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#### 2025 GLOBAL IP DIRECTORY

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CTC Legal Media

# Editor's welcome

fter another year of extensive research into the world's leading intellectual property firms, we are proud to present the latest edition of the *Global IP Directory 2025*. This exclusive and up-to-date resource offers a comprehensive listing of IP firms and service providers from across the globe, meticulously organized in alphabetical country order to ensure a seamless search experience.

At CTC Legal Media, we remain committed to supporting the intellectual property community by simplifying the process of selecting the right law firm or service provider. In addition to featuring recommended firms for key jurisdictions, this directory includes insightful editorials and advertisements from firms actively seeking new business opportunities.

Remember, all the information in this print edition is also available online for your convenience. To access the full directory or perform an interactive search by country or company, visit www.patentlawyermagazine.com and www.trademarklawyer magazine.com. Our online listings include direct links to each company's email, phone number, and website for easy communication.

We extend our sincere gratitude to all the firms that contributed their details, our dedicated readers for their continued support, and our valued clients for helping us compile this essential IP resource. We hope this directory serves as an invaluable guide to the global intellectual property landscape, and we look forward to collaborating with you in the year ahead.

To secure your listing in the 2026 Global IP Directory, please contact katie@ctclegalmedia.com.

Wishing you success in 2025 and beyond.

#### Patent Lawyer

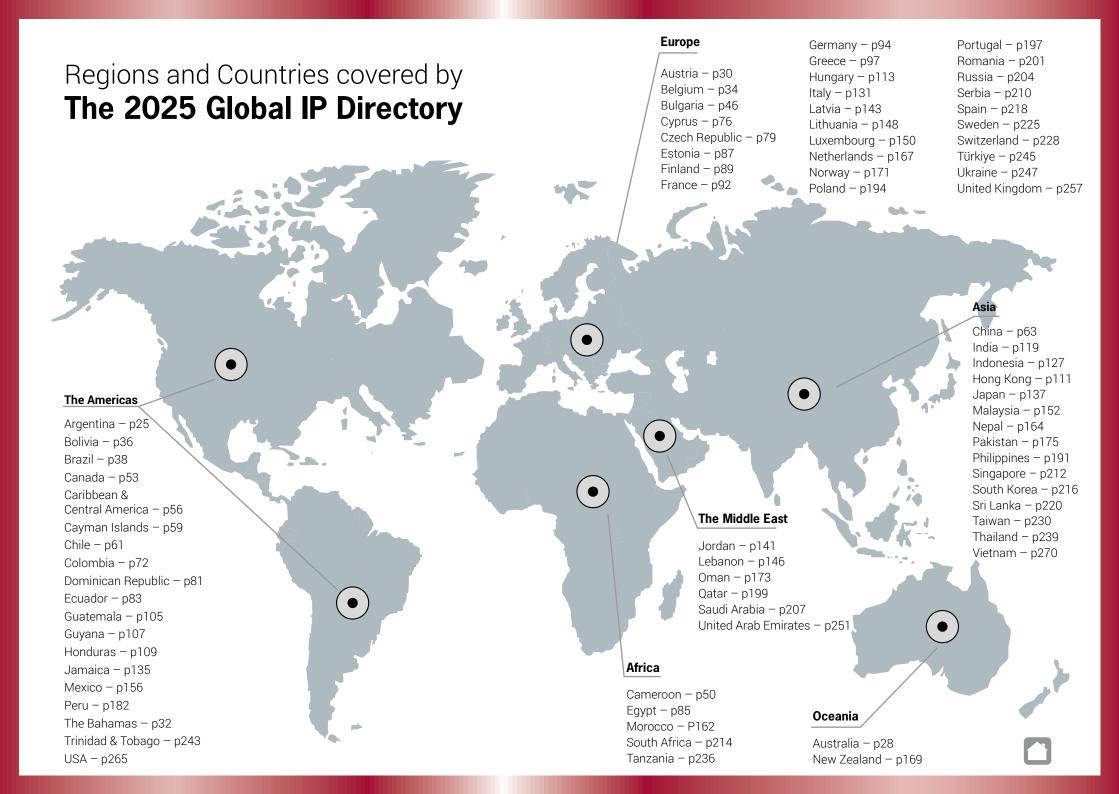




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# IP SERVICE **PROVIDERS**

# How to unlock the capabilities of Al for IP prosecution

For IP filing and prosecution strategies to support global business realities, IP practitioners must negotiate a complex landscape of geographical and cultural differences. Questel's Benoit Chevalier explains how artificial intelligence (AI) tools for IP preparation and prosecution can deliver guidance and support for IP filing and prosecution in the United States and beyond.

s much as globalization has boosted the desire for unified, interoperable, and harmonious 'global' patent and trademark processes, there remain profound cultural differences between the different IP jurisdictions worldwide. From the US to Japan via the EU, IP rights remain territorial – much like the legal systems that regulate them.

From drafting robust patents and goods and services descriptions to managing IP prosecution

formalities, IP practitioners must employ great skill to navigate this protean landscape. Fortunately, new AI-assisted IP preparation and prosecution tools can offer them much-needed support through the patent and trademark filing and prosecution process.



Benoit Chevalier

#### Why use AI to optimize IP workloads and workflows?

The potential for AI in the IP sector has been discussed for some time, but it's only in the last few years that we have seen the technology come into its own. From AI drafting patent tools, such as qatent, to AI-assisted patent and trademark prosecution workflow tools, such as Othena, the technology now has the requisite expertise to research, draft, analyze,

and adapt its output to each legal jurisdiction.

This includes harnessing the power of natural language processing (NLP) and deep learning to inform the content and approach to the nuances of each jurisdiction's IP requirements and formalities; for example, by informing how patent claims





should be drafted according to the case law or examination practices in each region, as well as how to process the vast volume of documents, reports, and systems that patent and trademark practitioners interact with every day.

#### · Can Al draft patents?

While we do not believe that AI can – or should – replace human expertise, we do believe that it can assist practitioners in navigating global patent complexity more effectively, while streamlining their patent search, drafting, and prosecution workflows.

We estimate that qatent (our patent drafting software with generative AI) saves clients up to 40% of their drafting time by producing a first draft in minutes, whether users upload a simple claim tree or a more detailed invention disclosure.

#### Résumé

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**Benoit Chevalier** is Patent Product Strategy Director at Questel. He specializes in the strategic use of emerging technologies, including Al, for patent preparation and prosecution and IP portfolio management. Patent practitioners are in control throughout the process, with each section employing its own designated AI model to generate editable titles, summaries, problem statements, and the initial technical problem, as well as potential variations.

As importantly, the collaborative tool uses specific patent templates for each jurisdiction – including autocomplete, renumbering, diagram generation, and recommendation/suggestion features that consider relevant case law and PTO examination guidelines – to deliver a compliant and robust patent application at the end of the process.

Along with information about relevant case law and examination guidelines (EPO and USPTO), our Al patent drafting software features a wide range of legal resources, insights, and data, helping users identify potential antecedent problems in the claims and anticipate requests by examiners for amendments. The full kit of useful tools includes the ability to check instantly for unclaimed matters, improve numerals management and indexing, and generate interactive generalizations – and we have even more features in the pipeline, including our latest generative Al drafting tools for generating trademark goods and services descriptions and providing Al opinions on trademark search and watch results.

#### · How can AI assist IP prosecution?

Alongside support for the patent application process, assisting IP prosecution workflows is low-hanging fruit for technology as advanced as AI, given its ability to reconcile data, documents, and systems "under the hood" to ease the user's experience and enable them to focus instead on the task at hand.

We know IP teams expend considerable time, effort, and oversight simply jumping between tools and files. By integrating the Qthena patent and trademark prosecution workflow tool into our solutions, including our Equinox IP management software (IPMS), we can help clients overcome these time and information challenges.

An IP attorney can spot a lack of clarity, challenge examiner arguments, work on amendments, and define strategy in record time.

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However, it's not simply that Othena centralizes all the information users might need for patent and trademark prosecution into a single interface – or that it automatically organizes, reconciles, and OCRs relevant data and documents, from invention disclosures, or new brand name candidates, to prior art, including non-patent literature. Crucially, it also employs large language models (LLMs) to analyze multiple documents simultaneously: office action, prior art, product presentation, and patent or trademark application.

By using this "Al assistant" and instructing it to generate responses in line with the current jurisdiction, an IP attorney can spot a lack of clarity, challenge examiner arguments, work on amendments, and define strategy in record time. Importantly, the Othena models have been meticulously trained to generate drafts and identify arguments that are perfectly aligned with EPO and EUIPO practices. Our solution extends these capabilities to accommodate the standards of other patent and trademark offices, including the USPTO, ensuring global applicability.

#### Are AI solutions for IP secure and confidential?

Many corporations and law firms are actively investigating how to integrate AI-assisted tools into their IP processes to reduce attorney hours and improve quality. They desire access to the latest technologies, but without sacrificing security, confidentiality, or control.

At Questel, we take the implementation of Al very seriously. Based on our overarching principles of transparency, accuracy, and security, we are committed to leading the charge in transforming the IP landscape by investing in Al solutions that amplify human expertise, rather than overshadow or undermine it.

In our view, AI has vast potential to resolve the cumbersome nature of certain IP processes, including those related to the different laws, case laws, and customs in patent and trademark jurisdictions worldwide. By harnessing AI to identify, organize, and analyze the vast amount of data available, we believe we can assist IP practitioners to work more effectively by providing insights, analysis, and support that augment (rather than replace) their critical role.

Our Al-assisted IP preparation and prosecution copilots are deployed with this in mind. Effectively, they serve as trusted, personal IP associates for clients to support the patent and trademark process, providing drafts, reports, and further data confidentially and securely based on straightforward commands.

To discover how to integrate AI tools into your IP processes and workflows effectively, visit our dedicated page on AI and IP<sup>1</sup>.

1 https://bit.lv/42Tkdic

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### Questel

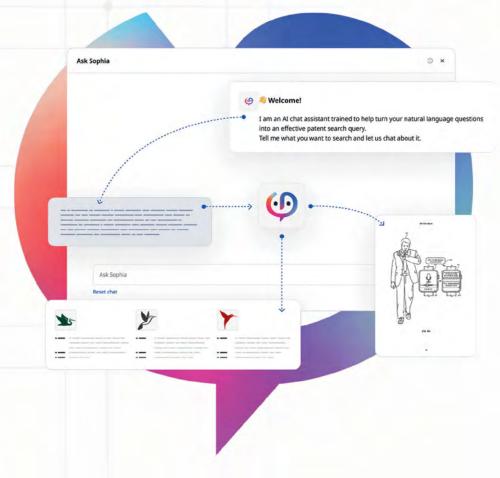
# Are You Harnessing the Potential of Al for IP?

Questel is committed to leading the charge in transforming the IP landscape with artificial intelligence (AI). From AI patent drafting to IP search copilots and integrated workflow tools, our solutions enhance the productivity and precision of IP professionals by rapidly analyzing vast quantities of data, streamlining time-consuming IP tasks, and automating routine IP portfolio management processes.

#### Start Integrating AI and IP Management by Partnering with Questel Today

Discover our responsible and ethical plans for Al and IP and join us on this journey by contacting our subject matter experts today.













