plot they are working on (a future copyright), car makers do not circulate the first sketches of a new model (a future design), companies do not reveal the preliminary results of their technological experiments (a future patent), companies hold on to the information relating to the launch of a new branded product (a future trade mark), etc.” (Proposal for a Directive of the European Parliament on the protection of (...) trade secrets, COM(2013) 813 final, p. 2.).

By protecting such a wide range of know-how, valuable knowledge, and commercial information, trade secrets allow a company to use the outputs of its innovative efforts, which is particularly important for the R&D and innovative performance.

What’s this Directive all about?

Starting with the name of it, the EU tradition is respected: it is super short “Directive of the European Parliament and of the Council on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure.” The aim of this Directive is to bring a harmonized system of national laws of the 28 Member States by way of establishing common definitions, procedures and sanctions with respect to trade secrets. Now, in the EU, it’s a fragmented legal framework at various levels. For instance, there is no indication on how trade secrets should be defined. In Belgium, for example, it’s a patchwork of several rules: Art. 17(3)(a) Employment Agreements Act, Art. 309 Criminal Code, Art. 39(2) of the TRIPS Agreement, Art. 1(i) Regulation (EC) n° 772/2004, and some contractual definitions.

According to the TRIPS Agreement, three elements must be present in a “trade secret”: (1) the information must be secret (i.e. it is not generally known among, or readily accessible to, circles that normally deal with the kind of information in question), (2) it must have commercial value because it is secret, and (3) it must have been subject to reasonable steps by the rightful holder of the information to keep it secret (e.g., through confidentiality agreements). The ideal situation would be a strict implementation of this Article 39(2).

What’s the next step?

Scheduled for 28 April 2015, there will be a first plenary reading and vote in the European Parliament under the ordinary legislative procedure. If approved, it could enter into force by the end of this year. Then, as always, it may take a while until all 28 member states implement this Directive into national law.

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Trademark Manual Updated

On November 27, 2014, the Brazilian Patent and Trademark Office instituted the Trademark Manual through Resolution No. 142.

The Trademark Manual represents an unification of four documents that have been used by Trademark Examiners on their daily activities: the Trademark Guidelines, the Trademark Examination Proceedings Manual (an internal document of the Brazilian PTO), the E-Marcas System User Manual and the User Manual for Presentation of Paper Applications and Petitions. In addition to these documents, the Trademark Manual incorporates normative opinions, resolutions, normative instructions and tacit proceedings that have been applied to trademark examination.

In general terms, the Trademark Manual provides detailed information regarding the filing of petitions and trademark analysis. The mentioned Manual divides trademark examination updates into two parts, namely, the New Proceedings and the Consolidation and Improvement of Existing Proceedings.

Amongst the New Proceedings, the following highlights should be noted: composite trademarks the word element of which is a non-registrable term or expression; conflict with a third-party registered mark bearing a disclaimer; conflict in cases where the opponent and the opposed party incorporate the sign under dispute in their commercial name; and the withdrawal of the non-registrable part of the trademark upon the applicant’s request.

With regard to Consolidation and Improvement of Existing Proceedings, the PTO has explained the disclaimers which are currently in use and those which are no longer in use. Other aspects foreseen in the Consolidation are the analysis of distinctiveness of signs incorporating generic, necessary, common or descriptive terms; analysis of trademarks composed of diluted terms and additional guidelines relating to stylization of official monuments and symbols.

It should be noted that the Brazilian PTO has established more flexible rules relating to specific topics (such as stylization of official monuments and symbols), whereas on the other hand, that Agency has come up with more restrict analysis for other topics.

Before issuing the final version of the Trademark Manual, the Brazilian PTO officials have met with representatives of ABPI (Brazilian Intellectual Property Association), ABAPI (Brazilian Industrial Property Agents Association) and ASPI (Intellectual Property Association of the State of São Paulo) and many importante topics were discussed. This fact demonstrates the interest of the Brazilian PTO in hearing the associations and it should be noted.

The Trademark Manual is undoubtedly, an important tool to be utilized not only by those who use the services provided by the Brazilian PTO, as well as by Trademark Examiners on their daily activities.

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EU Copyright Law Update

2014 was a busy year in European copyright developments, and the first quarter of 2015 has been no different. This note discusses a number of important copyright developments in the EU in early 2015, and looks ahead to some forthcoming decisions and a potential shake-up of the EU copyright system.

