



Introduction to WIPO: Major Intellectual Property Economic Studies



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Ikast, Denmark October 13, 2016

About WIPO

- The World Intellectual Property Organization (WIPO) is the global forum for intellectual property services, policy, information, and cooperation.
- File, manage or search patents, trademarks, designs, and appellations of origin.
- WIPO's staff, member states and stakeholders share one goal: an efficient and accessible intellectual property system that provides benefits to all.

WIPO a Service and Development Organisation

Norm Setting



Services to Industry



Global Infrastructure Economic Development

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Global Reach

MEMBER STATES: 188

OBSERVERS: more than 390 (NGOs, IGOs, industry groups, etc.)

STAFF: more than 1,200

ADMINISTERED TREATIES: 26

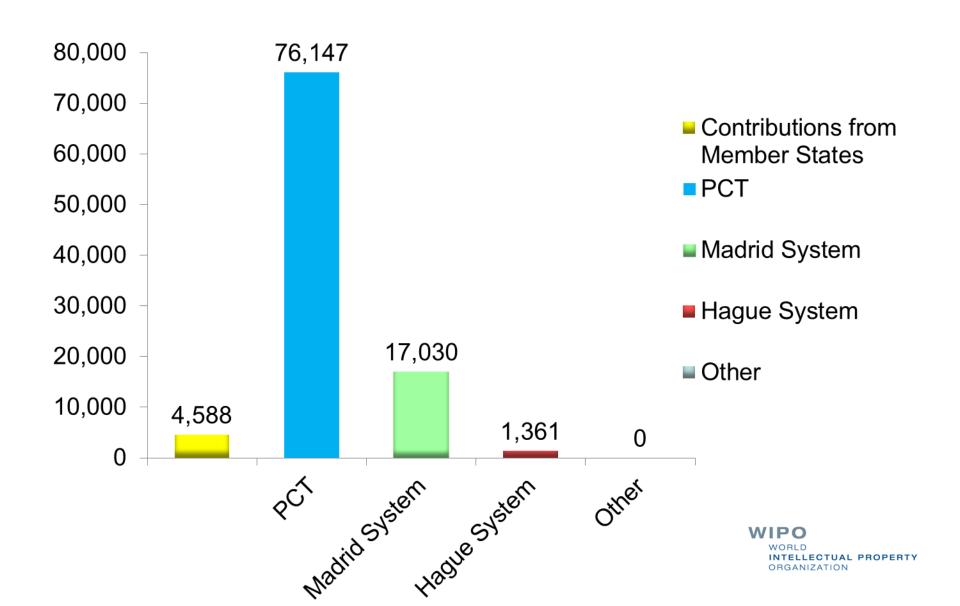
MAIN BODIES: General Assembly, CC, WIPO CONFERENCE



Newest Treaties

- Marrakesh: Its main goal is to create a set of mandatory limitations for the benefit of the blind, visually impaired, and otherwise print disabled, and to permit exchange of these works across borders by organizations that serve those beneficiaries.
- **Beijing**: It deals with the intellectual property rights of performers in audiovisual performances

WIPO's Budget: 756,3 Million CHF for 2016 - 2017



THE ECONOMICS AND STATISTICS DIVISION

The Division applies statistic and Economic analysis to the use of WIPO services.

Reflects the Growing
Consensus on the
importance of the
Economic
Dimension of IP.

This structure also improves WIPO economic insight on IP Development.



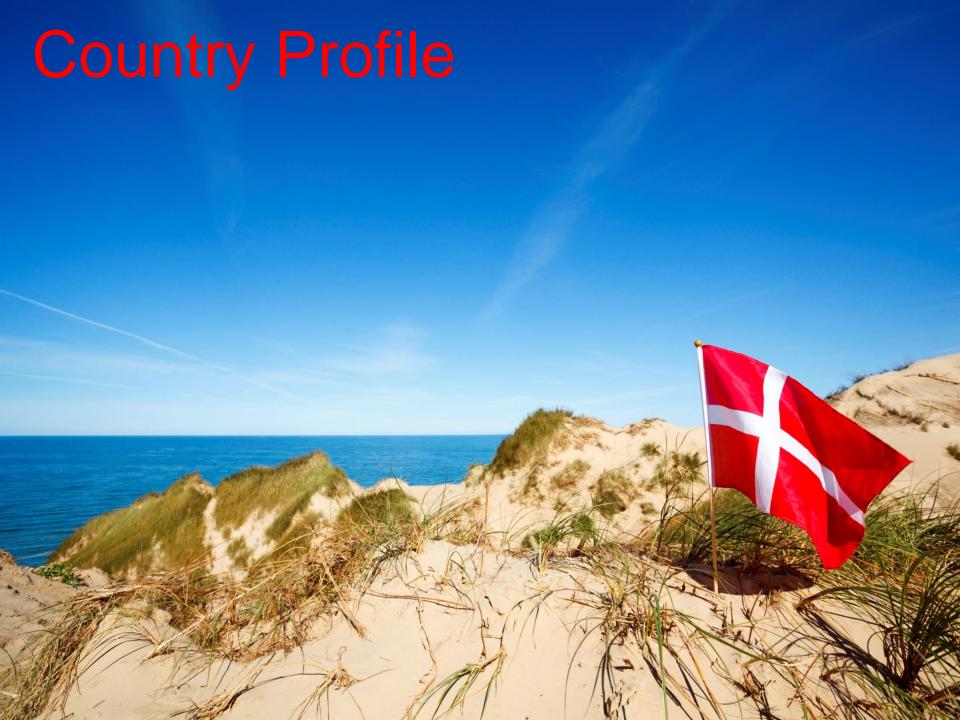


- World Intellectual Property Report (2015): Breakthrough Innovation and Economic Growth
- The PCT Yearly Review provides an overview of the performance and development of the PCT system:

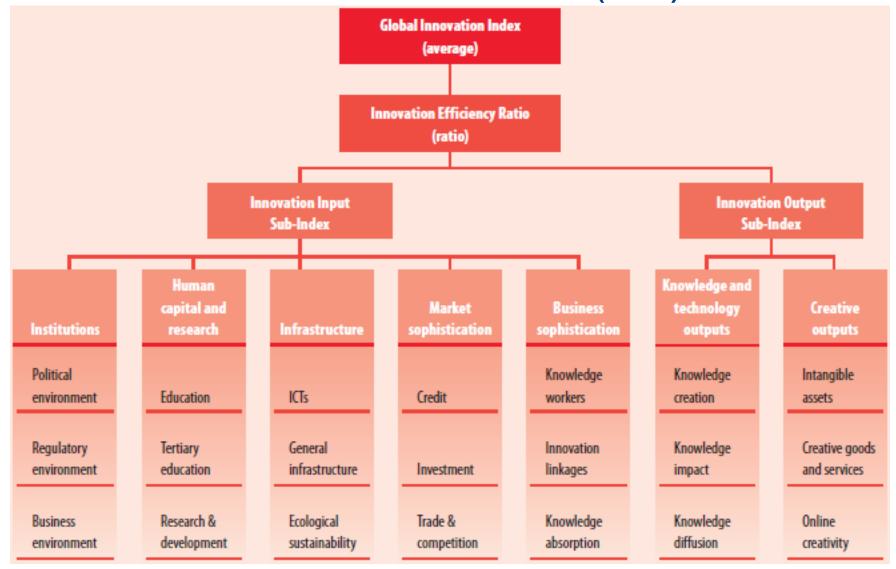
 http://www.wipo.int/ipstats/en/statistics/pct/
- Madrid Yearly Review:
 http://www.wipo.int/ipstats/en
- Hague Yearly Review: http://www.wipo.int/ipstats/en/
- The WIPO IP Facts and Figures
 provides an overview of IP activity based
 on the latest available year of statistics.
 It serves as a quick reference guide for
 statistics: http://www.wipo.int/ipstats/en/
- World Intellectual Property Indicators (WIPI) provides an overview of latest trends in IP filings and registrations covering more than 100 offices:

 http://www.wipo.int/ipstats/en/wipi/index.html
 - WIPO IP Statistics Data Center
 http://ipstatsdb.wipo.org/ipstatv2/ipstats/
 patentsSearch
 wipo

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The Global Innovation Index (GII)



The Global Innovation Index

RANKING 2015

- 1. SWITZERLAND
- 2. UNITED KINGDOM
- 3. SWEDEN
- 4. NETHERLANDS
- 5. UNITED STATES OF AMERICA
- 6. FINLAND
- 7. SINGAPORE
- 8. IRELAND
- 9. LUXEMBURG

10. DENMARK

- 11. HONG KONG (CHINA)
- 12. GERMANY
- 13. ICELAND
- 14. KOREA, REPUBLIC OF
- 15. NEW ZEALAND

RANKING 2016

- 1. SWITZERLAND
- 2. SWEDEN
- 3. UNITED KINGDOM
- 4. UNITED STATES OF AMERICA
- 5. FINLAND
- 6. SINGAPORE
- 7. IRELAND
- 8. DENMARK
- 9. NETHERLANDS
- 10. GERMANY
- 11. KOREA, REPUBLIC OF
- 12. LUXEMBOURG
- 13. ICELAND
- 14. HONG KONG (CHINA)
- 15. CANADA



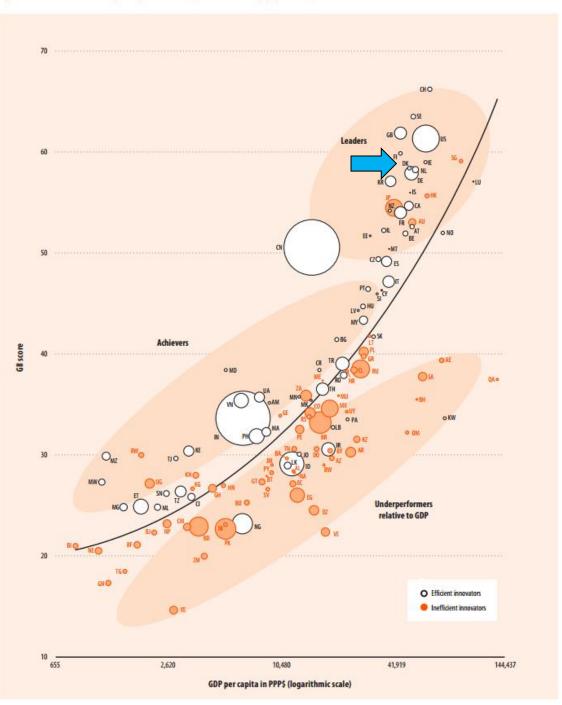
Denmark in the Global Innovation Index 2016

- Ranked 8th Globally in 2016
- Strong in Input Sub-Index (at 8th place) and the Output Sub-Index (13th)
- Denmark did not experience a fall in Gross domestic expenditure on R&D (GERD) or in Business enterprise expenditure on R&D (BERD), during the crisis and after:

	2008	2009	2010	2011	2012	2013	2014
GERD	100	108	109	115	118	122	125
BERD	100	108	105	110	111	111	115

Denmark ranks within the top 25 in all pillars and in 15 out of 21 sub-pillars in the GII

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Denmark

- one of the most efficient innovators (Output Sub-Index score over Input Sub-Index score)
- ranks as a 'Leader' in terms of GII score over GDP



Strengths and weaknesses in GII

GDP (2nd)

	Strengths (Global Ranking)		Weaknesses
1	Institutions (4th)	2.2.2	Graduates in science & engineering,%
1.1.2	Government effectiveness (3 rd)	3.1.4	E-participation
1.2	Regulatory Environment (2 nd)	3.2.3	Gross capital formation,% GDP
1.2.1	Regulatory quality (6th)	5.2.3	GERD financed by abroad, %
1.2.2	Rule of law (4th)	5.3.2	High-tech imports less re-imports,% total trade
2	Human capital & research (3 rd)	7.2.4	Printing & publishing output manufactures,%
2.1.1	Expenditure on education,% GDP (3rd)		
2.1.3	School life expectancy, years (4th)		
2.3	Research & development (R&D) (3rd)		
3.1.2	ICT use (1st)		
4.1	Credit (5 th)		
4.1.2	Domestic credit to private sector,% GDP (3 rd)		
5.1	Knowledge workers (6th)		
	Scientific & technical articles/bn PPP\$		WIDO

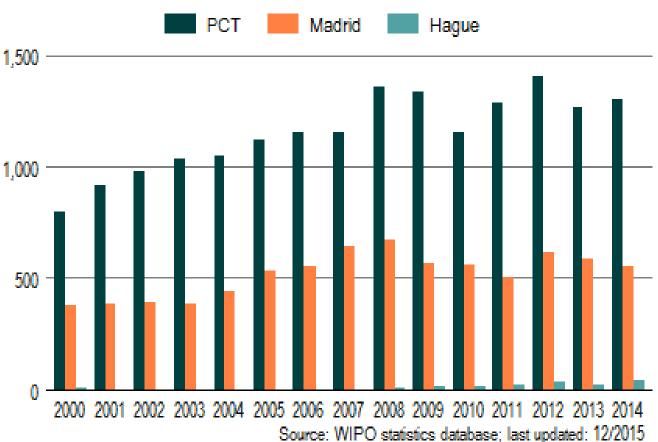
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Denmark and the use of WIPO Systems (2014)