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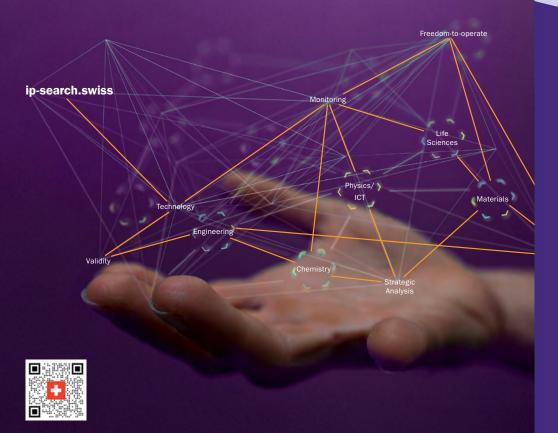






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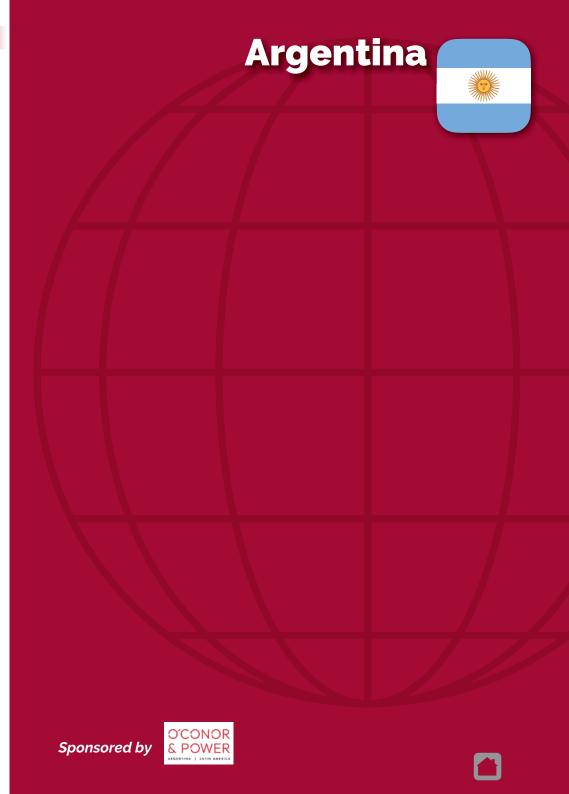
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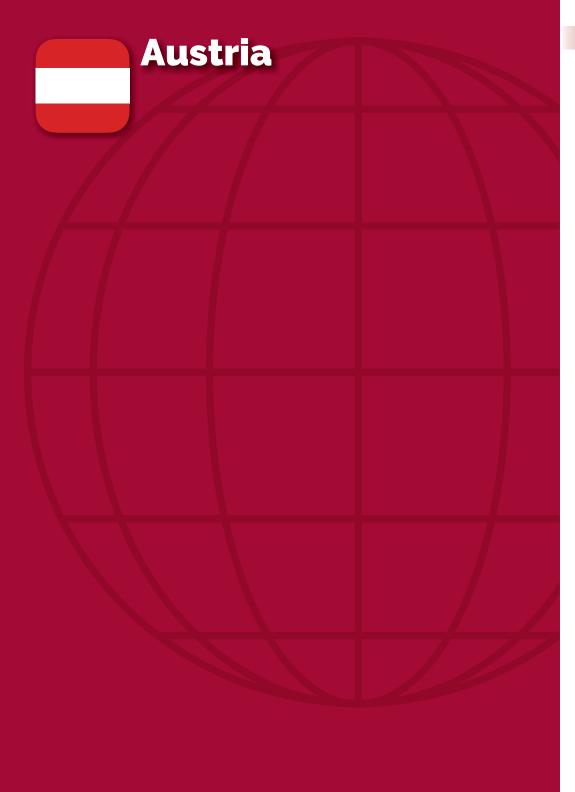
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## Significant advances by the Brazilian PTO and the impact of the Global PPH

Letícia Viana of Vaz e Dias Advogados & Associados discusses the significant advancements made by the Brazilian Patent and Trademark Office in reducing the backlog of patent applications and the introduction of the Global Patent Prosecution Highway, aimed at expediting patent examination processes in Brazil.

he growing and deliberate efforts of the National Institute of Industrial Property (INPI – Brazilian PTO) in relation to strategies to reduce the backlog of patent applications, as well as to expedite the administrative prosecution of such applications in Brazil, are remarkable. This move on the part of the Brazilian PTO is in line with the project called Strategic Plan 2023-2026¹, which governs the attempt to advance initiatives related to IP in Brazil, particularly achieving an adequate timeframe for patent prosecution, aiming for no more than two years for the entire patent process, in conjunction with Action Plan 2023-2025 of the National Intellectual Property Strategy (ENPI).

In this regard, one of the Brazilian PTO's proposals is the Patent Prosecution Highway (PPH) Pilot Project, which is currently in force in Brazil. In general terms, the main objective of the PPH is to use prior art searches related to the

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subject matter of a patent application that have previously been carried out by patent offices around the world and have resulted in a granted patent.

In other words, the results identified in a jurisdiction of interest are used for patent applications in Brazil, aiming to expedite their examination and prosecution. As a result, an applicant's waiting time for significant progress in the prosecution of the application is reduced.

The PPH was so widely accepted in Brazil that, after some negotiations, the Brazilian PTO joined the Global Patent Prosecution Highway program, also known as Global PPH or GPPH. In this collaborative and multinational program, the entire secretarial process is carried out specifically by the Japanese Patent Office (JPO).

While the PPH in Brazil relies on the cooperation of 23 partner patent offices from various countries/regions of the world, such as the United States,

China, Europe, the United Kingdom, and Canada, which, in turn, have bilateral agreements with Brazil, the GPPH has a greater number of member offices. This is due to the fact that the Brazilian PTO now has multilateral agreements with numerous other nations. Consequently, several patent offices that were not previously part of the agreement are now part of it.

Inclusively, as of January 2025, 12 new countries have become Brazil's partners and are now part of the GPPH, such as Austria, Russia, Norway, Finland, and Hungary. The Brazilian PTO's intention is to further expand this number in the future, thus drawing the attention of more countries to the dynamics of patent protection in Brazil.

The purpose of the GPPH is to reduce the prosecution and examination time of pending patent applications, since priority will be given to the analysis of patent applications that choose to participate in this program over other cases. As a direct consequence, the entire prosecution time to obtain a Letters Patent is shortened.

In order to request the GPPH for a patent application that has been filed in Brazil, it is necessary to comply with several requirements that are governed by INPI/PR Ordinances No. 78/2022 and No. 48/2024. Among the main ones, the following are stressed out:

- The application must not be confidential:
- The examination fee must have been duly paid, but the technical examination must not have started yet;
- Belonging to a patent family in which the Brazilian PTO or a Previous Examination Office (which has an active PPH agreement with the Brazilian PTO) has stated that there is subject matter considered patentable in a patent application from the same family;
- Claiming subject matter that is the same or narrower than that considered patentable by the Previous Examination Office; and
- Having no other priority processing modality in force.

As of January 1, 2025, a new ordinance came into force in Brazil, defining the criteria for receiving PPH applications (under Phase V of the Pilot Project), *i.e.*, Ordinance INPI/DIRPA No. 26/2024, in which it was established that:

- No requests will be accepted for patent applications with main classification Ho4 according to the International Patent Classification (IPC) in the first quarter of 2025;
- The total number of applications offered for 2025 is 3,200;
- Source: https://www.gov.br/inpi/pt-br/central-deconteudo/noticias/inpi-publica-plano-estrategico-2023-2026 - with access on February 13th, 2025.

#### Résumé

#### Letícia Viana

Industrial Chemist holding a B.Sc degree from the Federal University of Rio de Janeiro and a postgraduate degree in Creativity, Innovation and New Businesses from CUOA Business School, working in IP since 2016. She has experience in chemistry, biotechnology, life sciences, polymers, O&G, cosmetics, biofuels, fertilizers/fungicides, pharmaceutics, paper and cellulose, tobacco industry, and consumer goods packaging areas.

One of her specialties is the freedom to operate (FTO) elaboration and analyses, as well as patentability analyses and patent infringement and validity reports, in which she combines her solid knowledge of national and international patent laws and regulations with her technical background. She also has great experience in the management of global client patent portfolios, assists in IP litigation and due diligence projects, conducts prior art searches, and carries out activities such as: preparation of technical opinions, TPO, oppositions, appeals, administrative nullities, and responses to Office Actions.



- The 3,200 vacancies will be divided into four cycles of 800 applications on a quarterly basis, starting on January 1, 2025, and restarting on April 1, 2025, July 1, 2025, and October 1, 2025;
- In order to fill all the vacancies, all PPH applications submitted before the Brazilian PTO will be taken into account, regardless of whether or not they are accepted under the priority procedure;
- Vacancies will be fulfilled according to the order of date and time of the submission of the request for priority processing;
- Upon reaching the limit of vacancies per cycle, the reception of PPH applications for applications classified in all IPC Sections will be suspended;
- If a patent application is disregarded from the priority processing:
  - o Its processing will be in accordance with the regular and usual procedure, and any modifications to the application that have been submitted together with the PPH request will be declined;
  - The Applicant or their attorney may submit a new request for priority processing with new supporting documentation
  - o A refund of the fee paid may be ordered.

For information purposes, by March 26, 2025, 506 PPH applications had already been filed with the Brazilian PTO<sup>2</sup> and, of these, 359 had already been assessed in terms of the mandatory requirements.

Furthermore, according to the Brazilian Industrial Property Gazette No. 2829³, of March 25, 2025, the Ordinance INPI/DIRPA No. 26/2024 has been slightly updated. From now on, the Brazilian PTO will accept up to 140 PPH requests for patent applications with main classification H04 according to the International Patent Classification (IPC).

There is no doubt that the GPPH highlights international collaboration and stimulates attractiveness for the national market.

In addition, it is worth noting that the Brazilian PTO has other programs aimed at the priority examination of patent applications, which may bring great benefit to Brazilian and foreign Applicants in the local market, under specific situations, such as: processes involving green technology; processes belonging to individuals aged 60 or over, and those with a physical or mental disability or suffering from a serious illness; processes involving products for the treatment of Covid-19; processes belonging to startups or scientific, technological and innovation institutions; processes of patent families whose protection was initially requested in Brazil; processes in which an object is reproduced by third parties without proper authorization, among

Each of these programs has a specific requirement to be met, and every year, more requests for priority examination are received at the Brazilian PTO. This fact corroborates the Brazilian PTO's intention to increase the efficiency of processes involving patent applications to gain the trust of inventors and applicants based on the transparency of procedures and to boost Brazil as an attractive country for patent protection, since these aspects indicate the importance of stimulating technological development.

- Source: https://www.gov.br/inpi/pt-br/servicos/ patentes/GPPH%20e%20PPH/estatisticas-de-pph – with access on March 25th, 2025.
- 3 Source: https://revistas.inpi.gov.br/rpi/ with access on March 25th, 2025.