Jurisdiction

Already in 2015 we have had a number of decisions focussing on copyright from the Court of Justice of the European Union (“CJEU”). The first is Hedjuk (Case C-441/13) which concerns cross-border jurisdiction over online copyright infringement. Under the Brussels Jurisdiction Regulation, a person domiciled in an EU Member State may be sued in the courts for the place of the event causing the damage, or the place where the damage occurred or may occur. In its 2013 Pinckney decision (Case C-170/12), which concerned unauthorised reproduction and online distribution of CDs, the CJEU rejected an ‘intention to target’ approach (which it had applied in the Sportradar database right test (Case C-173/11) and in trade mark infringement cases) and embraced the criterion of accessibility – so a Court has jurisdiction provided the material is accessible from that Member State, but it can only award damages in relation to the territory where the Court is situated.

Hedjuk concerned rights in a photograph which had been made available on a German conference organiser’s website without the rights holder’s consent – the website was accessible in Austria and the photographer issued copyright infringement proceedings in Austria. The defendant argued that the Austrian Court did not have jurisdiction. The CJEU said that online copyright infringement can be litigated wherever unauthorised copies are accessible, in this case therefore including Austria. This was the place where the alleged damage may have occurred and it did not matter that the website was not directed at Austria. However, as the national Court’s jurisdiction was based on accessibility alone, it could only rule on damage caused in that Member State. This was contrary to what the Advocate General had suggested – his view was that jurisdiction should be limited to the courts of the place of the event causing the damage, with a possible exception for the place of damage where a website was clearly and incontestably targeted to one or more other Member States. Hedjuk will therefore be welcomed by copyright owners in confirming the approach in Pinckney and offering flexibility as to where infringement actions can be brought.

Adaptation and the Distribution Right

On the same day as its decision in Hedjuk, the Court issued its decision in Allposters (Case C-419/13). This concerned unauthorised making and selling of altered versions of copyright artworks: authorised posters of the artworks in question were transferred onto canvas and then sold on.

The Dutch Court referred questions to the CJEU regarding exhaustion of the right of distribution of a copyright protected work where that work had been reproduced and marketed in the EU with the consent of the right holder, but had then been adapted and placed on the market again in its adapted form. The Court decided that the distribution right was not exhausted in such circumstances; essentially, the exhaustion of the distribution right applied only to the tangible object on which the protected work had been placed. Therefore, where there is a ‘change’ to the physical medium on which the work is incorporated, the distribution right is not exhausted. Again, this is a positive decision for copyright owners and collecting societies, although some uncertainties remain - for example, around what will constitute a ‘change to the physical medium’ of a work.

Private Copying

There have also been a series of cases referred to the CJEU on the private copying exception in the Information Society Directive (Directive 2001/29/EC) and the problematic question of levies on equipment which may be used for private copying in order to compensate rights owners. Unfortunately, there is no consistent approach across the EU in relation to imposing such levies - Member States have a very broad discretion on this issue - and the Court’s decision in early March in Copydan (Case C-463/12) has not really taken us much further in reaching a harmonised position.

In that case, Nokia had imported into Denmark detachable memory cards which are multi-functional devices and can be used for private copying of copyright works or for other uses such as storing private data. The CJEU usefully confirmed that it does not matter that a device is multi-functional; provided at least one of the functions of the device is for private copying, even if it is ancillary, that is a legitimate reason for imposition of a levy (although it may impact on the amount payable).
Where the Court did not give a clear answer, however, was on the question of when the prejudice caused to the right holder should be characterised as minimal, such that no levy should be payable. This is a key issue in the UK, which introduced the private copying exception in October 2014 but does not provide for a levy. The UK Government’s position is that the change in the law was effectively legalising the existing commercial reality i.e. that private copying was already occurring. In November 2014, various organisations and industry bodies issued proceedings for judicial review, their response to the UK Government’s position being that there is in fact a harmful impact on them as right holders and that a levy system must be introduced. Those proceedings are ongoing.

The CJEU in Copydan has given no guidance on what the base limit is for prejudice to rights holders, stating that this is in the discretion of Member States, provided that it is consistent with the principle of equal treatment.

However, there are two further references to the CJEU on the private copying exception in which decisions are expected later this year – Hewlett Packard (Case C-572/13) (which was heard at the end of January and in which the Advocate General opinion is expected in late April) and Egeda (Case C-470/14).