- PCT applications: Denmark made 1,301 applications, a 2.93% increase on 2013 (however, dropped one place in country rankings, 18th to 19th)
- The Madrid system: number 18 in International registrations, an decrease of 5.83% on 2013 (also a drop of one place in country rankings, 17th to 18th)
- The Hague system: 41 registrations, an increase of 133% on 2013 (rise in country rankings from 20th to 13th)
- PCT top 3 applicants: Novozymes A/S, Danmarks tekniske universitet, Vestas wind systems A/S

Danish International Applications via WIPO Administered Treaties

PCT, Madrid and Hague Applications



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Published PCT Applications by Danish Universities*

	2010	2011	2012	2013	2014	2015
AALBORG UNIVERSITET	4	6	4	6	5	3
AARHUS UNIVERSITET	19	8	12	17	14	8
COPENHAGEN BUSINESS SCHOOL						
DANMARKS TEKNISKE UNIVERSITET	24	35	36	48	81	74
IT-UNIVERSITY OF COPENHAGEN	1		2	1		1
ROSKILDE UNIVERSITET					1	
SYDDANSK UNIVERSITET	4	6	8	9	7	4
UNIVERSITY OF COPENHAGEN	10	3	3	2	5	26
TOTAL	62	58	65	83	113	116



^{*} University and PRO patents are not automatically identified in patent data – that keyword searches need to be applied, with potential institutions missed

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The Patent Cooperation Treaty (PCT) Introduction and Future Developments



Thomas Marlow
Policy Officer, PCT Business
Development Division

Ikast, Denmark 13 October 2016

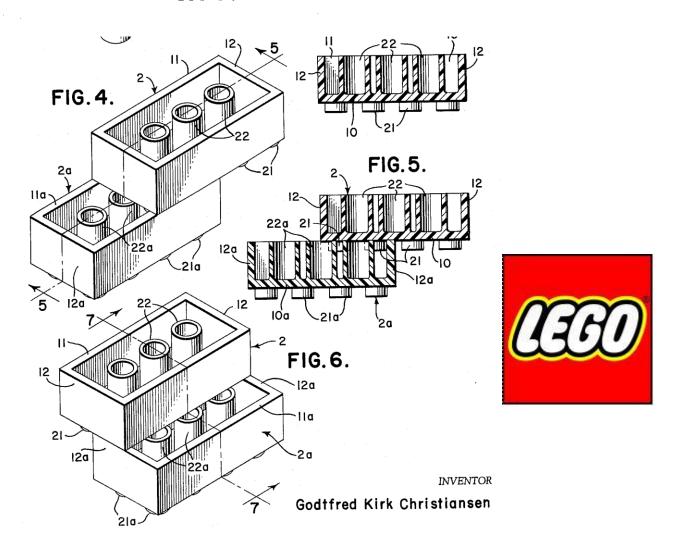
What is a patent?

- A patent is an exclusive territorial right granted for an invention a product or process that provides a new way of doing something, or that offers a new technical solution to a problem
- A patent provides patent owners with protection for their inventions:
 - right to prevent others from making, using, distributing, selling or importing the invention without the patent owner's consent
 - granted for a limited period, generally 20 years



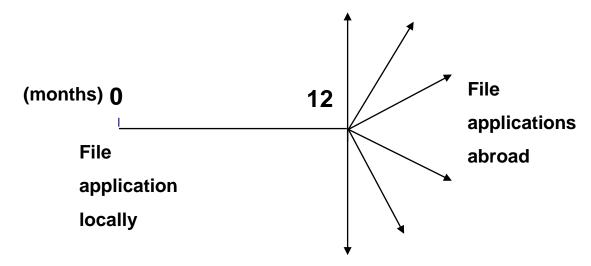
G. K. CHRISTIANSEN

TOY BUILDING BRICK





Traditional Patent System



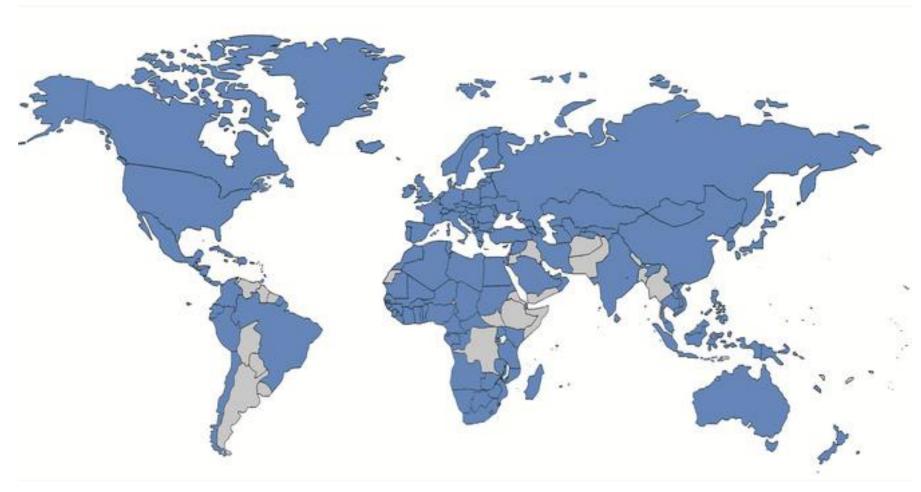
- Local patent application followed within 12 months by multiple foreign applications claiming priority under the Paris Convention (1883)
- Multiple formality requirements, searches, publications, examinations, prosecutions
- Translations and national fees at 12 months



What is the PCT?

- An international treaty facilitating the process of seeking patent protection internationally
- An efficient and advantageous procedure for users of the patent system and patent Offices
- Signed in June 1970 and became operational in June 1978 with 18 Contracting States
 - Entered into force in Denmark on December 1, 1978 (20th Contracting State)
- Currently 151 Contracting States

PCT Coverage Today



151 PCT Contracting States



General Remarks on the PCT

- The PCT System is a patent "filing" system, not a patent "granting" system. There is no "PCT patent".
- The PCT System consists of
 - an international phase, and
 - a national phase.
- The decision on granting patents is taken exclusively by national or regional Offices in the national phase.
- Only inventions may be protected via the PCT by applying for patents, utility models and similar titles.



PCT Basics

- Basic idea: simplify procedure for obtaining patent protection in many countries, making it more efficient and economical
 - filing tool applicants; and
 - work-sharing tool for Offices



PCT – Filing Tool for Applicants

- One international application for protection in all designated States filed with one Office
- Effect of regular national filing in each designated State
- One set of formality requirements
- Delays national processing until 30 months from priority date
- International search and (optional) preliminary examination improve basis for decision making
- International application can be put in order before national phase

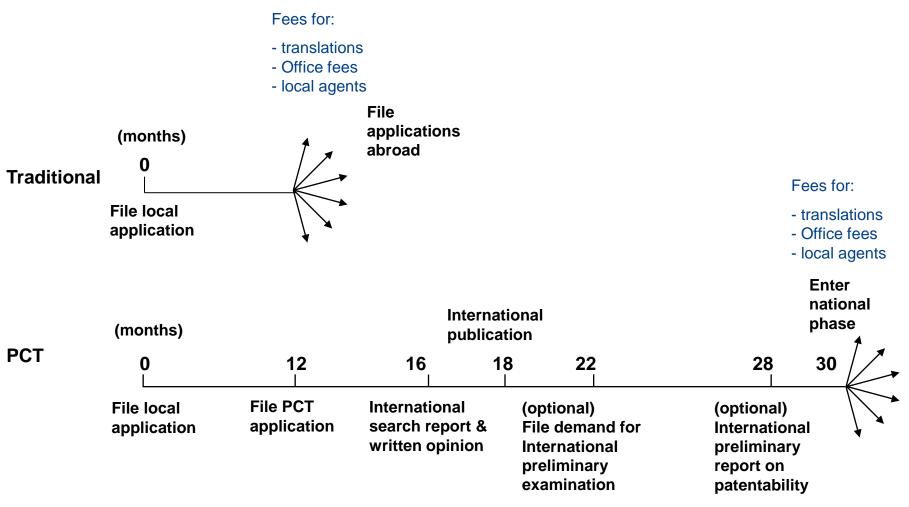


PCT – Work-sharing Tool for Offices

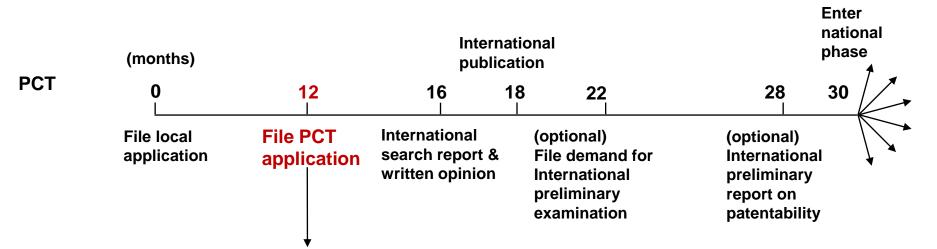
- Central formality checking
- Central international publication
- International search report
- International preliminary report on patentability
 - preliminary, non-binding opinion on novelty, inventive step (non-obviousness) and industrial applicability



Traditional Patent System vs. PCT System



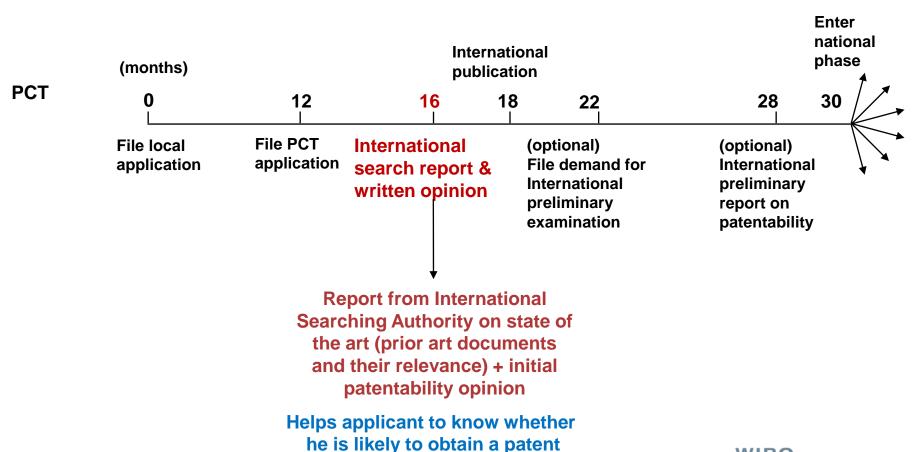
Filing a PCT Application



Typically filed in same
national/regional patent office (known
as the receiving Office) –
one set of fees, one language,
one set of formality requirements –
and legal effect in all PCT States



International Search



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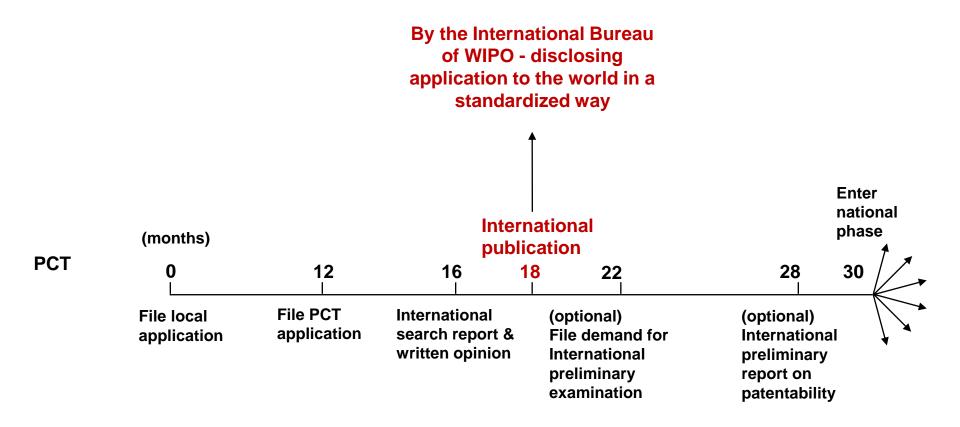
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PCT International Searching Authorities