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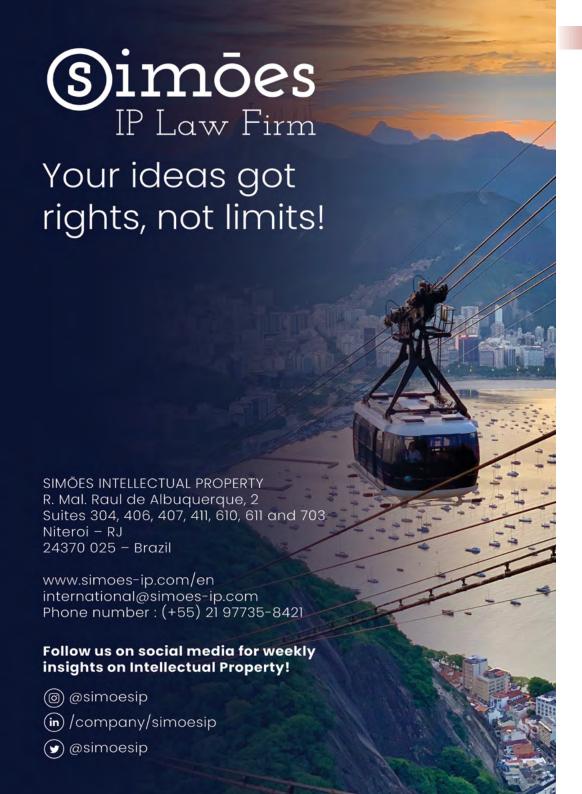
Paulo Carlos de Oliveira was one of the founders in 1966 of ABPI Associação Brasileira da Propriedade Intelectual, Brazilian Group of AIPPI. He was its Director and was President of ABAPI Brazilian Association of Industrial Property Agents. His son Paulo Maurício Carlos de Oliveira was during 9 years Director of APAPI and is currently the principal partner of the firm.

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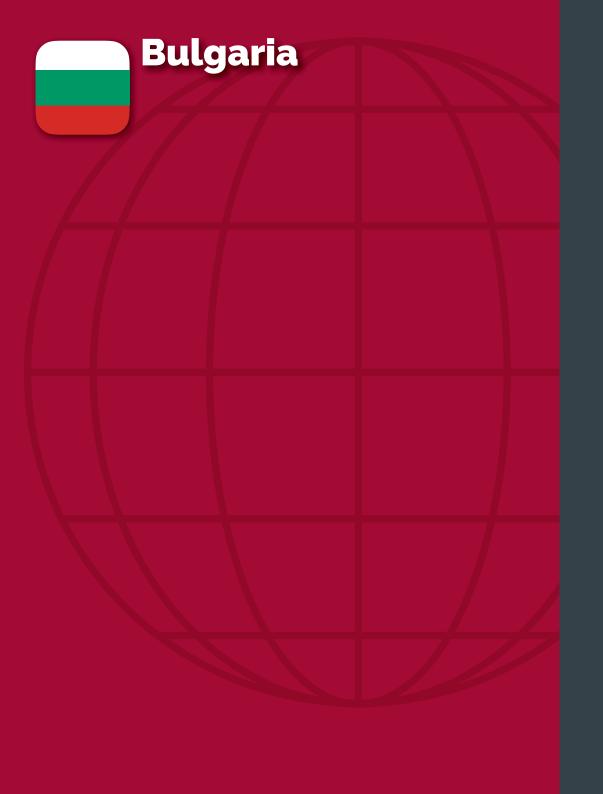
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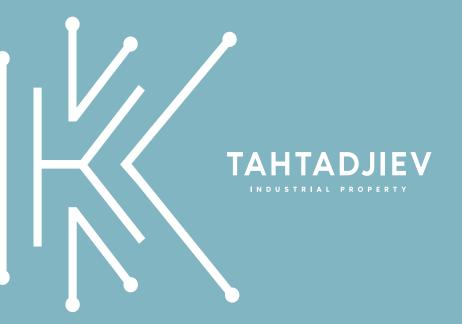
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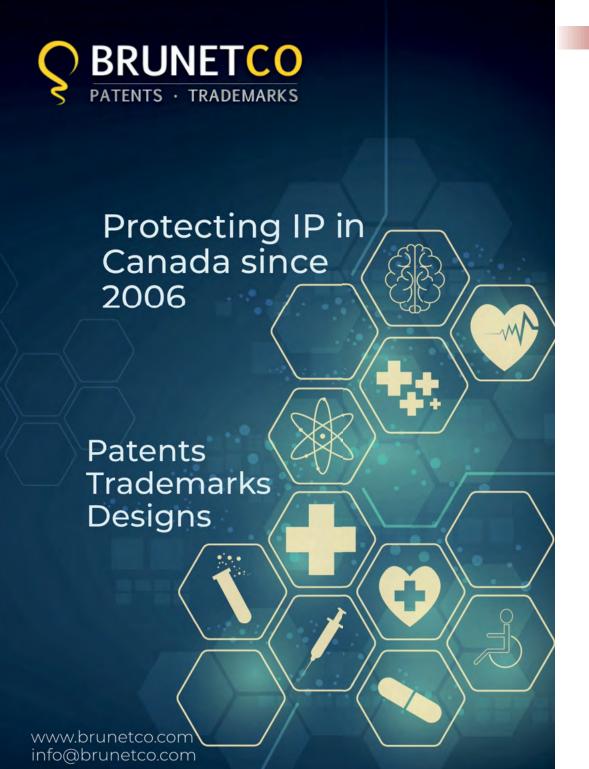
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# The new practice of formality examination for non-use cancellation in China

Ray Lei Zhao, Senior Partner at Unitalen Attorneys at Law, explores the recent changes in China's non-use cancellation process by the CNIPA, highlighting the new evidentiary requirements aimed at preventing abuse and ensuring fair trademark practices.

few years ago, the CNIPA required all applicants for non-use cancellation actions to provide preliminary evidence to prove that the trademark registrant had not used the trademark in the past three years. At that time, the criteria were not that high; usually, applicants could just upload a web page indicating that the subject trademark did not appear on its webpage. The time for these kinds of low-level requirements has passed.

#### **New requirements**

Recently, the CNIPA changed its criteria by issuing office actions that require the applicants for non-use cancellations to provide preliminary investigation evidence proving the fact that the

trademark registrations that are attacked due to non-use have not been used for three consecutive years. Preliminary investigation evidence should include:

- The basic information of the trademark registrants who need to respond to the non-use cancellation, namely business scope or operation scope, business status or survival status, trademark registration, and other information;
- If the trademark registrants are still operating their business or are at least alive, the applicant of non-use cancellation is required to submit the

investigation report and evidence of the registrant's business premises, service premises, or offices;

The applicant of non-use cancellation shall provide evidence of search and investigation on comprehensive online platforms, such as mainstream search engines (such as Baidu, Bing, Sogou, etc.), e-commerce platforms (such as Taobao, Jingdong, Pinduoduo, etc.), social media (such as WeChat, Weibo, Rednote, etc.) for keyword search of trademark registration which could help to prove whether using goods or services or not. Evidence should be submitted for three such platforms for the relevant search of each platform in the form of screenshots of the entire page for five consecutive pages starting from the home page.

#### **Background**

So why has the CNIPA suddenly changed the formality examination standard for non-use cancellation? The reason is entirely rational because some companies filed non-use cancellation actions in bad faith by repeatedly filing non-use or asking for compensation. Some applicants even submit one-sided screenshots to bluff their claims

Some typical cases even show that some enterprises use loopholes in the old regulations to disrupt the normal operation of competitors by frequent withdrawal. By raising the cost of proof, the new rules effectively curb abuse of the process.

The CNIPA accordingly has to decide to rectify the non-use cancellation filed in bad faith. Non-use applicants would have more work and bear more costs to initiate non-use cancellation actions because they are now required to submit investigation reports.

As with any policy or law, not everyone will be happy, so balance is always needed. The applicant for non-use cancellation has the motivation to file, so naturally, applicants of non-use cancellation actions should pay a certain price to entrust a professional agent.

#### **Comments**

Such office actions have never been made before in Chinese practice. But the CNIPA does have a legal basis for it. According to Article 66 of the Regulations on the Implementation of the Trademark Law: where a registered trademark as provided for in Article 49 of the Trademark Law has not been used for three consecutive



years without justifiable reasons, any entity or individual may apply to the Trademark Office for the cancellation of the registered trademark, and shall state the relevant circumstances when submitting the application.

Those who frequently get involved in non-use cancellation all know that, for non-use cancellation action previously, the CNIPA adopted and adhered to the principle of reversing the burden of proof – who applies did not provide evidence, but the trademark owner challenged provided evidence in the traditional withdrawal application. For the new requirement No.1, this is the basic operation, and it is easier. However, requirements No.2 and 3 would be the biggest and most challenging for applicants of non-use cancellations, because the action is less discretionary.

So, the Trademark Office decided to rectify the malicious withdrawal of three malicious applications on the same day. Will the withdrawal applicants be unhappy if they are now required to submit investigation reports? The truth is no one thing will please everyone. We can all be the applicant or the respondent (except the intellectual property Bank). The applicant for cancellation has the motivation to withdraw three and naturally should pay a certain price to entrust a professional agent.

#### **Practical operation guide**

- An Internet search for a trademark should include approved goods or services and save screenshots of the first five pages of results.
- On-site evidence, including pictures of the current situation of the registrant's office, can be submitted.
- Collect merchant statements from large retailers that do not sell.

- For corporate information verification, it is better to download the national enterprise credit report to prove that the business scope of the enterprise does not match.
- Check the official website of the CNIPA to confirm that there is no evidence of use.

#### **Notes for both parties**

For applicants, the budget should increase by at least 3000 RMB, and it is better to entrust professional agencies to produce evidence chains. Most importantly, focus on checking the registrant's official website and industry exhibition information. For registrants, it is better to establish trademark use files on a regular basis; for example, have sales on e-commerce platforms on a quarterly basis.

After the implementation of the new regulations, it is expected that the success rate of non-use cancellation will decrease dramatically, but the passing rate of legitimate applications for compliance may be increased. It is recommended that enterprises invest more money per year to establish a trademark use evidence database, which can not only defend against three risks, but also retain the initiative for future rights protection.

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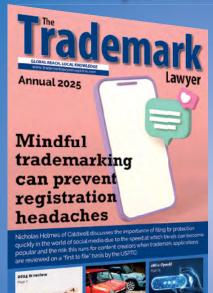
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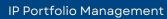




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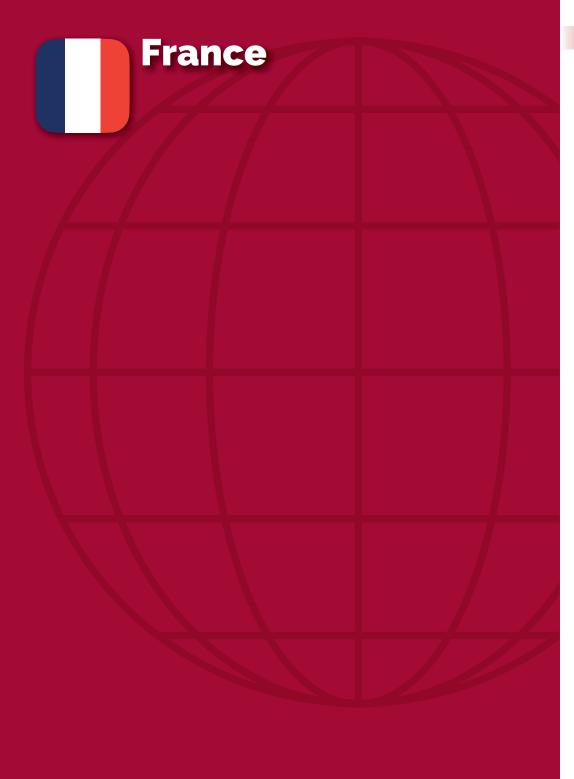
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## **Trademarks in Greece**

Vardikos & Vardikos provide an overview of the current trademark legislation in Greece, outlining types of trademarks and the scope of their protection, the registration process, and key considerations for rights holders under Law 4679/2020 and subsequent amendments.