Hyperlinking

The CJEU issues its decision in C-More Entertainment (Case C-279/13) on 26 March. This followed the Court’s October 2014 decision - by way of reasoned order - in Bestwater (Case C-348/13). In Bestwater, a water filtration company had made a video about water contamination. It was put up on YouTube (it was unclear if the copyright owner had authorised) and a competitor embedded the video on its own website. The question at issue in the national proceedings was whether hyperlinking to the video (by way of embedding) constituted an infringement of the copyright owner’s exclusive right of communication to the public. The CJEU followed its earlier 2014 decision on hyperlinking in Svensson (Case C-466/12) and said that for there to be a communication to the public, the work either had to be communicated (a) using a “different specific technical means” to the original communication; or (b) to a new public. There was no new public where the work was freely available online.

The effect of Bestwater is that embedding videos which are ‘freely available’ (seemingly an objective test), for example on YouTube, does not constitute an infringement of the communication to the public/making available right. On the one hand, this is common sense as it means linkers/framers will not have to examine copyright holders’ intentions. However, it does place a burden on copyright owners to police online use of their works. Further, the lack of a distinction between framing & hyperlinking ignores the reality of disadvantages to copyright owners – such as use of their bandwidth, loss of advertising revenue and potential loss of business deriving from their homepages or webpages being bypassed.

The national proceedings in C-More Entertainment concerned the question of whether providing a link to content bypassing a paywall (namely live streams of ice hockey matches which were only available via a paid subscription) constitutes a communication to a new public. It was therefore hoped that the CJEU’s decision would provide much-needed guidance on the meaning and scope of the ‘freely available’ test set out in Svensson and Bestwater. However, following the CJEU’s decisions in those cases, the national court in C-More Entertainment decided to withdraw the first four questions referred for a preliminary ruling, which related to hyperlinking, and to maintain only the fifth question.

The sole remaining question asked whether EU Member States could give wider protection to copyright owners by enabling the ‘communication to the public’ right to cover a greater range of acts than those provided for in the Information Society Directive. The CJEU concluded that live broadcasts did not fall within the ‘making available’ right, since they were not ‘on-demand’ i.e. the public could not access them at a time specifically chosen by them. However, it held that Member States could protect live broadcasts in their national laws (for example, communication to the public of live broadcasts is specifically prohibited under UK law in section 20 of the Copyright, Designs and Patents Act 1988).

Whilst C-More Entertainment was therefore significant for broadcasters (and also raised interesting questions in respect of the distinction between the ‘communication to the public' and 'making available' rights), it has not offered any further guidance on hyperlinking – and we may yet see further references on the issue.

UK Copyright Protection for Industrially Produced Works

Turning to the UK, the UK Government has recently confirmed that copyright protection for industrially produced artistic works will be extended from the current 25 years to life + 70 years from April 2020, which means in some cases copyright will be revived. Those trading in copies of industrially-manufactured artistic works will be able to sell off existing copies over an indefinite period but they will be prevented from making or importing new unlicensed copies. Of course, a central problem here is in identifying
with any clarity whether an essentially functional object qualifies as a work of 'artistic craftsmanship' and the UK Government says it intends to issue guidance on the issue, as well as on the practical aspects of the change in the law. However, this guidance will be non-statutory (i.e. non-binding), and of course each case will depend on the individual object in question.

EU Copyright Reform

Finally, the Commission issued a public consultation on copyright rules which closed in February last year, attracting more than 9500 responses and more than 11000 email messages from a wide range of stakeholders including users, consumers, right holders, industry, collective management organisations and governments. The European Parliament appointed Pirate Party MEP, Julia Reda, to produce a report on the implementation of the Information Society Directive. The report is far-reaching, making bold proposals to fully harmonise copyright law, reduce the term of protection to life + 50 years, and make copyright exceptions mandatory in all EU Member States, albeit with flexibility based on the wording of the 3-step test set out in Article 5 of the Directive. Given its wide-reaching nature, the report has been controversial and has been subject to hundreds of amendments tabled by MEPs, as well as an open letter from CISAC (the International Confederation of Societies of Authors and Composers) addressing its ‘shortcomings’. The European Parliament will vote on the report later in the summer.

Although most are agreed that full harmonisation of copyright law is unlikely, some activity is expected this year given the Commission’s announcement that EU copyright modernisation will be a priority in 2015 as part of the Digital Single Market Package.

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Health Agency Issues New Resolution Regarding Medicine Names

In Brazil, trademark registrations (including those which identify medicines) are granted by the Brazilian Patent and Trademark Office (INPI) after a thorough examination performed in accordance with the Brazilian Industrial Property Law.