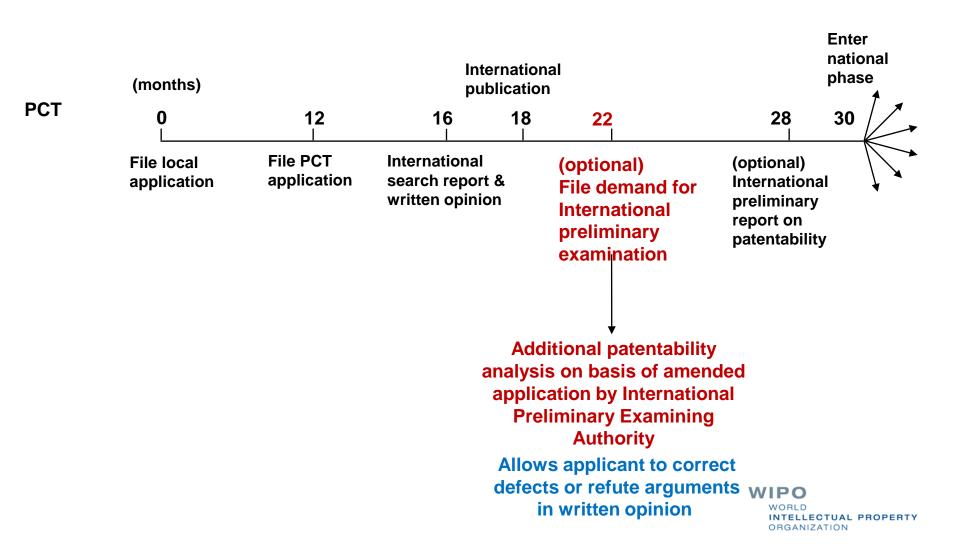
- The Patent Offices (21 in total) of
 - Australia, Austria, Brazil, Canada, Chile, China, Egypt, Finland, Japan, India, Israel, Republic of Korea, Russian Federation, Spain, Singapore, Sweden, Ukraine, United States of America, European Patent Office, Nordic Patent Institute, Visegrad Patent Institute
- Competent Authority depends on receiving Office (RO)
 - RO Danish Patent and Trademark Office
 - European Patent Office, Nordic Patent Institute, or Swedish Patent and Registration Office
 - RO European Patent Office
 - European Patent Office



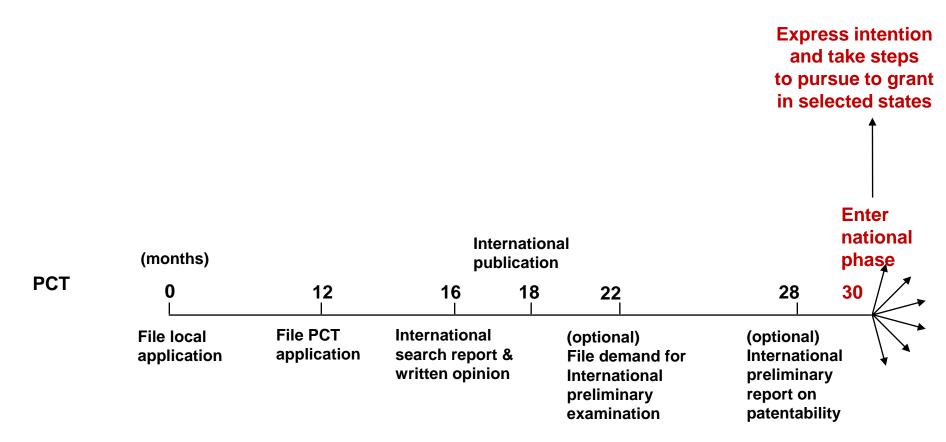
International Publication



International Preliminary Examination (optional)

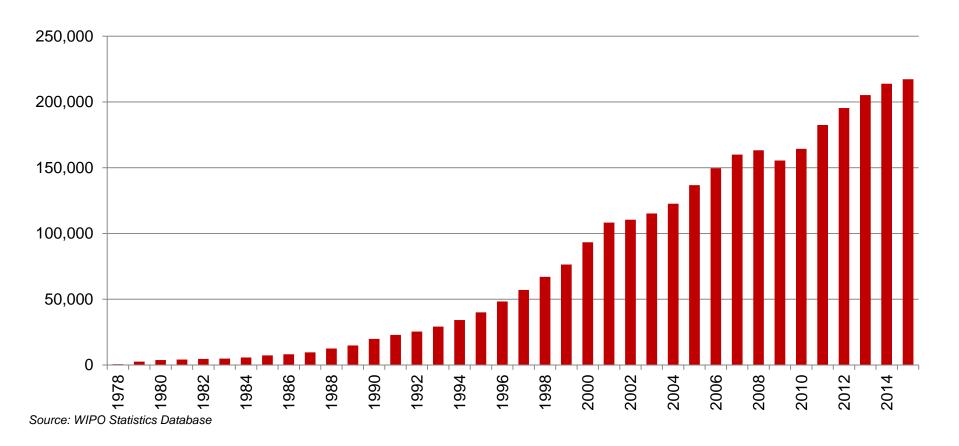


National Phase Entry





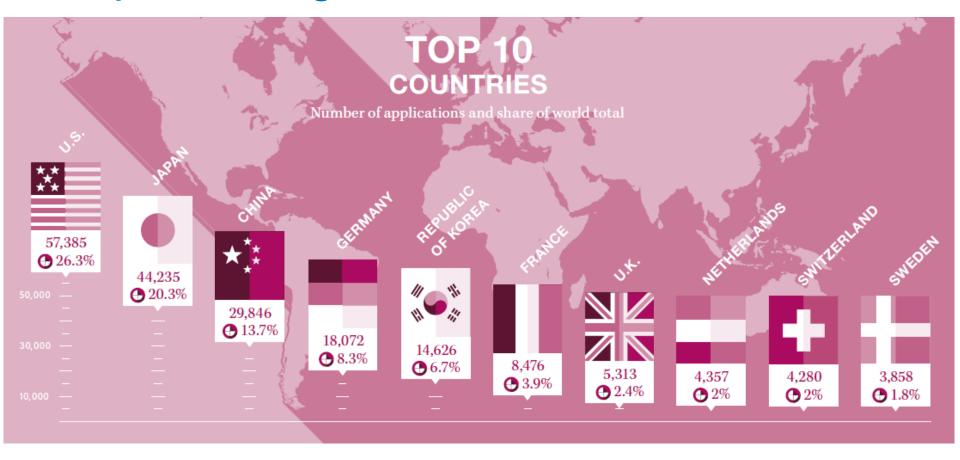
PCT Applications



218,000 PCT applications in 2015 (+1.7% from 2014)



Top 10 Filing Countries in 2015



Denmark filed 1,327 applications, 0.61% share of world total

Source: WIPO Statistics Database



Top PCT Applicants from Denmark in 2015







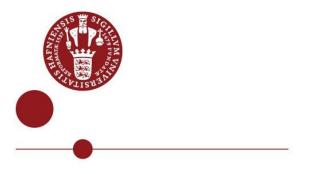








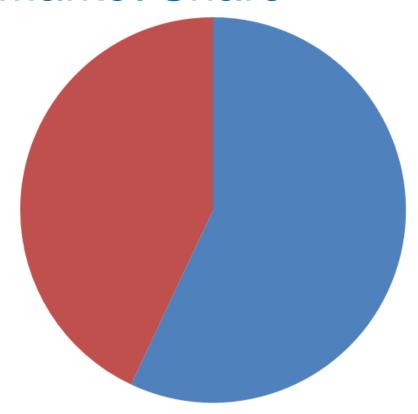




KØBENHAVNS UNIVERSITET

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The PCT Market Share



- PCT national phase entries (non-resident) 57%
- Direct applications (non-resident) 43%

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PCT Key Advantages

- Postpones major costs of international patent protection
 - Translations
 - Fees at patent offices
 - Local patent agent fees
- Strong basis for patenting decisions
 - International search, written opinion and (optional) international preliminary examination
- Harmonizes formal requirements



Future Developments

- Exploitation of work-sharing possibilities
- Quality of international work products
- Timeliness in the international phase
- Accessibility for developing countries and all types of applicants (SMEs, universities, individual applicants)
- Applicants using PCT system efficiently
- ePCT and other IT platforms

Further Information

For further information about the PCT, see www.wipo.int/pct/en/

For general questions about the PCT, contact the PCT Information Service at:

Telephone: (+41-22) 338 83 38

Facsimile: (+41-22) 338 83 39

E-mail: pct.infoline@wipo.int

PCT Applicant's Guide (updated weekly) www.wipo.int/pct/guide/en





Thank you!

Thomas Marlow @wipo.int



Global IP Systems:

The Madrid System The Hague System



Debbie Roenning
Director, Legal Division
Madrid Registry

Ikast, Denmark October 13, 2016

The Madrid System for the International Registration of Marks



It begins with a product and a trademark EVA SOLO

STELTON





PANDORA









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Protection Options

- Then a choice must be made regarding the best way to protect your trademark abroad:
 - The national route: File trademark application with the Trademark Office of each country in which you want protection
 - The regional route: Apply in countries which are members of a regional trademark registration system with effect in all member states (ARIPO, Benelux Trademark Office, EUIPO and OAPI)
 - The international route: File through the Madrid Protocol

What is the Madrid System?

- A centralized filing and management procedure
- It is convenient:
 - A one-stop shop for trademark holders to obtain and maintain trademark protection in export markets
 - File one application, in one language and pay one set of fees for protection in multiple markets
- It is cost-effective:
 - One international application is equivalent to a bundle of national applications, effectively saving time and money
 - Avoid paying for translations into multiple languages or working through the administrative procedures of multiple IP Offices

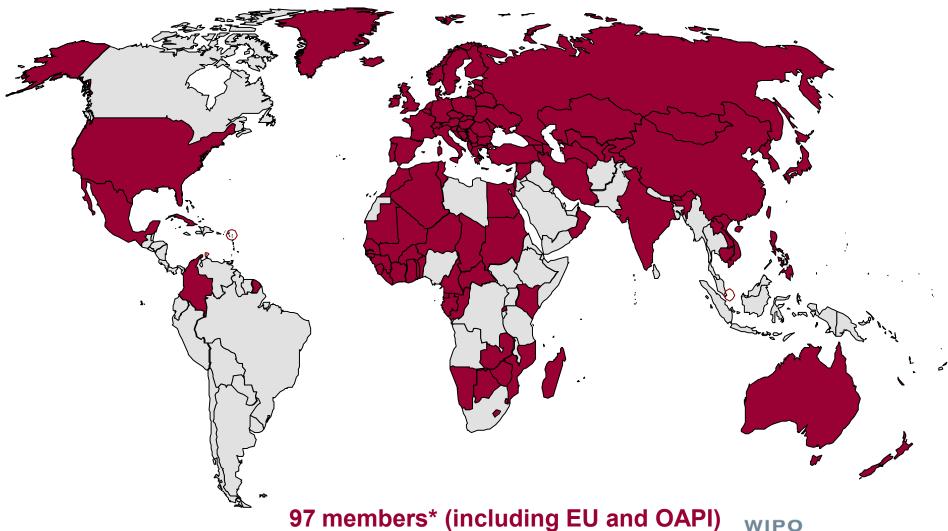
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The Madrid System Offers Broad Coverage

- Protect your trademark/s simultaneously in the 113 countries covered by the 97 members of the System
- Recent accessions:
 - 2012: Colombia, Mexico, New Zealand and Philippines
 - 2013: India, Rwanda and Tunisia
 - 2014: OAPI and Zimbabwe
 - 2015: Cambodia: Algeria, The Gambia, Lao PDR
- Future accessions:
 - ASEAN countries
 - Latin America and Caribbean countries
 - African countries
 - Arabic region



Members of the Madrid System



covering 113 countries

*All are party to the Protocol, the governing treaty, while 55 are also party to the Agreement

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How the Madrid System Works

The International Trademark Registration Process



Video:





Costs

- Fees payable to WIPO in Swiss francs
- Basic fee* includes 3 classes of goods/services
 - 653 Swiss francs b/w reproduction of mark
 - 903 Swiss francs color reproduction of mark
- Fees for designating CPs:
 - Standard fees: Complementary (100 Swiss francs per DCP and supplementary (100 Swiss francs per class beyond 3)

OR

Individual fees where this is declared

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^{*} Applicants from LDCs benefit from 90% reduction of the basic fee

Key Features of the Madrid System

- One registration covering multiple territories
- Fixed time limit for refusal 12 or 18 months
- WIPO examines only for formalities
- Expand protection to new export markets (subsequent designations)
- Tailor the list of goods and services for the different markets
- Centralized management of portfolio
- Dependency and transformation



WIPO Resources and E-Services (1)

- Visit the Madrid Website <u>www.wipo.int/madrid/en</u>
- The Madrid Website provides resources and E-Services to assist you to <u>search before filing</u>, <u>file an application</u> and to monitor and <u>manage your registration</u>
- In summary, these resources include...