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he current legislation for trademarks in Greece is covered by Law 4679/2020, which implemented Directive 2015/2436/EC (approximation of the laws of the Member States relating to trademarks) and Directive 2004/48/C (enforcement of intellectual property rights). Law 4982/2022 introduced further amendments, which primarily concern the organization of the Trademarks Committee

#### **Types of trademarks**

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Any sign, even one with no graphical representation, can be considered registrable as a trademark – i.e., words, names, illustrations, designs, letters, numbers, colors, position, sound, shape, pattern, motion, multimedia and hologram – on the premises that: 1) it distinguishes the goods of one undertaking from those of other undertakings, and 2) it is represented in the registry in a manner enabling the competent authorities and the public to determine precisely the protection afforded to its proprietor. The law also provides a guarantee and certification for trademarks.

Signs cannot be registered as trademarks if the mark:

- Does not constitute a trademark;
- Is devoid of distinctive character;
- Consists exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, destination, value, geographical origin, the time of the goods production, the service rendering, or other characteristics of the goods or service;
- Consists exclusively of signs or indications which have become customary in the everyday language or the established practices of the trade;
- Consists exclusively of the shape imposed by the nature of the product, is necessary to obtain a technical

- result, or gives substantial value to the product;
- Is contrary to public order or principles of morality;
- Is deceiving;
- Is contrary to applicable legislation.

#### **Scope of protection**

Registering a trademark gives the rights holder exclusive rights to use it. This includes affixing it to products to distinguish them from other goods, to characterize the provided services, and use on any printed, digital, or audiovisual media. The proprietor is entitled to prohibit any third party from using;

- A sign identical to the registered trademark for goods or services identical to those for which the trademark has been registered;
- A sign identical or similar to the registered trademark when, due to the simultaneous identity or similarity of the goods or services, there is a likelihood of confusion, including the likelihood of association:
- 3) A sign which is identical or similar to a trademark where use of that sign without due cause would take unfair advantage of or would be detrimental to the distinctive character or the brand owner's reputation, regardless of whether the sign is intended to

distinguish goods or services that are similar to products or services of the registered trademark.

The Law introduces a special provision that empowers the proprietor to prevent third parties from bringing goods into Greece in the course of trade when such goods, including the packaging, come from third countries and bear, without authorization, a trademark which is identical to the trademark registered for such goods, or which cannot be distinguished in its essential aspects from the registered trademark. This applies regardless of the Customs status of the infringing products.

The proprietor can request that the reproduction of their trademark in a dictionary, encyclopedia, or similar reference work is accompanied by an indication that it is a registered trademark.

The right to a trademark can be transferred, in life or after death, for all or part of the goods or services for which an application for a trademark has been filed or registered, regardless of the transfer of the undertaking.

The proprietor can grant a license, exclusive or not, for the use of a national or international trademark or trademark declaration valid in Greece, for part or all of the products or services, and for all or part of the Greek Territory. The trademark license agreement must be in writing.

The protection of the trademark is dependent on its use: if the proprietor fails to continuously use the trademark within five years from the date of its initial registration ("grace period"), they may face an application for cancellation or proof of use of their mark filed by a new applicant. The proof of use by the proprietor must include all the goods and services for



which it is registered, otherwise the protection of the trademark will be limited to those which actually make use of the trademark.

#### Registration

Trademark applications are filed before the competent Greek Trademarks Authority. By virtue of the Joint Ministerial Decision No 48793/2022, the competent Authority, since May 2022, is the Greek Patent Office.

The examiner reviews the application on procedural and substantive grounds. The *ex officio* examination of relative grounds for refusal is abolished; the publication of the approval decision to the designated website serves as notification to third parties, who could have an interest to oppose the application.

The examiner's decision to accept a trademark application registration can be opposed within a three-month deadline, commencing from the day after its publication on the designated website.

The proprietor of the trademark may divide the trademark application or registration, stating that part of the products or services contained in the original declaration or registration will be the subject of one or more partial declarations or registrations.

#### **Enforcement**

#### Administrative Courts

The Administrative Courts are competent to adjudicate appeals against the Trademark Committee's decisions that rule on the decisions of the examiners regarding objections or applications for dispute resolution. Appeals are required to be filed within 60 days from the day of the publication of the decision.

#### Civil Courts

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The Civil Courts are competent to adjudicate the following;

- Disputes regarding trademark infringement;
- Oppositions of article 583 of Civil Procedure Code against the Trademark Committee's decisions on the applications of trademark revocation or invalidity;

- Claims and counterclaims of restraining orders on trademark's revocation or invalidity;
- Claims related to trademark assignments;
- 5. Actions on the right to information.

The law abolishes the provision that required civil courts to be bound by the final decisions of the Trademarks Committee and the Administrative Courts i.e., they have the jurisdiction to adjudicate on the validity of registered national and European Union trademarks, provided that the proprietor of the trademark is entitled to counterclaim for the declaration of invalidity of the trademark or revocation.

The claim for revocation or invalidity can only be brought as a counterclaim, and the defendant must notify the Trademarks Registry by the date of the court hearing at the latest, otherwise the action is inadmissible. Additionally, once the infringement action has been filed by the claimant, the defendant can no longer challenge the validity of the trademark by filing a separate action before the Trademarks Registry. If the action has been filed before the filing of the civil claim, the court has the discretion to suspend the proceedings brought before it, ordering provisional measures. The defendant has the same right in interim injunction proceedings.

The objection to the proof of use has to be raised at the hearing of the opposition, otherwise it will be inadmissible. The claimant is granted at least 30 calendar days to submit materials proving the use of the earlier mark along with a supporting writ. The defendant is granted at least 25 calendar days, starting the day after the aforementioned deadline expires, to evaluate the proof material and submit a writ. Within three calendar days following the expiration of the second deadline, both parties submit their rebuttals. The Administrative Trademark Committee can rely on facts that are so well known that no doubt remains that they are true.

The burden of proof in revocation proceedings is put on the proprietor of the contested trademark. The proprietor can request to have the full court decision, or parts thereof, published



on social media. Interim measures are filed by the individual who has the trademark registered in their name.

The intervening right defense in infringement proceedings in favor of the proprietor of a later mark is introduced; the proprietor of the earlier trademark cannot prohibit the use of a later mark if that later one is not declared invalid.

#### **Penal proceedings**

Greek Law enforces criminal offenses, such as imprisonment and fines, in the case of trademark infringement when:

- A trademark is used without having such right;
- Launching, possessing, importing, or exporting products wor offering services using another's trademark;
- Intentionally using a reputed mark for the purpose of exploiting or damaging its reputation;
- Intentionally using symbols and signs of public interest.

#### Mediation

In light of the current Mediation Law 4640/2019, trademark disputes can be submitted to mediation.

#### Contact

#### **About Vardikos & Vardikos**

Vardikos & Vardikos is a fully-fledged law firm headquartered in Athens, with offices in Cyprus, the Caribbean Islands of Dominica, and St Lucia, providing intellectual property services. In addition, the firm offers ship/yacht registration and is a government-approved service provider for respective Citizenship by Investment programs of both Caribbean Islands.

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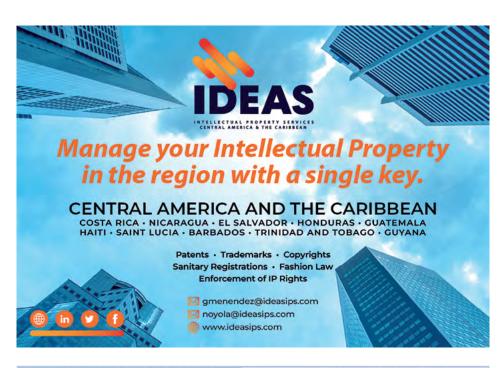
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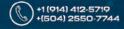
















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SBGK's attorneys at law are qualified to represent clients before the EUIPO, the EU General Court and the Court of Justice of the European Union. Similarly, SBGK's patent attorneys are all registered as European patent attorneys and can represent clients before the European Patent Office and the EUIPO.

SBGK has represented UNILEVER NV before the Court of Justice of the European Union (CJEU) in the first preliminary ruling referral to the CJEU from a Hungarian court in a trademark matter. Our firm also represented Rubik's Ltd., a well-known brand in the toy industry, before the General Court and the European Court of Justice in a landmark trademark case which received high media and press publicity. SBGK provided legal advice to its client in a case which was referred to the Court of Justice of the European Union in relation to the interpretation of Article 9 (7) of the Enforcement Directive. The interpretation of the article has an important effect on patent litigation, particularly on compensation claims resulting from unjustified preliminary injunctions.

Additionally, SBGK helps foreign investors set up their business in Europe and provides them with all the necessary legal services in company establishment, mergers and acquisitions, competition law, employment law matters and various other commercial transactions

#### Network

SBGK, as the leading IP law firm in Hungary. offers not only professional services, but also a broad network of international contacts, which includes well-known national and international firms guaranteeing high-quality services. SBGK's attorneys at law and patent attorneys are members of and hold various positions in international IP organizations such as the International Association for the Protection of Intellectual Property, the International Trademark Association, the International Federation of Intellectual Property Attorneys, the European Communities Trademark Association, MARQUES, UNION, the Pharmaceutical Trademarks Group, the Licensing Executives Society International and the Institute of Professional Representatives before the EPO.

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SBGK is looking to broaden its professional network and form partnerships with foreign patent and trademark attorneys, to represent clients from Europe and further afield in international IP matters. SBGK can provide a one-stop shop for European patent, Patent Cooperation Treaty, EU trademark and registered Community design applications. SBGK is also a partner of the pan-European intellectual property portfolio management firm AIPE, which connects reputed European IP firms focused on patent and trademark prosecution, as well as UPC litigation.

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The firm was formed in the year 1992 as a boutique intellectual property and technology law firm. In the year 1995, the firm merged with a law practice which was set up in 1956. This was followed by a period of tremendous growth, and consequently in the year 2016, the firm was converted into a limited liability partnership firm. Since 2016, the firm slowly began to expand its offerings in other areas of law and has become a full-service law firm. The firm offers a variety of legal services from its two major divisions, which are the intellectual property & technology division and the general practice division.