However, owners of trademarks which identify medicines must also obtain registration of the medicine name with the Brazilian Health Agency (ANVISA). Therefore, both INPI and ANVISA play important roles in the examination of medicine trademarks/names. Although the procedures for obtaining a trademark registration before INPI and those for registering a medicine name before ANVISA are distinct and independent, the criteria adopted by both agencies should be harmonised so that trademark owners are able to obtain registrations for the same name with both agencies.

On October 10, 2014 ANVISA issued Resolution No 59, which governs the names of medicines, their complements and the formation of family of medicines. This resolution, which came into effect on October 13, does not apply to generic and immunotherapy medicines, but applies to all other types of medicines registered with ANVISA. It should be noted that medicine names which were allowed by ANVISA before October 13 2014 will not be re-examined under the criteria set forth in the new resolution.

The resolution establishes the definition of a 'name complement' and of a 'family of medicines', and sets forth new criteria regarding the formation of medicine names and conflicts between such names.

With regard to families of medicines, it is important to mention that, according to Resolution No 59, companies must adopt supplementary measures through labelling in order to better differentiate the medicines (Article 6).

Amongst the criteria established in connection with the names of medicines, the following points are worth mentioning:

1) ideally, such names should be composed of a single word, whose pronunciation in Portuguese should be directly related to its spelling; and
2) such names must be sufficiently distinct from earlier registered medicine names.

Article 15 of the new resolution also sets forth the types of designations, denominations, words and expressions which are not accepted as part of the names of medicines and their complements. Further, the resolution establishes criteria for complements of medicine names, and provides that companies which adopt those complements must justify their interest in doing so from a technical perspective.

This update is a mere summary of some of the important issues addressed by ANVISA’s new resolution. Pharmaceutical companies are advised to follow the rules provided in the resolution in order to ensure that their medicine names will be registered by ANVISA. In this regard, the resolution itself states (in Article 18) that it is the company’s responsibility to assess whether their name of interest fulfils the requirements set forth by ANVISA.

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New Procedure for Securing Well-known Declaration in Brazil

Last August, Brazil’s National Institute of Industrial Property (INPI) published Resolution No. 107/2013 which established new procedures for securing Well-known Declaration for marks in Brazil.

The new rules substantially changed and improved former rules for securing Well-known Declaration for Marks in Brazil. Recognition of the well-known status of a mark is provided for in Article 125 of the Brazilian Industrial Property Law (Law no. the 9,279/1996).

The resolution empowers the President of the Brazilian PTO to analyze and decide whether a registered mark has fame and reputation that goes beyond that of its original market segment. According to the law, a registered mark declared well-known in Brazil will have protection in relation to any goods and services, although there is no legal obligation to use the mark directly in relation to said goods and services. The declaration is dependent upon the mark’s fame, reputation and its recognition by a significant number of consumers and the population in general.

Former interpretation of Article 125 of Law No. 9,279/96 led the experts of the Brazilian PTO to believe that such a declaration could only be obtained by the owner of the mark if and when the famous mark was cited as basis for an opposition or an administrative nullity action filed against third parties’ marks. This interpretation was very restrictive and, in practical terms, only allowed a chance for a mark to be declared well-known if a conflicting mark was filed by third parties. This unfortunately caused problems for mark owners, as counterfeiters and pirates do not file marks.

Therefore, a new interpretation of the same provision (Article 125) was used to establish an autonomous administrative process by which owners of famous marks could request and obtain a declaration of their well-known status.

According to the new rules, owners of famous marks seeking to obtain a declaration of their well-known status may now file a request in regard, so long as it is supported by substantial evidence of the fame and reputation of the mark, as well as the applicable official fees, which they themselves are very substantial.

According to the Brazilian PTO’s new schedule of fees (published on February 07, 2014 and effective from March 09, 2014), the official fees for requesting a Well-known Status Declaration for a registered mark in Brazil are 37,575.00 REAIS (approximately USD 16,000.00).

Evidence that a registered mark is well-known in Brazil must meet the following requirements:

Show the level of knowledge of the mark by a huge portion of the public in general, and not only consumers of the corresponding branded products or services;

Show the higher standards of quality, reputation and prestige associated by the public to the mark and the corresponding branded goods and services; and

Show the level of distinctiveness and exclusiveness of the mark.