WIPO Resources and E-Services (2)

SEARCH

<u>ROMARIN</u> – database of international registrations

Member Procedures

Global Brand Database – search marks by text and image from national/international sources, including trademarks, appellations of origin and official emblems (over 17,880,000 records)

FILE

Forms and E-Forms

<u>Madrid Goods & Services Manager</u> – correct good & service specifications and translation

International Application Simulator

Fee Calculator

<u>E-Payment</u> – online payment system by credit card/<u>WIPO current account</u>

MONITOR

Madrid Real-Time Status of international applications and progress of requests being processed by WIPO

Madrid Electronic Alert monitor changes to international registrations (third party tool)

MANAGE

Madrid Portfolio Manager access registration documents, uploading of requests for recording, payments

Forms and E-Forms – E-Subsequent Designation and E-Renewal

<u>Translation request</u> into official Madrid working languages

Extracts from the International Register

WIPO Resources and E-Services (3)

CONSULT

E-Services overview and tutorials

<u>Legal texts</u> – Agreement/Protocol, Regulations, Administrative Instructions

<u>Declarations made under the Madrid</u> <u>Agreement and the Madrid Protocol</u>

Guide to the International Registration of Marks

WIPO Gazette of International Marks

Office practices on replacement

Statistics

Making the Most of the Madrid System

Web publications

Warning – misleading invoices

UPDATES

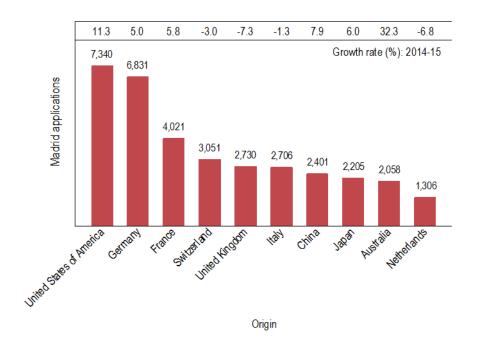
Information Notices

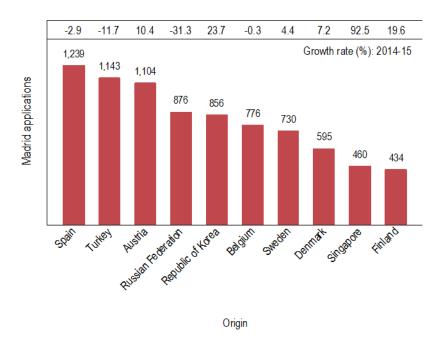
Madrid Highlights – quarterly newsletter for Madrid System users

Subscribe to receive news and updates on the Madrid System by e-mail



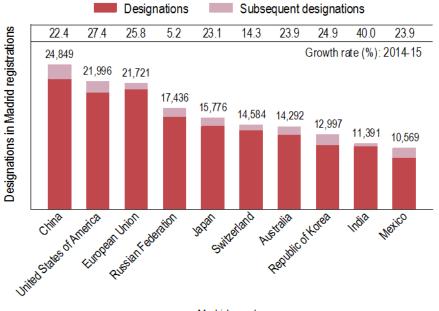
Top 20: Countries of Origin

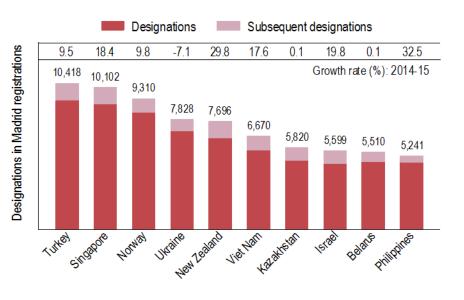






Top 20: Designations





Madrid member Madrid member



Top Filers

Top Madrid applicants

Note: This list includes applicants that filed 25 or more international applications in 2015.

Source: WIPO Statistics Database, March 2016.

		Madrid applications				
Rank	Applicant	Origin	2015	Change from 2014		
1	NOVARTIS	Switzerland	197	-84		
2	LIDL	Germany	152	24		
3	L'ORÉAL	France	130	36		
4	PHILIPS ELECTRONICS	Netherlands	126	41		
5	RICHTER GEDEON NYRT	Hungary	124	104		
6	BOEHRINGER INGELHEIM	Germany	90	-2		
7	APPLE	United States of America	85	35		
8	DAIMLER	Germany	83	22		
9	BIOFARMA	France	81	41		
10	GLAXO GROUP LIMITED	United Kingdom	68	-166		
11	JANSSEN PHARMACEUTICA	Belgium	60	35		
12	HENKEL	Germany	56	-34		
13	EGIS GYÓGYSZERGYÁR	Hungary	55	-77		
14	WORLD MEDICINE	Turkey	54	-22		
15	ETI GIDA	Turkey	52	41		
15	PHILIP MORRIS	Switzerland	52	-10		
17	UNIVERSAL ENTERTAINMENT CORPORATION	Japan	51	-3		
18	NESTLÉ	Switzerland	48	-64		
19	AUGUST STORCK	Germany	47	21		
20	KRONOPLUS TECHNICAL	Switzerland	46	37		
20	MICROSOFT	United States of America	46	15		
22		Slovenia	40	3		
23	KRKA ABERCROMBIE & FITCH EUROPE			_		
		Switzerland	43	19		
23	GILEAD SCIENCES	Ireland	43	6		
25	SAMSUNG ELECTRONICS	Republic of Korea	41	16		
26	BMW	Germany	37	-9		
26	SYNGENTA PARTICIPATIONS	Switzerland	37	-9		
28	DEUTSCHE TELEKOM	Germany	36	23		
29	SIEMENS	Germany	35	-3		
29	VOLKSWAGEN	Germany	35	9		
31	BSH HAUSGERÄTE	Germany	33	0		
31	UST GLOBAL (SINGAPORE)	Singapore	33	32		
33	BAYER	Germany	31	-9		
33	KAUFLAND	Germany	31	-2		
33	RIGO TRADING	Luxembourg	31	31		
33	VALEANT	Poland	31	-8		
37	MIGROS	Switzerland	30	7		
38	CONTINENTAL REIFEN DEUTSCHLAND	Germany	29	12		
39	ACTAVIS GROUP	Iceland	28	-39		
39	MAKE-UP ART COSMETICS	United States of America	28	25		
39	MERCK	Germany	28	7		
39	SOCIETE PARISIENNE DE PARFUMS ET COSMETIQUES	France	28	27		
43	MWR HOLDINGS	United States of America	27	27		
43	SUN PHARMACEUTICAL INDUSTRIES	India	27	27		
43	SUPRATEN	Republic of Moldova	27	26		
43	ZEG	Germany	27	9		
47	CBSA INVESTMENTS	Australia	26	26		
47	DIFFULICE	Switzerland	26	24		
47						
47	HERMES INTERNATIONAL JAPAN TOBACCO	France	26 26	8 -7		
41	JAPAN TODAGGO	Japan	26	-/		



General Profile 2015

51,938 International Registrations

6,75	Average Number of Designations
2,49	Average Number of Classes
3,102 CHF	Average Fee
70% < 3,000 CHF	All Fees



Local Businesses and Industries

- Trademark protection in Denmark
 - Important to ensure protection in the home market
- Trademark protection abroad
 - Various routes for protecting your trademark
 - The Madrid System facilitates easy access to potential export markets
 - It is possible to expand the geographical coverage later on
 - Centralized management of trademark portfolio



Keep Updated on the Madrid System

- Visit the Madrid Website <u>www.wipon.int/madrid/en</u>
- Subscribe to Madrid Notices, our regular legal and news updates via the WIPO e-newsletter distribution platform
- Sign up to receive our quarterly e-newsletter, <u>Madrid</u> <u>Highlights</u>



Contact Details

- For general questions about the Madrid System
 - Madrid Customer Service intreg.mail@wipo.int
 - Telephone: + 41 22 338 8686
- For questions regarding specific international applications or international registrations
 - Madrid Team 3: madrid.team3@wipo.int
 - Telephone: + 41 22 338 750 3



The Hague System for the International Registration of Industrial Designs



Examples of Danish Industrial Designs



Why protect Industrial Designs?

Exclusive right to prevent unauthorized copying or imitation of the product

Strengthening competitive positions of the company

Protection of industrial designs

Fair return on investment made in creating and marketing the product

Encouraging fair competition and honest trade practices

What is the Hague System?

- A centralized filing mechanism
- A closed system
- A one-stop shop to obtain and maintain design protection in export markets
- An option to the national route
- A purely procedural treaty
- The domestic legislations of the designated Contracting Parties set the conditions for protecting the design and determine the rights which result from protection
- See Hague website http://www.wipo.int/hague/en/

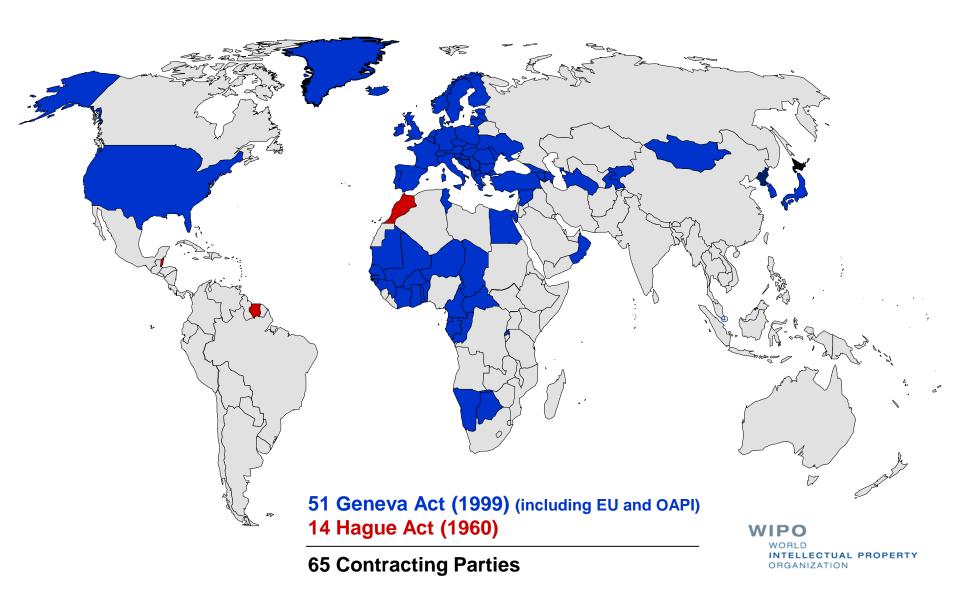


Key Features of the Hague System

- Entitlement, but no basic design
- Direct filing with the International Bureau
- One application one language one set of fees
- One registration covering multiple territories
- «Self-designation» is possible
- Possible deferment
- Fixed time limit for refusal 6 or 12 months
- Renewal every 5 years 15 years for the 1999 Act
- Centralized management of portfolio



Hague Union (2016)



Geneva Act (1999)

Recent Accessions











Potential accessions





2015: International Applications



4,111 international applications were received containing 16,435 designs (max. 100 designs / application)



40.59% growth compared to 2014 in the number of applications



13.80% growth compared to 2014 in the number of designs



2015: International Registrations



3,581 international registrations were inscribed containing 14,484 designs



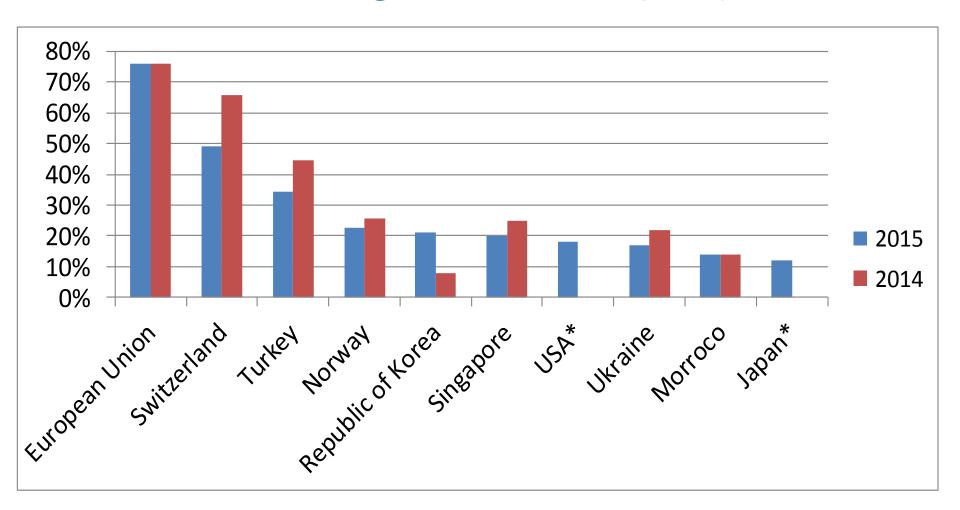
32.48% growth compared to 2014 in the number of registrations