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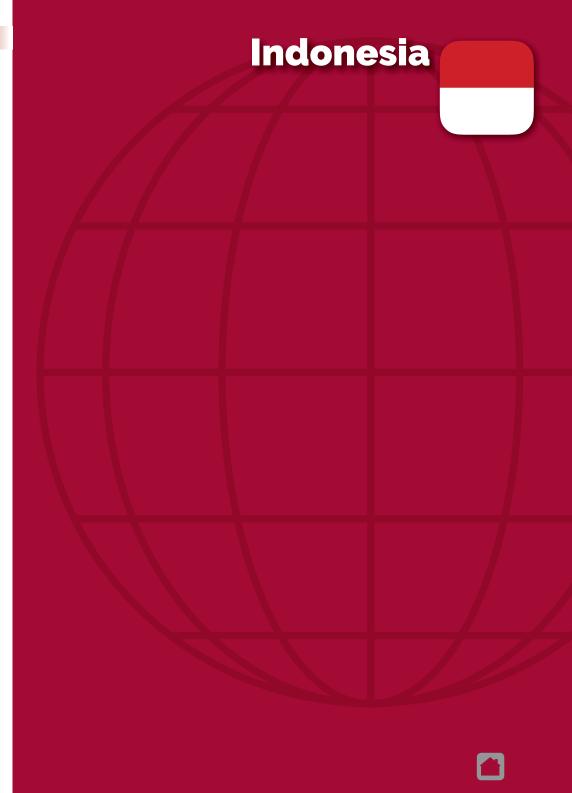
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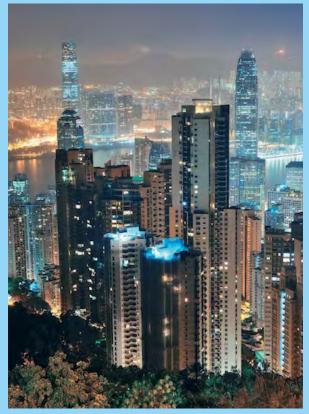
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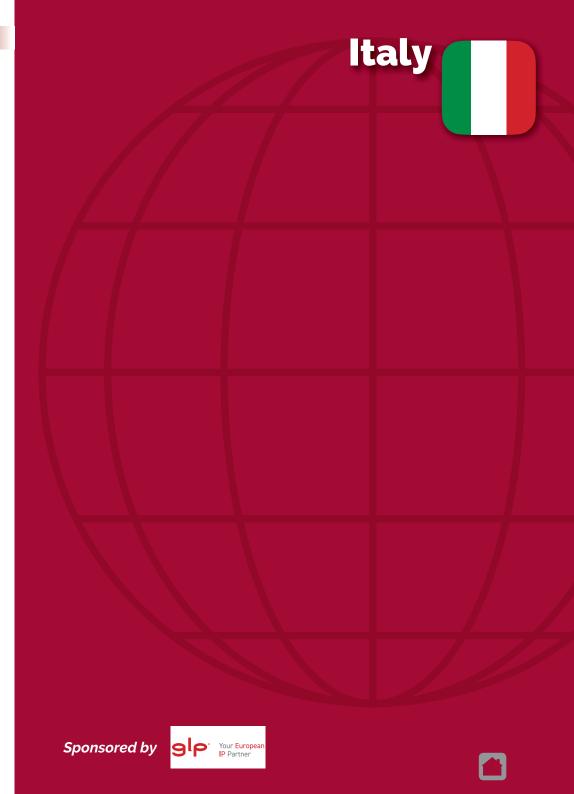
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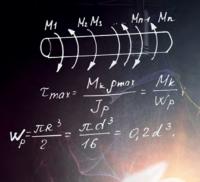
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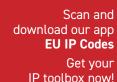
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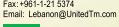


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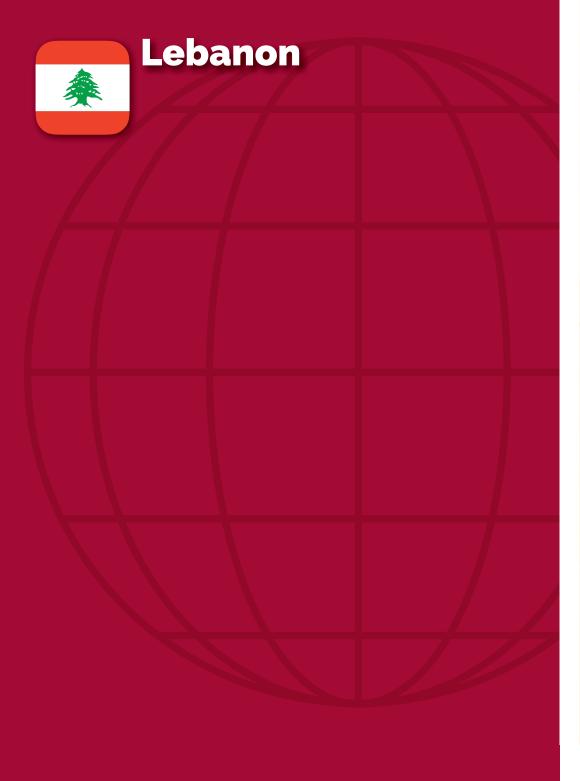
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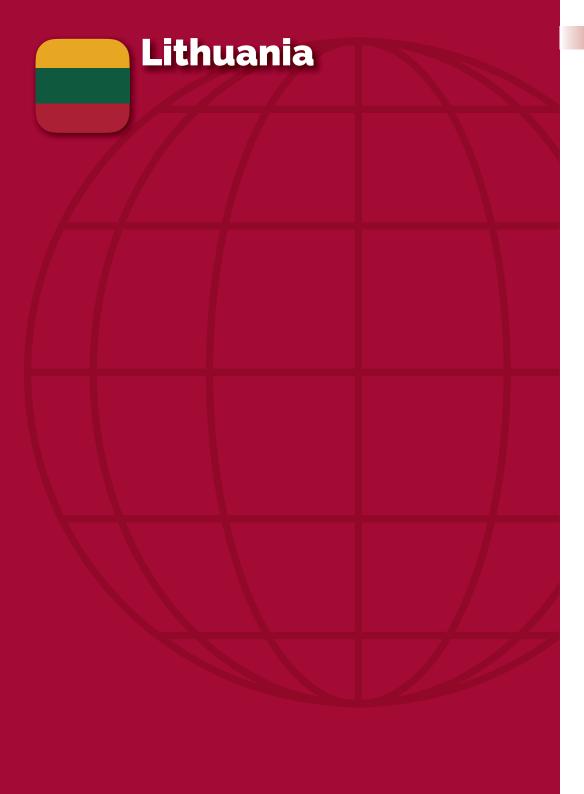
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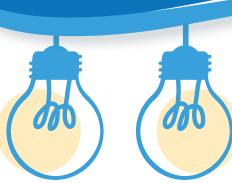
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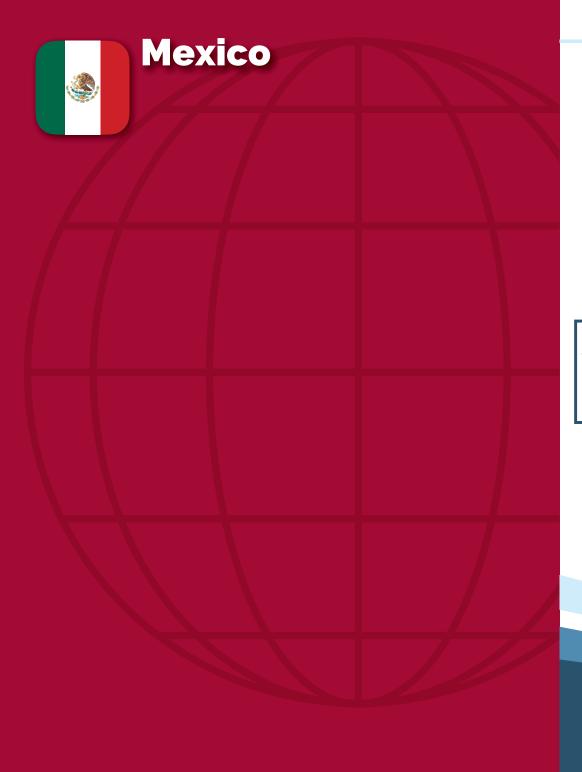
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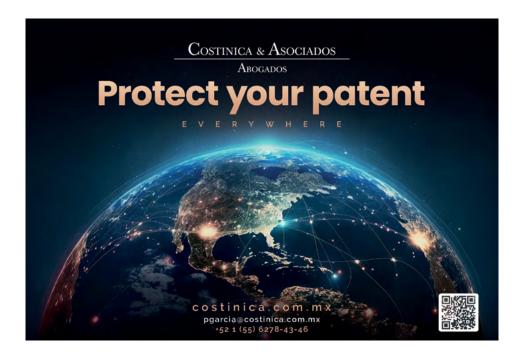
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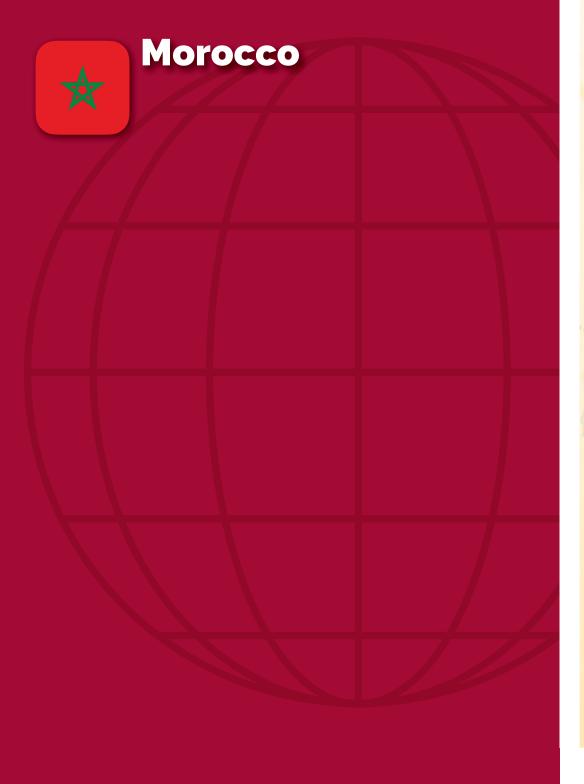
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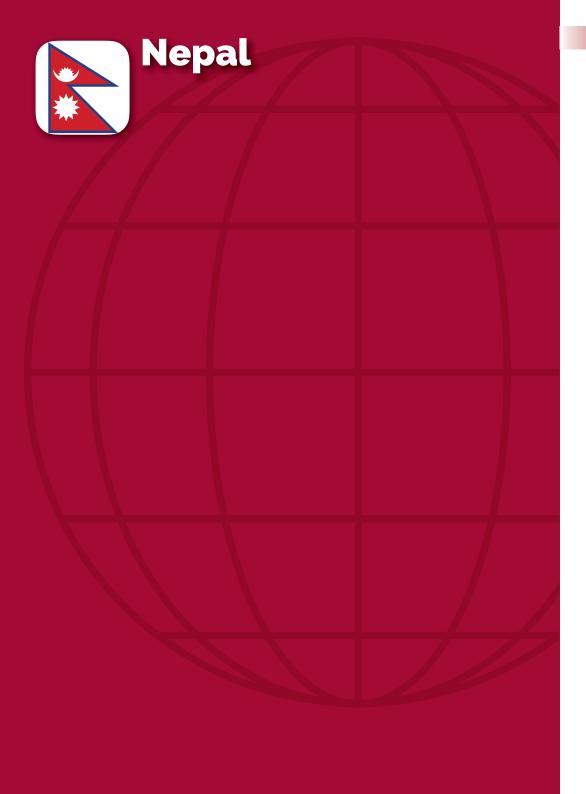
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# Peru Sponsored by

# Kené: art and ancestral legacy in search of legal protection

Guillermo Melgarejo of Colmenares & Asociados reflects on the urgent need to reinforce the regulatory framework for the protection of the traditional knowledge of indigenous people in Peru following the controversy generated by the statements of a fashion designer who suggested that its use should be free.

t the end of 2024, Peru hosted an event called 'Origenes' (Origins), which aimed to promote innovation and sustainability in the local fashion industry. The speakers included Peruvian designer Anís Samanez, José Forteza, editor of Vogue Mexico and Latin America, and Annalucía Fasson Llosa, a lawyer specializing in fashion law.

With the aim of preventing declarations that seek to ignore the right of indigenous communities.



Controversy erupted when Samanez's statements regarding her experience trying to establish a collaborative work with the Shipibo-Konibo indigenous community went viral on social networks. She told the audience "the community had refused to share their knowledge of Kené art in exchange for receiving her design expertise". Instead, the community demanded financial compensation, which came as a surprise and caused confusion for the designer, who considered that her Peruvian nationality entitled her to use their knowledge.