It is recommended (by the provisions themselves) that evidence of fame and reputation of the mark is made by means of public polls, marketing and media materials, citations in the press and magazines, volume of sales and any other means of proof capable to evidence recognition of the mark in Brazil.

Requests for declaration of well-known status will be examined by a specific group of examiners directly appointed by the President of the Brazilian PTO. Once granted, the well-known declaration will be valid for a ten-year period. Renewals of the declaration after such term will not be automatic, which means that the owner of the mark will have to restart the process all over again by filing a new request supported by updated evidence of the fame and reputation of the mark.

The new resolution also provides relief for trademark owners which had already requested the well-known declaration within an opposition or administrative nullity action against third parties’ marks and have not yet obtained a decision on their request. The resolution allows such trademark owners to request, within 90 days of the resolution entering into force, that the application for well-known status to be reviewed under the new proceedings and for the owner to pay substantially reduced official fees (of approximately USD 400.00). The deadline for applying for this change is May 9, 2014.

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Enrollment with Brazilian National Directory against Trademark Counterfeiting

The Brazilian Patent and Trademark Office (PTO) recently launched the National Directory against Trademark Counterfeiting (“Directory”) in cooperation with the Brazilian National Council against Piracy (CNCP in the Portuguese acronym). The legal ground for creation of this Directory was CNCP’s Resolution No. 1 of December 2, 2013.

The Directory is an information system for tackling trademark counterfeiting. Its most important features are:

(a) a “pilot project” that is being implemented on an experimental base;

(b) the Brazilian PTO’s trademark database concerning registered marks will be automatically inserted into the Directory (including information regarding agents or attorneys of record with the Brazilian PTO);

(c) the information in the Directory will be accessible only by enforcement authorities and not treated as confidential;

(d) use of the Directory is recommended where the trademark owner wishes to empower a different agent or attorney for enforcing the mark in Brazil (meaning that this agent is not the same agent or attorney of record listed in the Brazilian PTO) or if the trademark owner wishes to furnish additional information about its original products and branded merchandise;

(e) a specific Power of Attorney will be required (and it will not replace or revoke the Power of Attorney for the current agent or attorney of record with the Brazilian PTO);

(f) a specific form must be filled in and sent with the Power of Attorney and additional documents (if any) by e-mail to the Brazilian PTO in order for the mark and relevant information to be inserted in the Directory (filling and submission of new forms will be required to change or update the information on the Directory); and

(e) no official fees will be charged for recording the information in the Directory until after June of 2014.

Performance of the system was set to June 2014, but it has not yet officially announced and the system is still in force free of official charges.

This Directory will allow the enforcement authorities in the possession of any apprehended counterfeits to communicate to the agent or attorney registered with the Directory (the default option for communication will be the agent or attorney of record with the Brazilian PTO) and take any appropriate action.

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Brazilian PTO News

Last August 8th, 2014, Silvia Rodrigues, General Coordinator of Trademarks from Brazilian PTO has made a speech about the New Manual of Trademarks called “MarcasDoc”, in Porto Alegre, Brazil, which should be available on the BPTO’s website in approximately 3 weeks.

This manual will bring several news about trademarks and will unify all the information with examples and details. The information should be unified between all examiners, so that it would help not to have so much inconsistent decisions and judgments, harmonizing the understanding between the 1st and 2nd instances of decisions.

Major topics:

- It will no longer be issued Registration Certificates on paper. In approximately four weeks, it will be available Registration Certificates online, digitally signed by the BPTO. There are around 65,000 Certificates delayed, but from the moment they start to be released, it will be available more quickly.

- The BPTO will be hiring and training 27 more examiners by the end of 2014. In 2015, more hiring will occur.

- The BPTO is reducing the backlog, and the goal is that the processes filed at the end of 2015 will be analyzed at least in 9-10 months.

- The BPTO will accept any document to prove the priority required, including online official publication, once it has all the facts of the case.

More information about the major topics of the “ManualDoc” will be found on http://www.inpi.gov.br/portal/ in a few weeks. You can also check with us on http://www.guerraip.com

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International Action Group (IAG)

A hub for international associates affiliated with the ABA-IPL to participate in all areas of the Section, in order to communicate, network, and to work together to build global bridges.

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ABA-IPL International Associates

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- Participation in substantive committees. Committees are a great way to develop connections with IP law colleagues, get involved with speaking and authorship opportunities, provide input regarding important policy decisions, and more;

- Maintain your connection to U.S. and global trends in IP law with the Section’s bi-monthly Landslide® magazine;

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