7.25% growth compared to 2014 in the number of designs

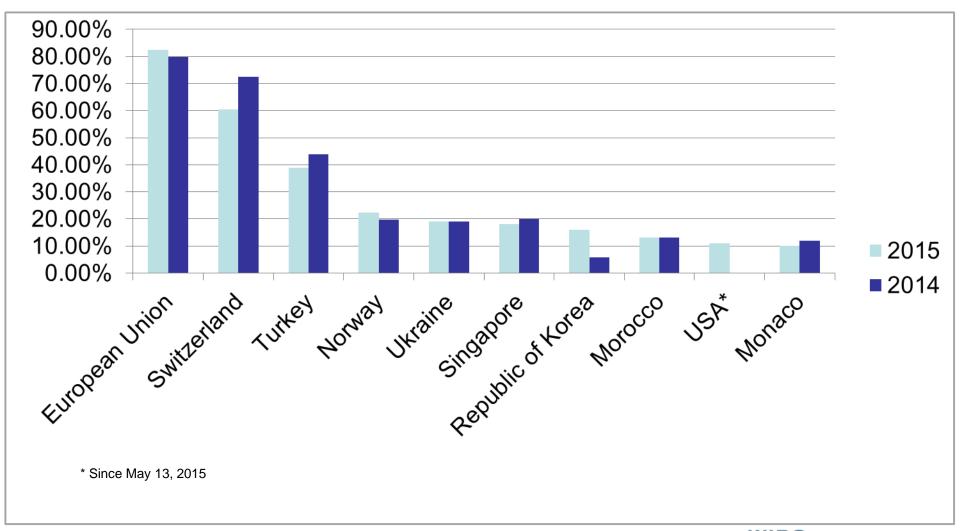


2015: Most designated CPs (IRs)

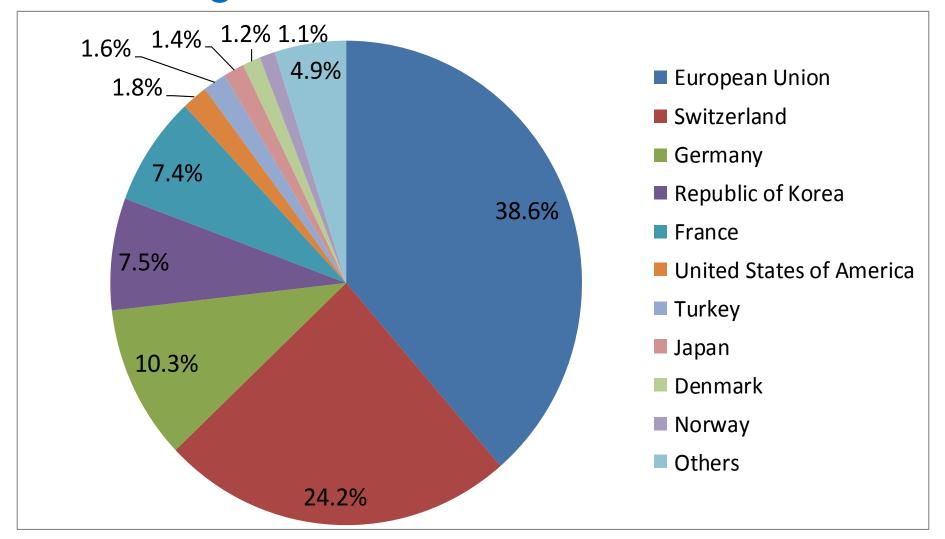




2015: Most designated CPs (No of designs)

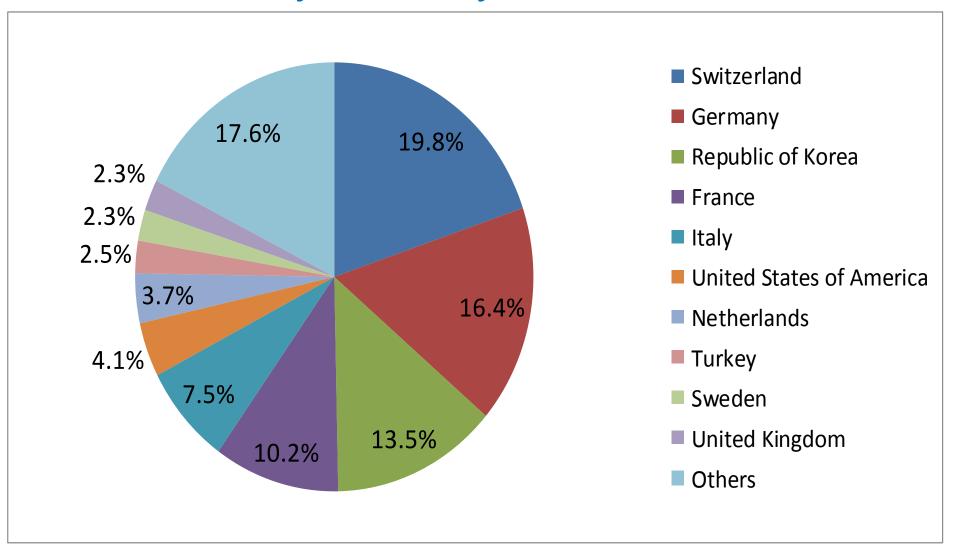


2015: Origins of Holders in IRs





2015: IR - by Country of the Holder





Latest Developments



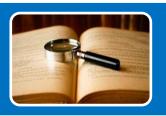
New Hague Express Database since January 2015



Global Design Database launched in January 2015



Improvement of E-filing interface



Developments in the legal framework



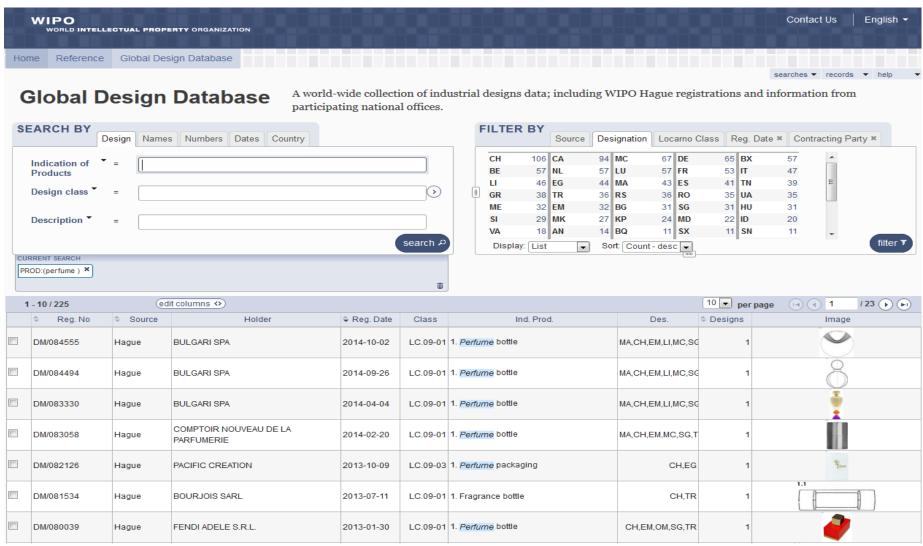
Hague Express Database

Hague Express

The Hague Express Database, updated weekly, includes bibliographical data and, as far as international registrations governed exclusively or partly by the 1999 and/or by the 1960 Act(s) of the Hague Agreement are concerned, reproductions of industrial designs relating to international registrations that have been recorded in the International Register and published in the International Designs Bulletin as of issue No. 1/1999. International registrations that have lapsed are not removed from the database.

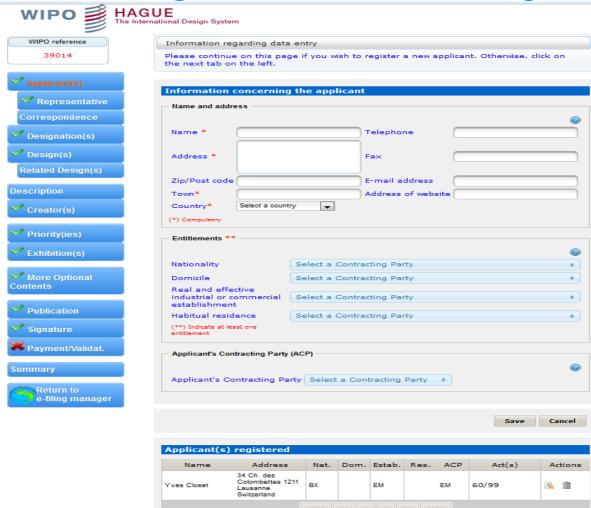
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Global Design Database





E-Filing Portfolio Manager





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and much	n more



Thank you for your attention

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Global IP Databases, Platforms and Tools for the Connected Knowledge Economy



lkast 13 October 2016

Irene Kitsara, IP Information Officer,
Access to Information and Knowledge Division,
Global Infrastructure Sector

Outline

- A. Global IP Databases
 - PATENTSCOPE
 - Global Brand Database
 - Global Design Database
 - WIPO Lex
- B. Tools facilitating access to, understanding and use of IP information
 - Patent Analytics
 - Patent Landscape Reports (PLR)
 - Guidelines for Preparing PLR
 - Manual on the use of open source tools for patent analytics
- C. Collaboration platforms
 - WIPO RE:SEARCH
 - WIPO GREEN



The importance of infrastructure in a knowledge economy



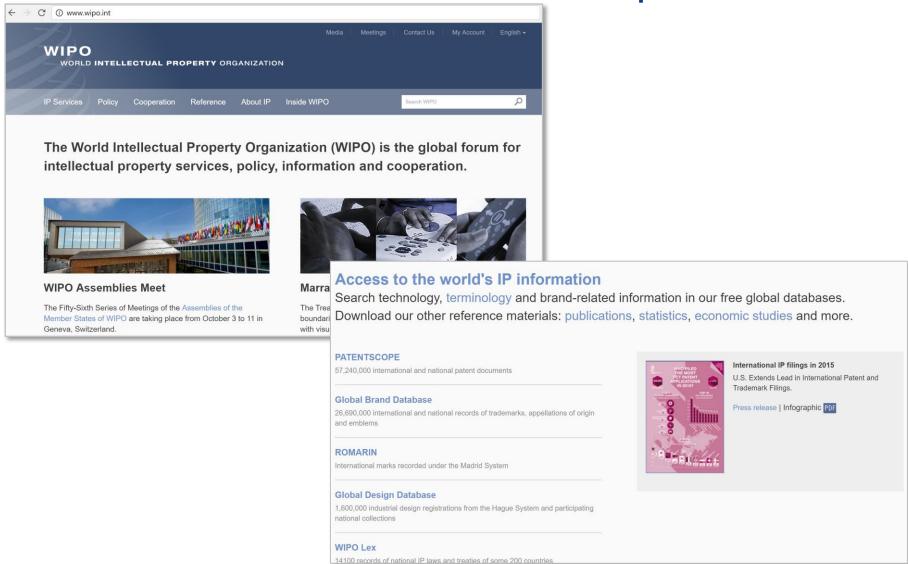
"Just as participation in the physical economy requires access to roads, bridges, and vehicles to transport goods, similar infrastructure is needed in the virtual and knowledge economy. However, here the highway is the Internet and other networks, bridges are interoperable data standards, and vehicles are computers and databases" Director General Francis Gurry

Challenges of:

- Access to relevant information (information sources, tools and search skills)
- Analysis, understanding and strategic use of information (content understanding, decision-making, establishment of partnerships)

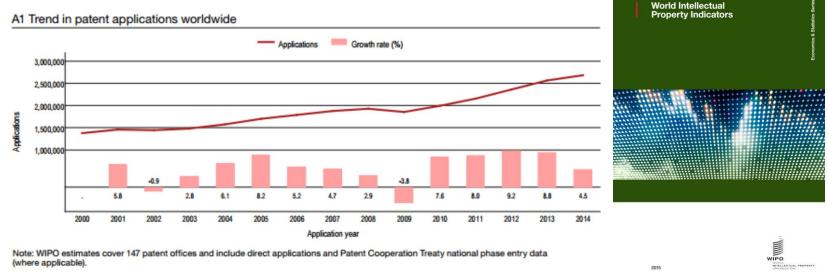


A. Global IP Databases: Access point



Growing importance of patent information

Patent applications and grants worldwide



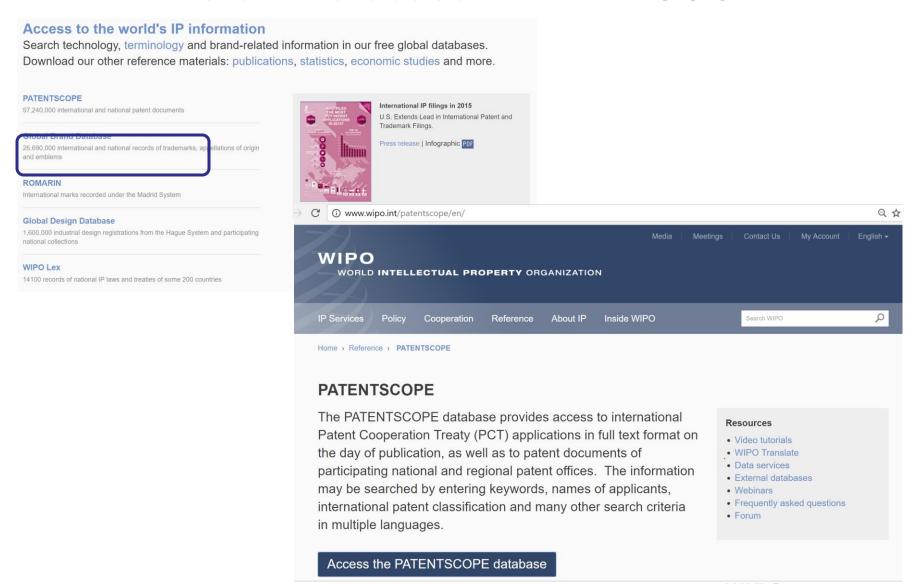
Source: WIPO Statistics Database, October 2015.