The controversy escalated even further with Forteza's statements, who – in the following – expressed that 'the heritage of humanity means that it belongs to everyone', suggesting that the Shipibo-Konibo community did not have the right to condition the use of their art (kené). These statements, questioned only by Fasson Llosa during the event, were received by Peruvian society as a flagrant case of cultural appropriation, which not only discredited the designer professionally, but also caused her to suffer significant financial losses in the competitive local fashion sector.



Image: Peruvian Ministry of Culture

In the wake of the controversy, the Peruvian Ministry of Culture expressed its rejection of the statements made, emphasizing that the Kené design has been recognized as part of the nation's cultural heritage by Directorial Resolution No. 540/INC-2008, as it is an essential element of the worldview and culture of the Shipibo-Konibo people native to the Peruvian Amazon. Likewise, the ministry reaffirmed its commitment to protect traditional knowledge and condemned any act of cultural appropriation. However, we consider that this pronouncement is merely symbolic and highlights the urgent need to establish a specific regulatory framework that guarantees the protection of this traditional knowledge. This

includes the development of regulations that include incentives for its effective compliance and sanctions aimed at preventing situations that harm the holders of this ancestral knowledge. It is worth remembering that in the past there have been cases of violations of the rights of the Shipibo-Konibo community, such as the one that occurred in 2018, when the textile company Kuna used Kené designs without prior authorization or granting the corresponding economic recognition to the community. These events reflect a pattern of repeated actions that continue to affect the cultural and economic rights of the Shipibo-Konibo people due to the lack of a regulatory framework that protects them in a comprehensive manner.

In Peru, Law No. 27811 has been in force since 2002, establishing the Regime for the Protection of the Collective Knowledge of Indigenous Peoples Linked to Biological Resources. It should be noted that the aforementioned law expressly limits the scope of protection exclusively to knowledge or know-how that has a direct link to biological resources, leaving aside other traditional knowledge of an intangible nature. In contrast to the current law, legislative initiatives have

emerged in Peru which, although they did not manage to progress towards enactment, sought to cover a broader spectrum of protection. An example of this was the law project No. 2754/2001-CR, whose scope of protection extended to various community cultural manifestations such as Kené design, which is the subject of this reflection. This approach is relevant for improving the current law, with the aim of preventing declarations that seek to ignore the right of indigenous communities to decide on the use of their collective knowledge, especially when third parties try to incorporate it into the commercial circuits of the fashion industry.



Image: Helena De Bragança, Dior

Its elaboration contains a deep and enigmatic meaning, as it represents the healing energy of the sacred plants of the Amazon.

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The current law, despite its limitations, represents significant progress on the road towards more comprehensive protection of the collective knowledge of indigenous communities, especially in a context in which much of this knowledge still lacks adequate protection. This regulatory framework lays the foundations for developing future reforms that expand and strengthen the rights of these communities against possible violations arising from their use by third parties. Likewise, a reading of the objectives established in Article 5 of the Law¹ highlights fundamental aspects such as:

- The fair and equitable distribution of the benefits generated by the use of collective knowledge, which seeks to guarantee that indigenous communities receive adequate compensation for the exploitation of their knowledge.
- To ensure that the use of collective knowledge is carried out with the prior informed consent of indigenous people.

On the other hand, one wonders what makes the intricate Kené designs so highly valued, to the point that the prestigious fashion house Dior has incorporated them into the reinterpretation of its iconic Lady Dior bag? The answer can be found in the work of Sara Flores, a renowned artist from the Shipibo-Konibo community, who was the creator of this reinterpretation. Flores, whose creations have been exhibited in prestigious galleries around the world, has managed to capture and transmit the cultural and aesthetic richness of Kené art in her diverse pieces, exquisitely projecting it onto the global stage.

At first glance, Kené might appear to be a series of geometric figures contained within a structure. However, its elaboration contains a deep and enigmatic meaning, as it represents the healing energy of the sacred plants of the Amazon, and its designs are the result of spiritual visions that emerge during the consumption of these plants. In this way, kené breaks through the superficial barriers of aesthetics to become the materialization of complex spiritual experiences, reflecting the worldview and connection of the Shipibo-Konibo community with nature and the spiritual world.

Law No. 27811, which establishes the Regime for the Protection of the Collective Knowledge of Indigenous Peoples linked to Biological Resources

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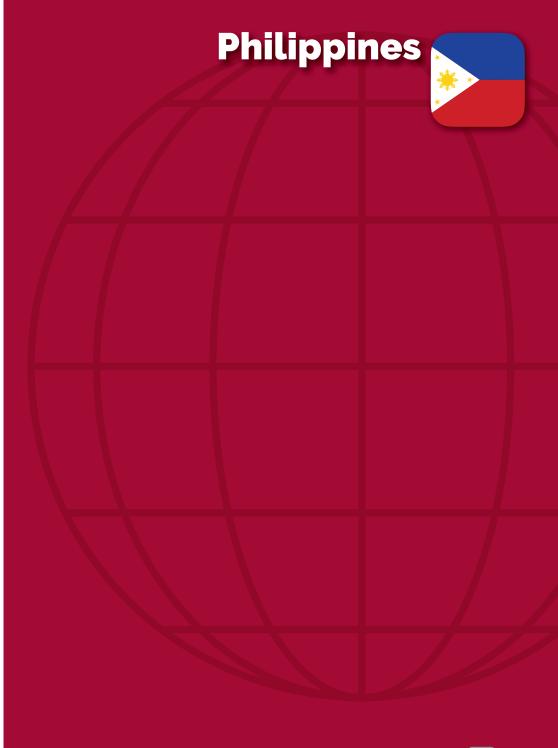
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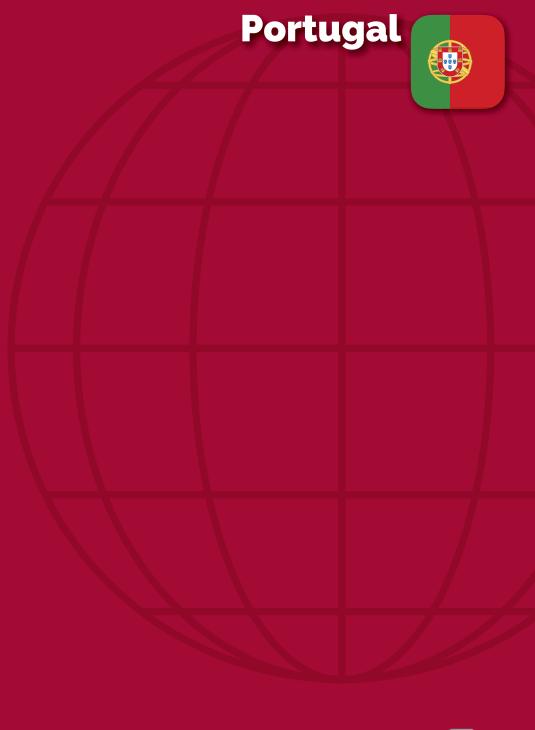
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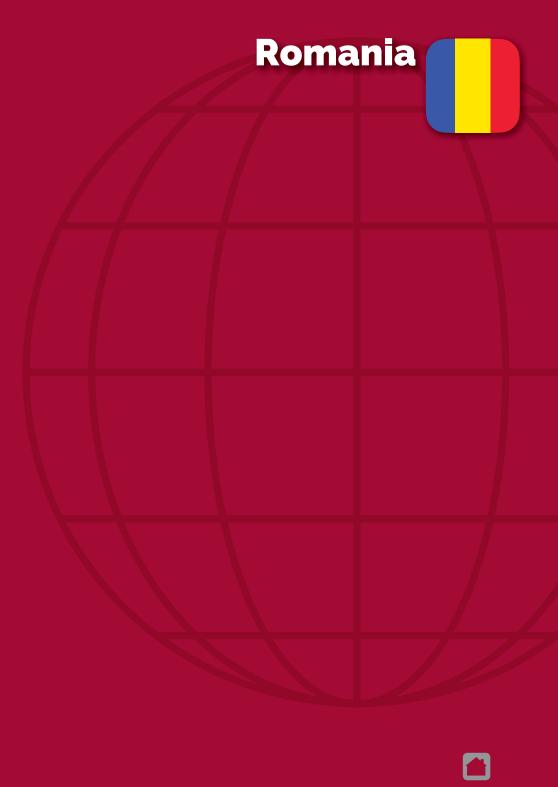


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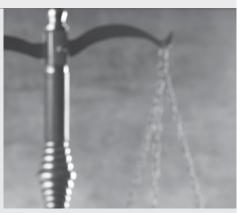
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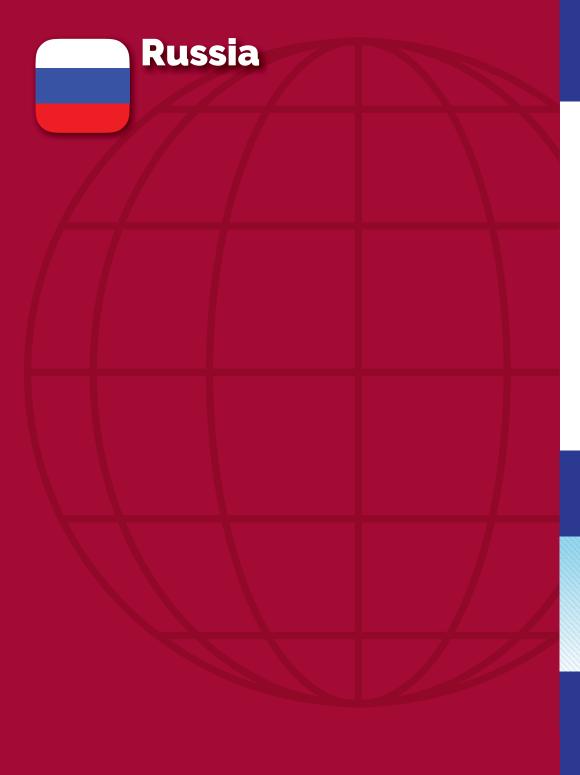
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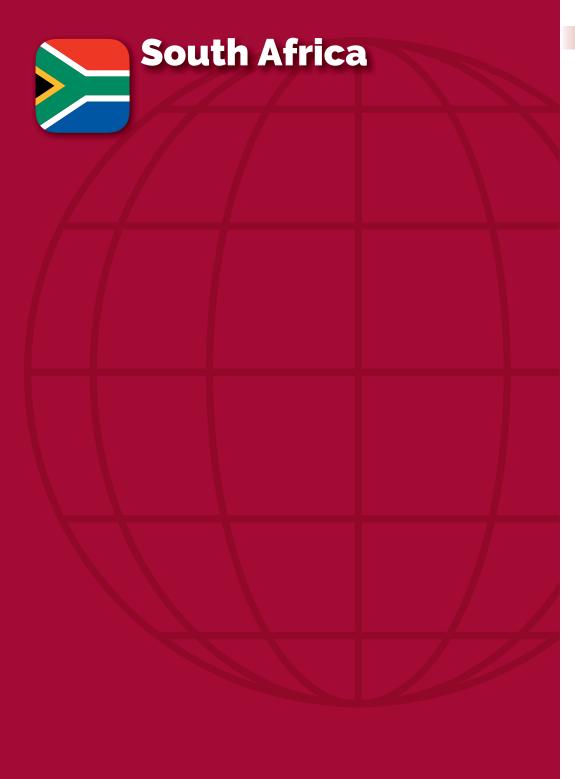
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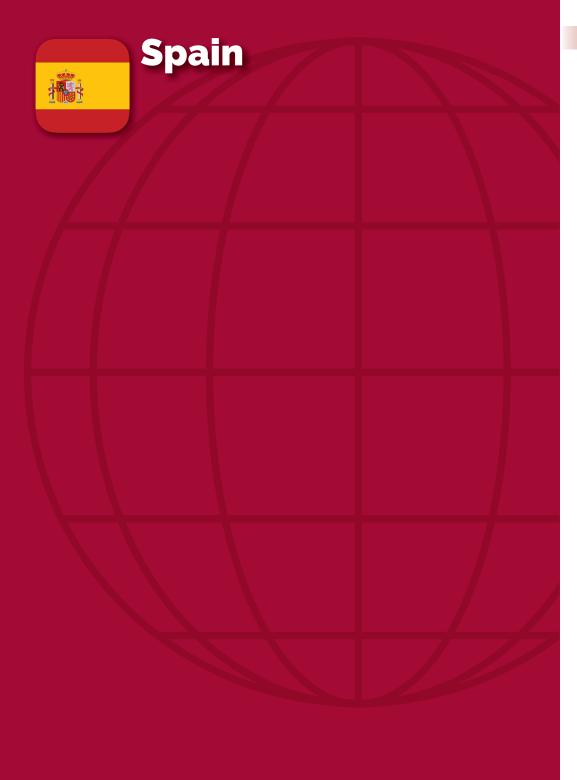
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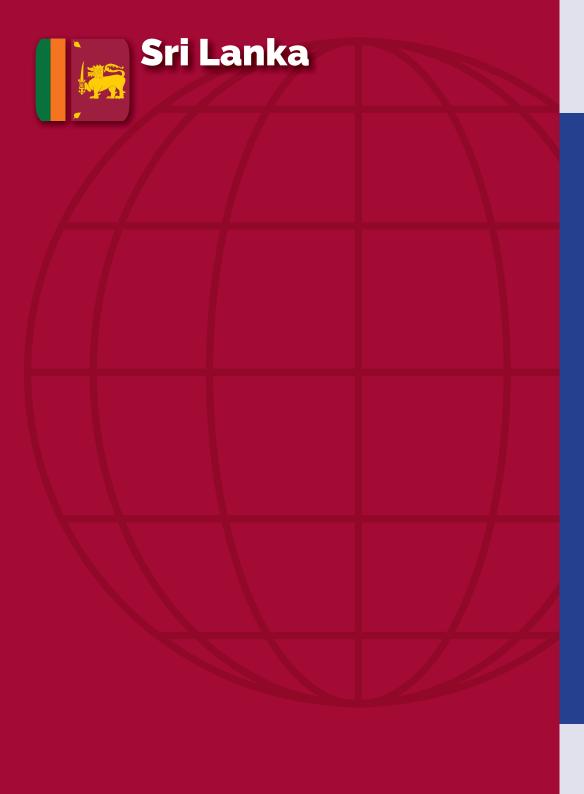
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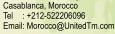
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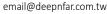
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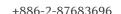
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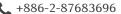
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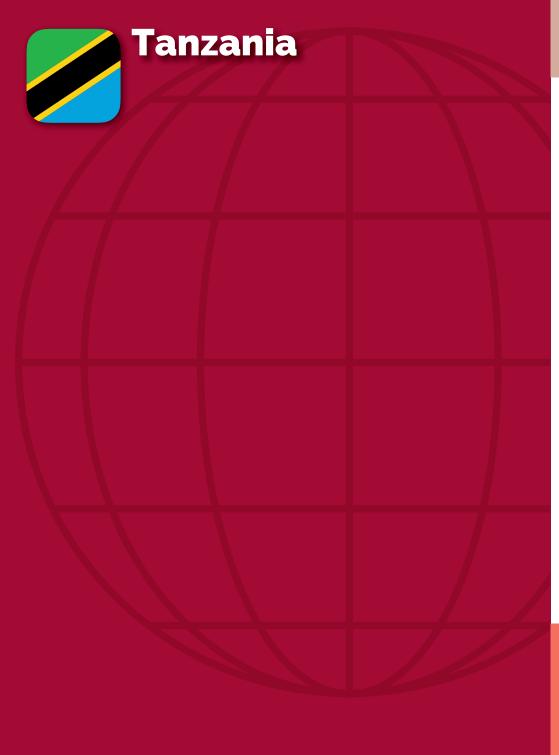
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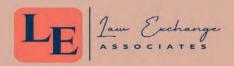
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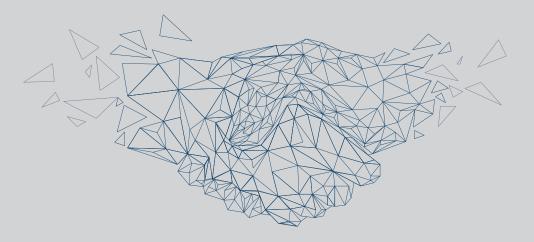
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# Patent term extension and data exclusivity provisions for pharmaceuticals in the MENA region

Claudia Berndt, Head of MENA Patents and Partner at CWB, examines the current landscape of patent term extension and data exclusivity provisions in the MENA region, highlighting the varied legal frameworks in countries such as Bahrain, Oman, Morocco, Jordan, and the UAE.

atent term extension (PTE), also known as a Supplementary Protection Certificate (SPC) in many jurisdictions, is only available in Bahrain, Oman, Morocco, and Jordan within the MENA region. Economically important jurisdictions such as the UAE and Saudi Arabia do not include provisions for patent term extension in their legal framework.

#### **Bahrain and Oman**

Bahrain and Oman have similar provisions for PTE in their patent laws. Below are the main points of comparison:

#### Administrative delays

- Both Bahrain and Oman allow PTE when a patent grant is unreasonably delayed by the patent office.
- In Bahrain, if a patent is granted more than four years after filing or two years from the request for examination (whichever is later), the owner may request a PTE. There is no clear maximum cap on the extension.

In Oman, similar provisions apply, but
the law caps the PTE period at five
years beyond the normal 20-year patent
term. During the extension period, the
protection scope aligns with the
originally granted claims without
expansion or alteration. There is no
prescribed limit on the number of PTE
applications an applicant can file for a
product (i.e., where multiple patents
have been granted for the same
product), with each case being
assessed independently.

#### Regulatory delays

- Both Bahrain and Oman permit PTE to compensate for delays in obtaining marketing approval for commercial use, provided the delay is not attributable to the patent owner.
- In Oman, a delay of more than 24 months from the date of the filing of marketing approval is required to trigger eligibility for PTE. Although there is no strict

- deadline for applying for PTE, it is recommended to request it within six months of the triggering event.
- In Bahrain, the law is silent on what constitutes a regulatory delay, creating ambiguity in its application.

#### Morocco

In Morocco, PTE is limited to pharmaceutical products and applies only to delays in obtaining marketing authorization. Key aspects include:

- The PTE term is calculated based on the number of days between the expiration of the marketing authorization deadline and the actual approval date.
- The PTE request must be submitted within three months of receiving marketing authorization.
- The total extension cannot exceed two and a half years.

Morocco's system provides a clearer regulatory framework with well-defined criteria and deadlines. However, the scope is narrower compared to Bahrain and Oman, as only pharmaceutical products qualify for PTE.

#### Jordan

In Jordan, there are currently no precedents for patent term extensions. Given that Jordan is a

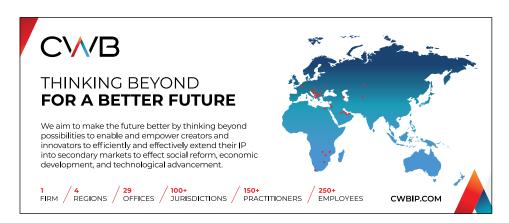
If data exclusivity is provided, this information cannot be used by a generic company for seeking approval of an equivalent generic drug during the data exclusivity period.



member of the Patent Cooperation Treaty and other international intellectual property frameworks, it tends to align its practices with international standards, particularly in the case of pharmaceutical products.

While it is unlikely that a PTE request will be rejected, the process will be experimental as officials will need to explore how to manage and implement this first-of-its-kind request.

Not surprisingly, the number of PTE requests





in the MENA region remains low, indicating a lack of awareness as well as difficulty in navigating the available legal frameworks.

#### Data exclusivity

Data exclusivity protects information submitted by an innovator company for their pharmaceutical product when applying for marketing approval. If data exclusivity is provided, this information cannot be used by a generic company for seeking approval of an equivalent generic drug during the data exclusivity period.

#### UAE

In the UAE, the data exclusivity period is eight years from the date of marketing approval. However, a generic company can apply for marketing approval in the last two years prior to the expiration of the data exclusivity period, provided they produce evidence of the absence of a valid patent for the innovator product in the UAE.

#### **Bahrain**

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Saudi Arabia, Oman, and Bahrain have also provided data exclusivity provisions in their laws. In Bahrain, the Law on Trade Secrets governs data exclusivity.

Any natural or legal person is prohibited from disclosing information in their possession if such information contains the following features:

- The information is confidential, i.e., if the information in its final form or its specifics is not made known nor circulated and is not accessible to those who usually deal with such type of information.
- It has commercial value due to its confidentiality.
- Its confidentiality depends on the effective measures undertaken by its legal holder to preserve it.

The competent authorities shall prohibit unfair commercial use of data or tests submitted (e.g., for the purpose of marketing authorization) by not permitting any person without consent from the owner of the data or tests until five years after the date of marketing approval in Bahrain.

#### **Omar**

In Oman, unfair commercial use of information includes reliance by a governmental authority upon undisclosed test or other data concerning safety and efficacy submitted to it as a condition for marketing approval, without the consent of the person submitting the data, within the applicable minimum five or 10 year period, in the approval of the same or similar product. This means that a generic company cannot rely on the data submitted to said authority when submitting its own approval request. The minimum five or 10-year period begins on the marketing approval date of the innovator product in Oman.

#### **Saudi Arabia**

In Saudi Arabia, data exclusivity and confidential information are dealt with under the Regulations for the Protection of Confidential Commercial Information.

Where an official competent authority requires the submission of information about secret tests or any data obtained as a result of substantial efforts, as a precondition for approving the marketing of drugs or chemical agricultural products in which new chemical substances are used, the said authority shall undertake to protect such information against unfair commercial use, for a minimum period of five years from the date of obtaining the approval.

The competent registration authority may, during the data exclusivity period, permit third parties to use the undisclosed data submitted by the innovator in the following cases:

- (1) If the product first registered in the Kingdom has not been the subject of trading within a reasonable period of time determined by the registration authority, after approving its marketing.
- (2) If this is required by a pressing necessity determined by the competent authority to protect the public.

Apart from providing for data exclusivity, Saudi Arabia is also moving towards providing a patent linkage system. The SFDA is the regulatory body responsible for the oversight and registration of pharmaceutical products within Saudi Arabia. It is responsible for both innovator and generic products.

Since 1 January 2023, innovator companies seeking to register a pharmaceutical product with the SFDA must submit a copy of the patent document issued by the SAIP in the registration file for a pharmaceutical product submitted to the SFDA. If the patent application of the innovator product has not yet proceeded to grant at the time of submitting the application for registration with the SFDA, the innovator company shall submit such document to SFDA within (30) days from its date of grant.

Following submission of an application and if there is a patent in the innovator product file at the SFDA, the SFDA will request a Freedom to Operate (FTO) letter from the generic company. The search carried out for the purposes of an FTO letter must be conducted by an intellectual property agent licensed by the SAIP, and the FTO letter must be provided to the SFDA within 60 days of submitting the request for marketing authorization together with a copy of SAIP's license for the intellectual property agent.