- Increase in patent applications worldwide and in the information included therein
- PATENTSCOPE: 58 mio patent documents
- Challenge: acess to the information and pertinence of the information found

INTELLECTUAL PROPERTY

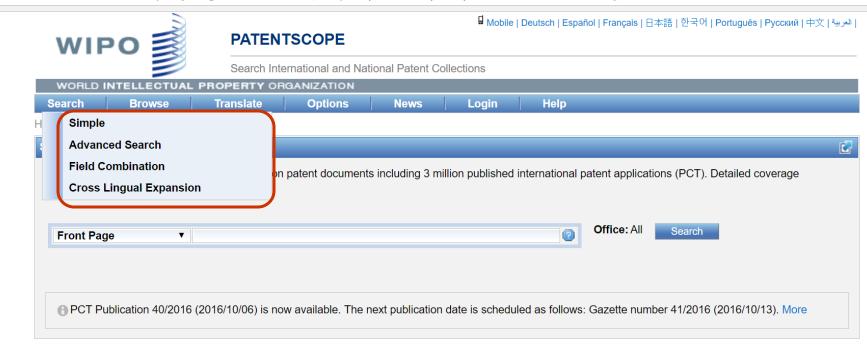
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WIPO's Patent Database: PATENTSCOPE



PATENTSCOPE and its search functionalities

World Intellectual Property Organization [CH] https://patentscope.wipo.int/search/en/search.jsf



- 3 million published PCT applications
- ➤ 58 million patent documents (regional and national collections)

https://patentscope.wipo.int

INTELLECTUAL PROPERTY

ORGANIZATION

PATENTSCOPE and some Danish examples



LEGO factory in Billund

1958: 1st patent



1954: First trademark registration



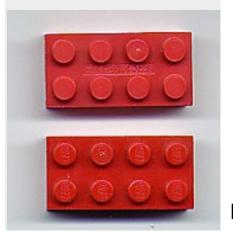


The LEGO block

And after the patent expiration?

Other products, other IPRs...

- Effort to register the block as a trademark
- Mega Bloks EUIPO: invalidaded the trademark
- European Court of Justice: functional aspects already covered by the expired patent. No grounds for a trademark.



Same products, different IPRs?

- 3D trademark for Lego minifigures
- European Court of Justice: Lego vs. Best-Lock confirmed the IP protection (June 2015)





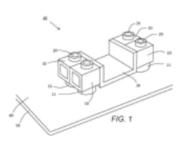
PATENTSCOPE: Advanced search

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Tooltip Help									

Example of a search result

5. WO/2016/124584 A DETECTABLE BY A C	TOY SYSTEM COMPRISING TO COMPUTING DEVICE	Y ELEMENTS THAT ARE	WO	11.08.2016				
A63F 3/00 @	PCT/EP2016/052164	LEGO A/S	FOGT Hilleru	MANN, Maiken ip				
A toy system comprising one or more toy elements configured to be detectable by a touch screen when brought								

A toy system comprising one or more toy elements configured to be detectable by a touch screen when brought within a proximity of the touch screen; and a computing device configured to: detect said one or more toy elements within a proximity of the touch screen; detect, in addition to detecting said one or more toy elements, one or more further touch events on the touch screen in a first predetermined spatial relationship to the detected one or more toy elements; and responsive to the detection of said one or more further touch events on the touch screen in said first predetermined spatial relationship to the detected one or more toy elements, to cause a user-perceptible output.



Example of a PCT document

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization

International Bureau





(10) International Publication Number WO 2016/124584 A2

(51) International Patent Classification: A63F 3/00 (2006.01)

(21) International Application Number:

PCT/EP2016/052164

(22) International Filing Date:

2 February 2016 (02.02.2016)

(25) Filing Language:

English

(26) Publication Language

DK

(30) Priority Data:

PA201570065 4 February 2015 (04.02.2015)

(71) Applicant: LEGO A/S [DK/DK]; Aastvej 1, 7190 Billund

(72) Inventors: FOGTMANN, Maiken Hillerup; Pomonavej 4, 7100 Vejle (DK). MATHIASEN, Daniel W.; Fejringshusvej 26, 8722 Hedensted (DK).

(74) Agent: GUARDIAN IP CONSULTING I/S; Diplomvej, Building 381, 2800 Kgs. Lyngby (DK).

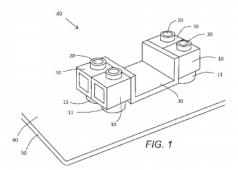
(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM,

AO, AT, AU, AZ, BA, BB, BG, BH, BN, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IR, IS, JP, KE, KG, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PA, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SA, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

English (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, ST, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, KM, ML, MR, NE, SN, TD, TG).

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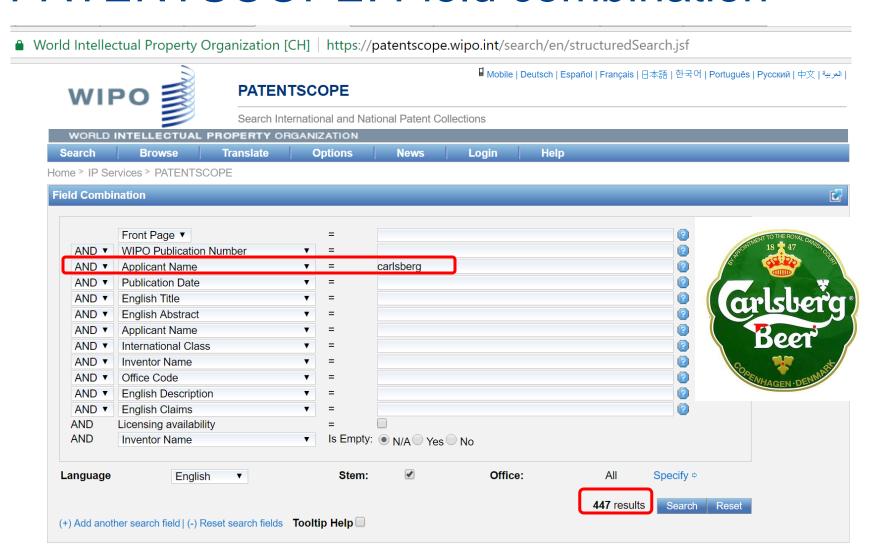
(54) Title: A TOY SYSTEM COMPRISING TOY ELEMENTS THAT ARE DETECTABLE BY A COMPUTING DEVICE



(57) Abstract: A toy system comprising one or more toy elements configured to be detectable by a touch screen when brought within a proximity of the touch screen; and a computing device configured to: detect said one or more toy elements within a proximity of the touch screen; detect, in addition to detecting said one or more toy elements, one or more further touch events on the touch screen in a first predetermined spatial relationship to the detected one or more toy elements; and responsive to the detection of said one or more further touch events on the touch screen in said first predetermined spatial relationship to the detected one or more toy elements, to cause a user-perceptible output.

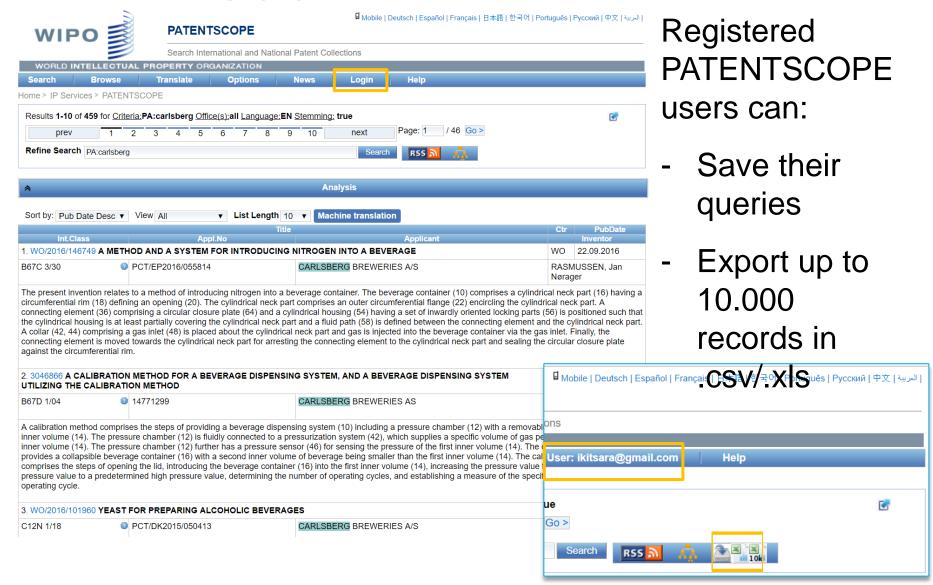
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PATENTSCOPE: Field combination





PATENTSCOPE: the search results



A PCT document

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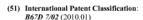
(19) World Intellectual Property Organization

International Bureau

(43) International Publication Date 26 May 2016 (26.05.2016)



(10) International Publication Number WO 2016/079248 A2



(21) International Application Number:

PCT/EP2015/077123

(22) International Filing Date:

19 November 2015 (19.11.2015)

(25) Filing Language:

English

WIPO PCT

(26) Publication Language:

English

(30) Priority Data:

14193865.4 19 November 2014 (19.11.2014)

(71) Applicant: CARLSBERG BREWERIES A/S [DK/DK]; Ny Carlsberg Vej 100, DK-1799 Copenhagen V (DK).

(72) Inventors: RASMUSSEN, Jan Nørager; Rytterbakken 22, DK-3650 Ølstykke (DK). VESBORG, Steen; Dronningemarken 4, DK-2820 Gentofte (DK).

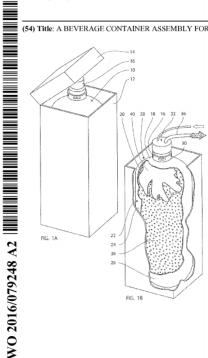
(74) Agent: BUDDE SCHOU A/S; Hausergade 3, DK-1128 Copenhagen K (DK).

(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BN, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IR, IS, JP, KE, KG, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OM, PA, PE, PG, PH, PL, PT, QA, RO, RS, RU, RW, SA, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW.

(84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, ST, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ, TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, KM, ML, MR, NE, SN, TD, TG).

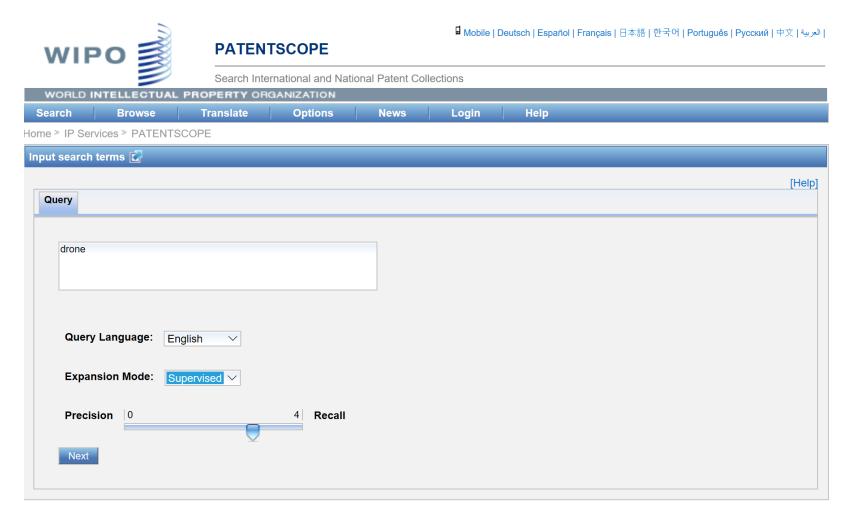
[Continued on next page]

(54) Title: A BEVERAGE CONTAINER ASSEMBLY FOR HOLDING A BEVERAGE



(57) Abstract: The present invention relates to a beverage container assembly for holding a beverage. The assembly comprises an outer container defining a body portion and a cylindrical neck portion. The cylindrical neck portion defines a rim located opposite the body portion. The beverage container assembly further comprises an inner bag positioned within the outer container and defining a pressure space inside the inner bag and a beverage space between the inner bag and the outer container. The beverage space is filled by beverage and the inner bag initially defines a folded state. By subjecting the inner bag to a pressure fluid it is capable of expanding into an unfolded state in which the pressure space at least partially substitutes the beverage space. Both the inner bag and the neck portion are sealed off by a cap at a location between the rim and the body portion.

CLIR: Cross Lingual Expansion



Drones on CLIR



PATENTSCOPE

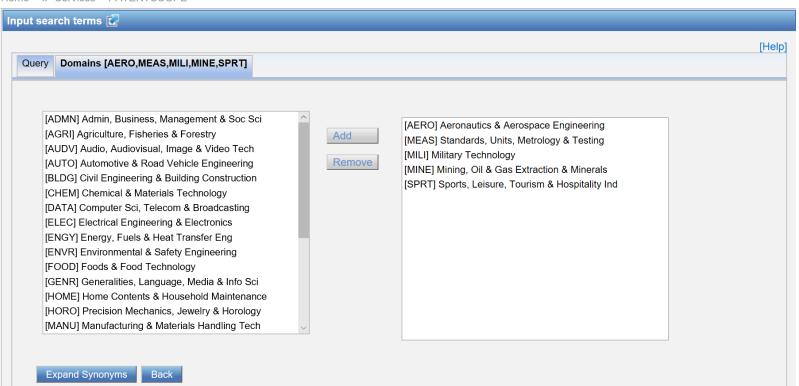
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Drones on CLIR (2)

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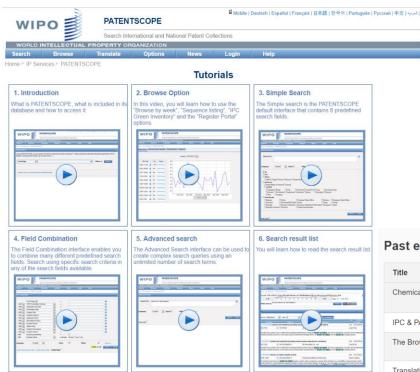
Mobile | Deutsch | Español | Français | 日本語 | 한국어 | Português | Русский | 中文 | العربية | **PATENTSCOPE** WIPO Search International and National Patent Collections WORLD INTELLECTUAL PROPERTY ORGANIZATION **Browse Translate Options** News Login Help Search Home > IP Services > PATENTSCOPE Results 1-10 of 171,022 for Criteria:FP:((EN AB:("drone" OR "unmanned aerial vehicles" OR "uav") OR DE AB:("Drohne" OR "Gondel" OR F. "Drone" OR "UAV" OR "unbemannten Flugkörpern" OR "Flugkörpers" OR "Bordmanipulator" OR "Klein Flugkörper" OR "unbemannter Flugobjekte" OR "Durch") OR ES AB: ("drone" OR "aeronave remolcada" OR "avión sin piloto" OR "avión telecontrolado" OR "vehículos aéreos no tripulados") OR FR_AB:("drone" OR "uav" OR "téléguide sur piste" OR "avion sans pilote" OR "véhicules aériens sans pilote" OR "lente" OR "robots" OR "véhicules aériens sans équipage" OR "véhicules aériens télépilotes" OR "véhicules aériens non habités") OR IT_AB:("drone") OR JA_AB:("uav" OR "無人機特") OR KO_AB:("적응함수 근사화를" OR "무인항공기의") OR PT AB:("veículos aéreos" OR "veiculo" OR "veículos identificados tripulação") OR RU АВ:("задач" OR "беспилотного летательного аппарата" OR "беспилотный" OR "бортовых") OR ZH_AB:("无人驾驶飞机" OR "无人机" OR "靶标" OR "驾驶" OR "uav" OR "估算无人机" OR "无人机协同")) AND ICF:(A63 OR B64 OR C06B OR C06C OR C06D OR C12Q OR F16 OR F41B OR F4? OR G01 OR G05 OR G12)) Office(s);all Language:EN Stemming: true Page: 1 / 17103 Go > prev next Refine Search FP:((EN AB:("drone" OR "unmanned aerial vehicles" OR "uav") OR Search RSS **Analysis** Sort by: Relevance View All List Length 10 **Machine translation** Title **PubDate** Int.Class Appl.No **Applicant** Inventor 1. 102798635 Method to inspect components of wind turbine 28.11.2012 G01N 21/88 201210165493.5

The invention relates to a method to inspect components of a wind turbine. An unmanned aerial vehicle (UAV) is guided to the component for the inspection. A certain predefined distance between the unmanned aerial vehicle and the component is chosen in a way that high resolution images (IMG 1-IMG 9) of the component are gathered by the unmanned aerial vehicle (UAV). The images are gathered by an image acquisition system (IAS). The inspection is done remote controlled and based on the images, which are gathered by the unmanned aerial vehicle.



PATENTSCOPE: learning resources

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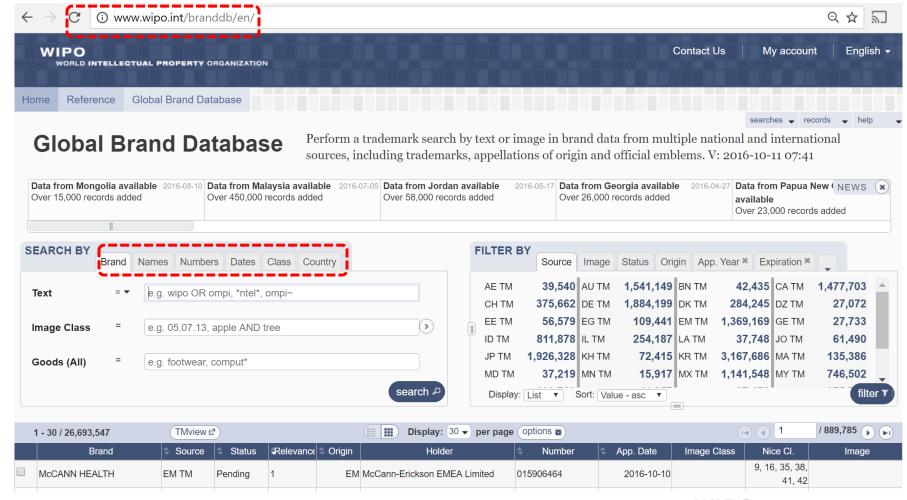
Past events

Title	Description	Date
Chemical structure search PPT	How to use the chemical structure search in PATENTSCOPE	September 2016
IPC & PATENTSCOPE PPT	How to do make the most of the IPC in PATENTSCOPE	August 2016
The Browse menu in PATENTSCOPE PPT	Find out the different features offered in the PATENTSCOPE Browse menu	July 2016
Translation Tools in PATENTSCOPE PPT	Demonstration of the use of the different translation tools available in PATENTSCOPE	June 2016

http://www.wipo.int/patentscope/en



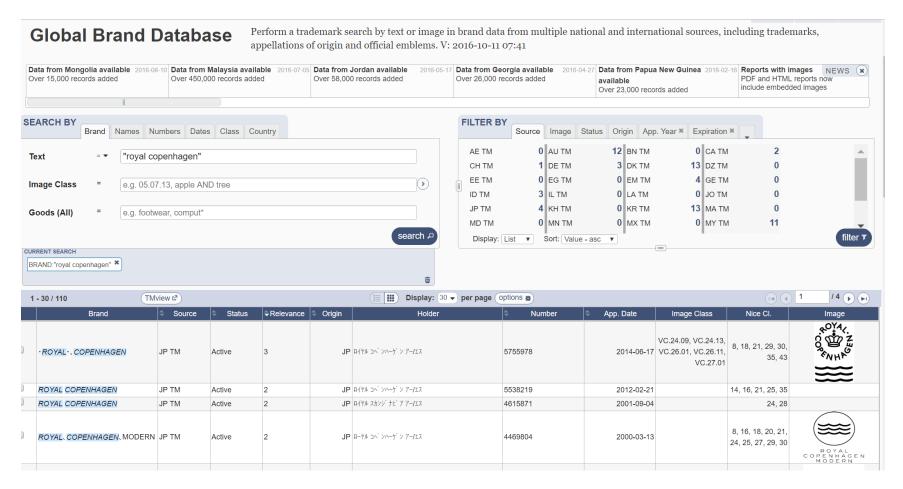
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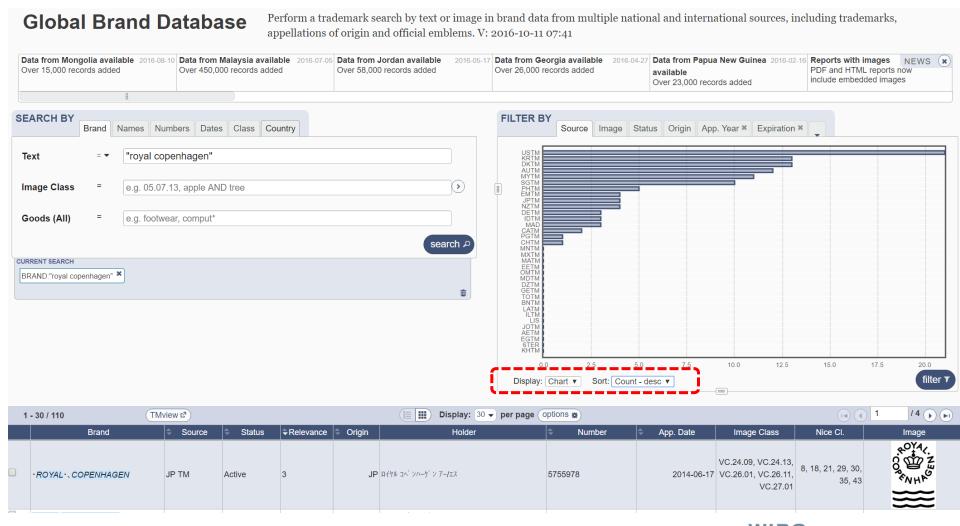


Global Brand Database and ROYAL COPENHAGEN





Geographical distribution of trademark protection



Example of a trademark entry

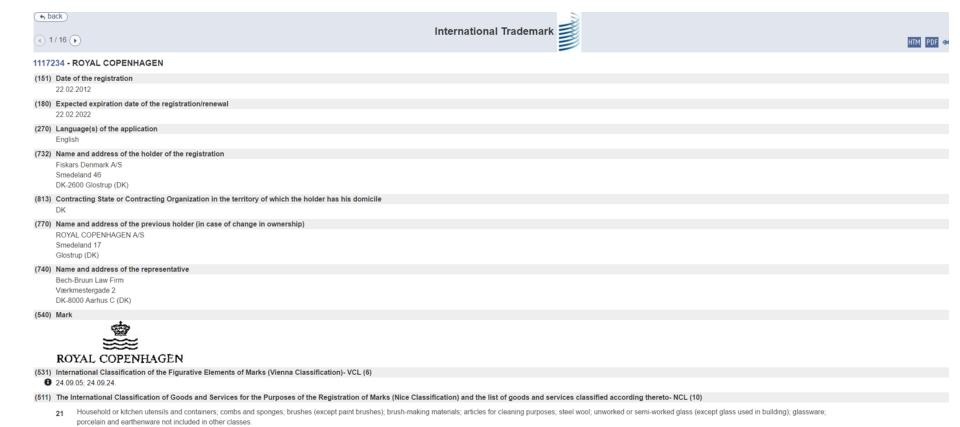
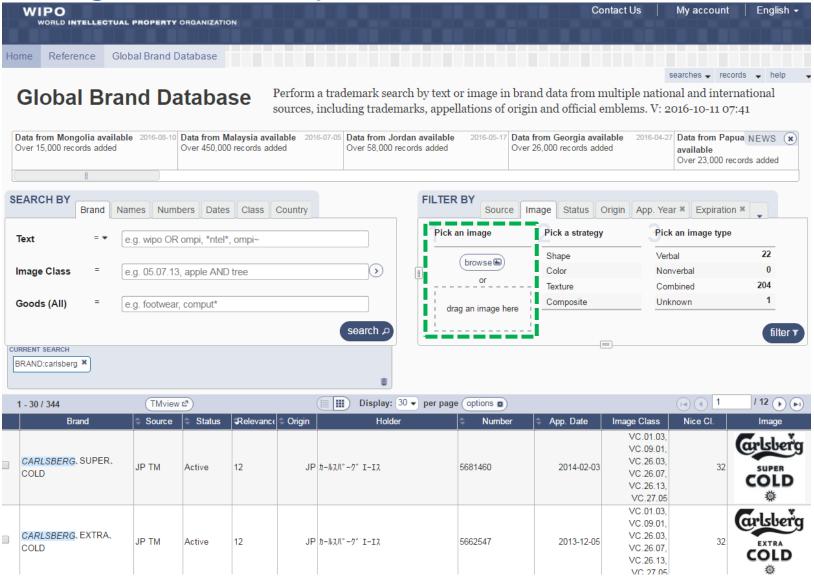
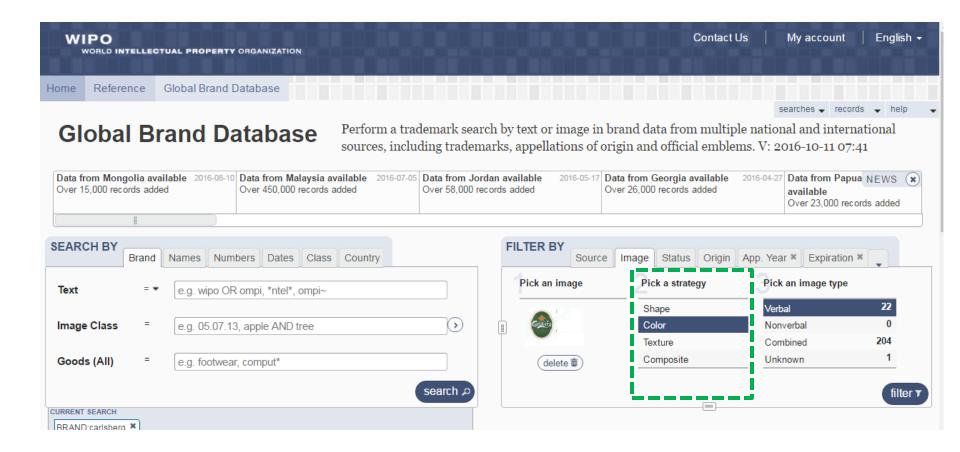