The FTO letter shall include the following wording:

"I (the name of an intellectual property agent licensed by SAIP) hereby certify that the generic product (the name of the generic product) does not infringe any patent of an innovator product registered in the Kingdom."

Based on the FTO letter, SFDA shall register the generic product.

The generic company has the right to apply for the registration of a generic product of an innovator product without submitting an FTO letter six months before the expiry of the relevant patent, taking into consideration that the marketing of the generic product will not be allowed before patent expiration.

At present, patent information is not linked to authorised pharmaceutical products listed in the database of the SFDA but there are plans to implement this in future. Patent linkage will help reduce infringement of on-patent pharmaceutical products as well as registration of generics for on-patent pharmaceuticals. Once made public, the patent linkage will be the only source to be consulted when conducting a search in preparation

for an FTO letter. For now, generic companies will need to rely on the searches conducted by the Saudi Arabian and the Gulf Cooperation Council patent offices.

In conclusion, although Middle Eastern countries have been somewhat slow in aligning themselves with practices in jurisdictions in which the protection of intellectual property has evolved over decades, there are encouraging signs that avenues such as patent term extension and data exclusivity will be more readily available going forward.

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# Undertaking data conversion: best practices for success

WebTMS emphasizes the importance of efficient data conversion to ensure your trademark records are accurate and complete when onboarding information or migrating it to new systems. Properly converting your data is vital for maintaining the integrity of your operations.

rademark portfolio data is beautiful when it's correct, well-ordered, and safely contained in your IP Management System. However, sometimes it is necessary to move and check large amounts of data for accuracy, a task that often falls to trademark paralegals and administrators. It can be daunting and time-consuming, but with the right approach, you can ensure that your data moves to its new home safely and accurately – and stays that way.

#### Reasons for moving trademark data

There are two main reasons why you might need to move trademark portfolio data:

You are taking on a new client and onboarding their existing portfolio of marks. This can be a high-pressure situation with short deadlines. There are usually a lot of moving parts that you don't necessarily have control over.

Alternatively, you are migrating to a new IP Management System (IPMS). In this scenario, you should have more control over the process, and your IPMS provider should be helping you throughout

Whatever your situation, there are some things

common to both activities, and once you've moved your data, you need to establish audit processes to make sure your data stays accurate. Let's look at the due diligence activities and processes you need to follow.

#### 1. Identifying the data and format

When you're onboarding a new portfolio of someone else's data, you first need to find out what format the data is in – is it in an IPMS or spreadsheets? How will it be exported for transfer? Will that format synchronise with your own systems, or will your IPMS provider need to work on the data?

#### 2. Conversion or "mapping"

This process converts data from its original source into the format you need for your own record system and identifies where it will sit. Another term for this is "mapping" and you should receive a mapping report that will show you where the original data will live in the target destination.

This must be a joint exercise between you and your IPMS provider because the stakes are high;

without the correct action and status mappings the automated calculations in the IPMS will be incorrect and major problems could result. This is a particular concern if you don't have consistency over date entry in the old system. If you use a mix of formats, the target system will not be able to accurately interpret the data and calculate renewal dates correctly, which could result in you missing deadlines.

Your provider will deliver their expertise in migration projects to make sure all the technical aspects that might cause problems are covered. You will provide your knowledge of the data to give context around anything unusual that might be part of the migration. It is important not to underestimate the time and investment needed here. A good IPMS provider will let you know the cost and time commitment required to make sure it's right first time.

#### 3. Testing

If you are migrating from one IPMS to another, you need to undertake testing to ensure everything has been mapped and moved correctly. This can be time-consuming and complex. Ensure you have scheduled sufficient time to review and approve before you complete the live conversion. It's advisable to have an overlap of the old IPMS and the new one for a period while the testing, validation, and approval take place.

Your new IPMS provider will also conduct rigorous testing, but they will be looking at the raw data migration and checking that the mapping has been executed correctly. It will be your responsibility to spot anything erroneous related to your proprietary processes – such as where you keep data when monitoring third-party marks, for example, and whether that has moved into a logical place in the new system.

Your IPMS provider should provide a project plan for you to incorporate into your own timeline, and it's best to get an idea of timings well before giving notice to your outgoing service provider, or before agreeing to any deadlines from a new client.

Throughout the three steps above, make sure you're getting help from your IPMS provider. That's a given when you're switching systems, but they should also be involved when you are

onboarding new client data, advising you throughout the process to make sure the new data is securely and safely transferred into their software.

Once you have onboarded or migrated your data and it is showing correctly in your IPMS, it is essential to conduct a thorough audit. Regular audits are a best practice to ensure data integrity and optimise system performance.

Keep an eye out for gaps in data, and anything that you no longer need. You're aiming for a clean, accurate database with minimal duplication or extraneous material.

#### Time is the most precious resource

Perhaps the most important thing to note is that all this takes time. It's essential to plan a schedule with all stakeholders, allowing sufficient time for each stage and some contingency time on top.

Taking the time to clean and validate your data before conversion is essential to avoid errors down the line. Testing is just as important—thorough checks will help ensure accuracy and functionality, making the transition as smooth as possible. Working closely with your IPMS provider from the start will help you scope out the project and spot any problems in advance, and regular updates will keep stakeholders informed and aware of their responsibilities and deadlines.

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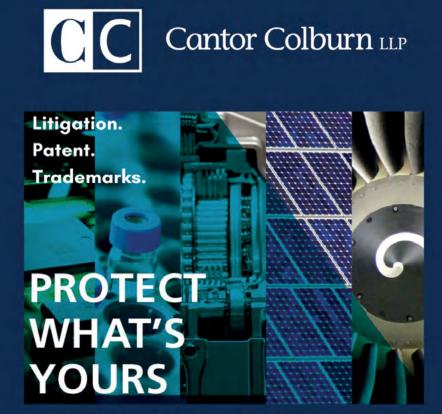
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Vietnam

# Vietnam strengthens industrial property rights enforcement through legislative reforms under the new Circular

Vu Hoang Ha Thu, Head of Intellectual Property, and Nguyen Le Toan Phuoc, Legal Assistant, of Indochine Counsel detail the enhanced enforcement of industrial property rights through the introduction of Circular 06, which amends existing regulations to clarify penalties for violations, streamline dispute resolution, and improve the overall framework for protecting intellectual property rights in Vietnam.

n 2024, the Ministry of Science and Technology of Vietnam officially issued Circular No. 06/2024/TT-BKHCN (Circular 06), Circular 06 amends and supplements several provisions of Circular No. 11/2015/TT-BKHCN dated 26 June 2015 (Circular 11) and provides guidelines for implementing certain provisions of Decree No. 99/2013/ND-CP dated 29 August 2013 on sanctioning administrative violations in the field of industrial property (Decree 99).

This new Circular clarifies specific rules regarding (i) the application of measures for suspending business activities, (ii) the calculation of illegal gains from administrative violations, (iii) violations relating to the indication of industrial property rights (IPRs) protection status and IPRs license, and (iv) sanctions for violations on the Internet.

Firstly, Circular o6 clarifies the measure of

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suspending business activities as an additional penalty. Specifically, under Article 3.2(c) of Decree 99 (as amended by Decree No. 46/2024/ND-CP, dated 01 July 2024), violators may face a suspension of their entire or partial production, trading, or service activities for one to three months, depending on the nature and severity of the violation. Notably. the entire suspension of production, trading, or service activities only applies when all such activities are directly related to the violation. However, determining what constitutes "directly related" in practice ultimately depends on the assessment and interpretation of the competent authorities.

Secondly, the method for determining illegal gains earned from committing administrative violations has been revised under the Circular 06 compared to the one provided in Circular 11. Illegal gains in money are calculated as follows: Illegal gains (money)

Quantity of goods or volume of services transferred/ consumed

goods/services

Direct costs for producing goods/ services

This method marks a shift from Circular 11, which did not include the deduction of the direct costs for producing goods/services. However, to qualify for these deductions, the violating organizations and individuals must provide sufficient records and documents to prove the legality and property of these costs. Additionally, Circular 06 clarifies illegal gains which comprise money, valuable papers and other objects or assets acquired by committing administrative violations, wherein valuable papers shall be ones as regulated under the Civil Code and other prevailing law and regulations and other objects or assets are also the ones defined in accordance with the Civil

Thirdly, Circular o6 clarifies violations relating to the indication of IPRs protection status and IPRs license. Accordingly, acts of labelling goods or attaching to the goods and/or business means the information which causes misleading to the status of IPRs protection for objects that have not been protected, including objects under pending applications, of which protection titles have expired or been cancelled or terminated. Such information may include the following descriptions: "trademark has been granted registration certificate", "protected trademark", "exclusive trademark of ..." or the like, as well as symbols such as ®, "P", or "Patent". However, there is an exception: the act of using such symbols on goods or goods packaging, along with information about the accurate status of relevant IPRs protection in Vietnam, shall not be considered a violation.

Regarding the indication of IPRs license, an act of indicating on goods that "goods are manufactured under an IPRs license agreement with ..." or the like in Vietnamese or foreign language shall be considered as violation if (i) the user has not been legally granted the relevant IPRs license; or (ii) the said indication contains incorrect name or agreement number as entered by parties. Regarding the IPRs license agreement, it is also worth noting that Circular o6 requires such agreement to include all principal contents as provided in Article 144.1 of the Law on Intellectual Property, and therefore, permission letter, letter of consent or the like, which shall not be considered as a legal IPRs license agreement if it does not meet such requirements.

Additionally, Circular o6 applies sanctions for violations on the Internet - introducing a penalty of seizure of rights to use domain names in cases where unfair competition is found in association with the use of such domain names, wherein domain names subjected to this sanction include all of those under the management authority of Vietnam (including the national domain name ".vn" and international domain names which are allocated and assigned by international organizations to

Circular 06 applies sanctions for violations on the Internet - introducing a penalty of seizure of rights to use domain names in cases where unfair competition is found in association with the use of such domain names.







agencies, organizations, enterprises, and individuals in Vietnam).

For identifying acts of unfair competition in association with the use of domain names, Circular 06 regulates conditions for determining unfair competition in domain name possession or use. These conditions include: (i) the domain name

The updates under Circular 06 not only strengthen the responsibilities of the involved parties but also create conditions for resolving disputes in a more transparent and efficient manner.



contains a string of characters identical or similar to a protected trademark, trade name, or geographical indication; (ii) the user lacks a legitimate right to use the domain name; and (iii) a third condition, which includes two scenarios: (a) exploitation of reputation or goodwill: the domain name is used to promote, offer, or sell goods or services that are identical, similar, or related to the protected trademark, trade name, or geographical indication, for unjust enrichment; and (b) bad intention: the "bad intention" is defined as situations where the user knows or should know that the trademark, trade name, or geographical indication is protected in Vietnam and still uses the domain name for profit (e.g., selling or transferring registration rights); or the domain name's website harms the reputation or goodwill of the protected trademark, trade name, or geographical indication.

In certain cases, the holder of a domain name may be subject to relevant administrative sanctions for a violation committed in Vietnam by a person who has permission to use the domain name when the rights holder is aware or has reasonable basis to be aware that the domain name user was committing the violation. In this connection, a violation shall be considered occurring in Vietnam if (i) it takes place on the Internet and (ii) it is carried out on a website with a Vietnamese domain name, it displays content in Vietnamese, or it targets consumers or users in Vietnam.

In conclusion, the updates under Circular 06 not only strengthen the responsibilities of the involved parties but also create conditions for resolving disputes in a more transparent and efficient manner. Individuals and organizations must familiarize themselves with these regulations to protect their rights in the best possible way.

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