Image similarity search feature

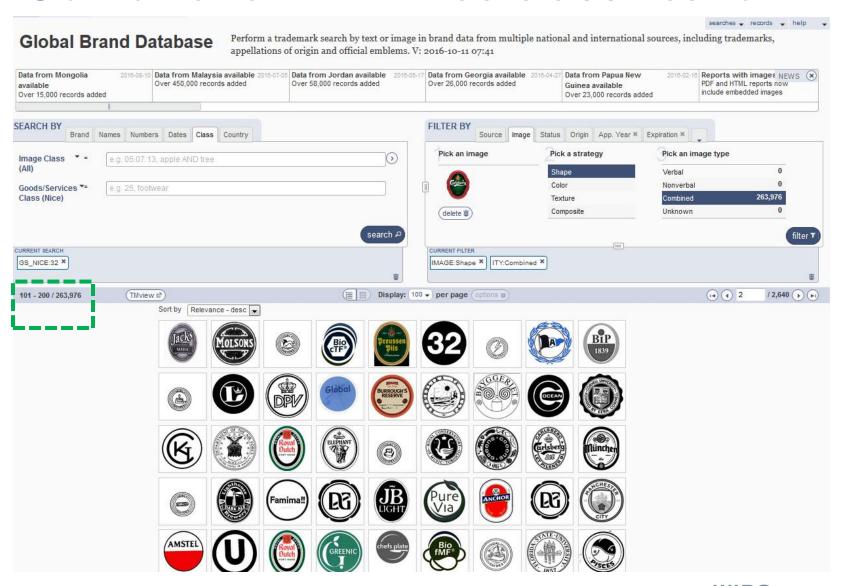


Select your similarity search strategy

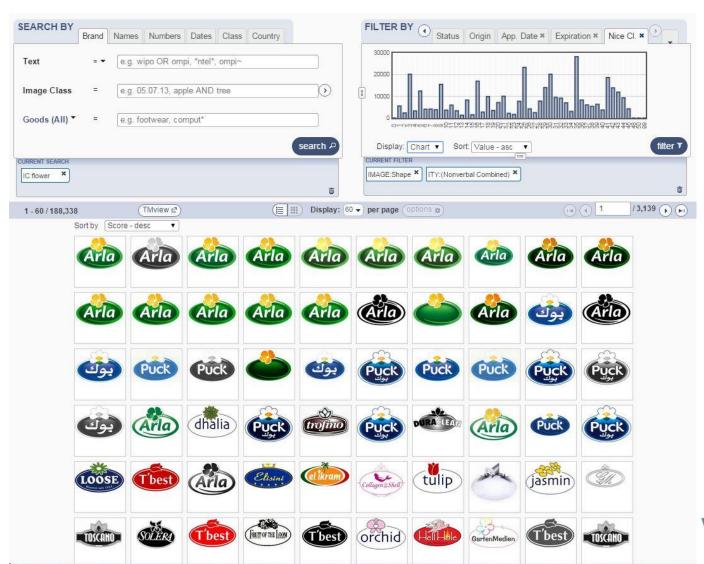




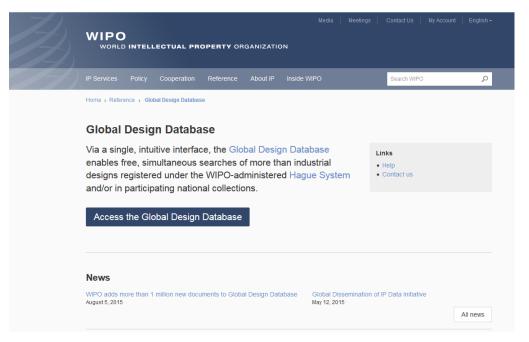
Combination with Nice classification



Try different combination of strategies for optimal results



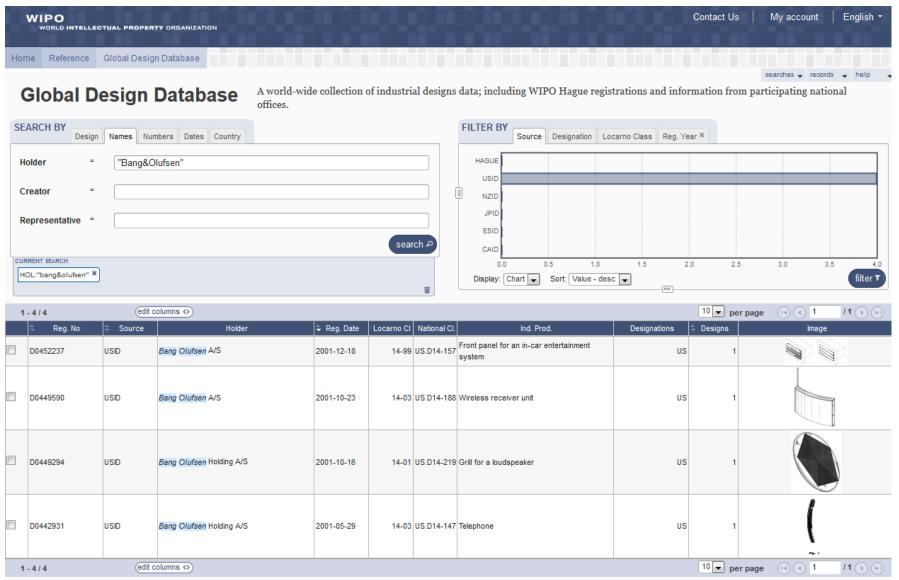
Global Design Database



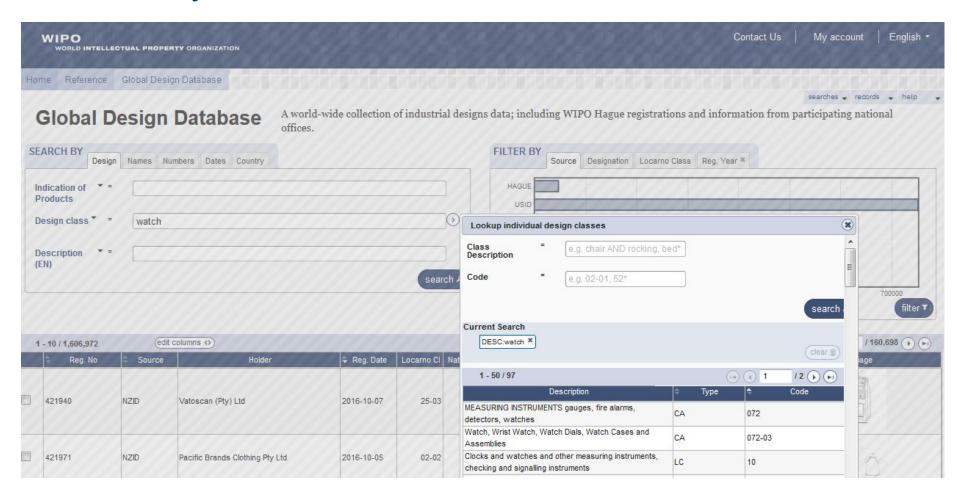
- Launched in 2015
- Simultaneous search of more than 1,6 million industrial designs registered in the available national collections or under the Hague System



Bang&Olufsen in the Global Design Database

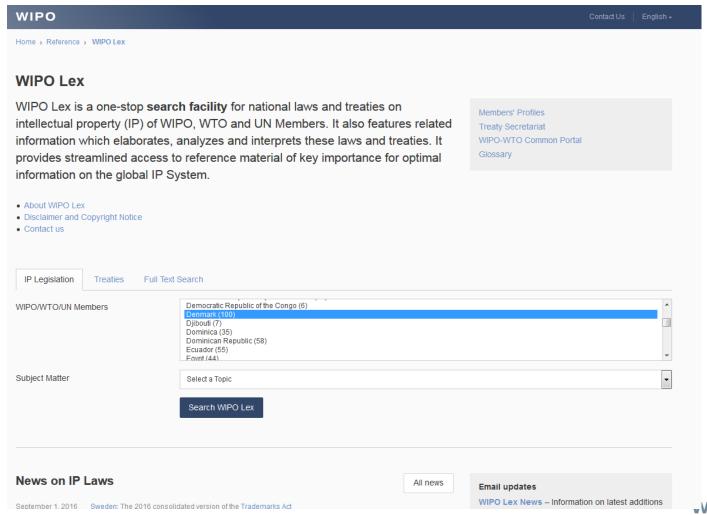


Search by national/Locarno Classification





WIPO Lex



www.wipo.int/wipolex

WIPO Lex - Denmark

WIPO Home > Reference > WIPO Lex Denmark (100 texts) Quick Access: Laws (58 texts) | Implementing Rules/Regulations (42 texts) | IP Legal Literature (1 texts) Treaty Membership (84 texts) Relevant links Constitution / Basic Law Laws The Constitutional Act of Denmark of June 5, 1953 (2009) Main IP Laws: enacted by the Legislature . The Consolidated Utility Models Act (Consolidated Act No. 190 of March 1, 2016) (2016) The Consolidated Trademark Act (Consolidated Act No. 192 of March 1, 2016) (2016) • The Consolidated Designs Act (Consolidated Act No. 189 of March 1, 2016) (2016) • The Consolidated Patents Act (Consolidated Act No. 191 of March 1, 2016) (2016) Act No. 309 of March 28, 2015, to Amend the Trade Marks Act, the Designs Act, the Patents Act and the Utility Models Act (2015) The Consolidated Act on Copyright (Consolidate Act No. 1144 of October 23, 2014) (2014) Implementing Intellectual Property Order No. 25 of January 18, 2013, on Patents and Supplementary Protection Certificates (2013) Rules/Regulations Order N° 218 of March, 9, 2010, on the Application of the Act on Copyright in Relation to Other Countries (2010) . Order on the Fees of the Danish Patent and Trademark Office (2009) Order on Reference of Certain Rights to the Patent and Trademark Office (2009) · Order on Application and Registration of Designs (2008) . Act No. 900 of November 29, 1995, amending the Patents Act (1996) Patents Handbook: Guidelines for Treatment of Danish Patent Applications in the Patent and Trademark Office, as revised 2010 (2010) **IP Legal Literature** WIPO-Administered Treaties (Entry into force of the Treaty for the Contracting Party) **Treaty Membership** Summary Table of Membership of the World Intellectual Property Organization (WIPO) and the Treaties Administered by WIPO, plus UPOV, WTO and UN WIPO Copyright Treaty (March 14, 2010) . WIPO Performances and Phonograms Treaty (March 14, 2010) . Singapore Treaty on the Law of Trademarks (March 16, 2009) Hague Agreement Concerning the International Registration of Industrial Designs (December 9, 2008) · Patent Law Treaty (April 28, 2005) · Trademark Law Treaty (January 28, 1998)

B. Tools facilitating access to, understanding and use of IP information

- Patent Landscape Reports
- Guidelines for Preparing Patent Landscape Reports
- Manual on Open Source Tools for Patent Analytics



What is patent analysis?

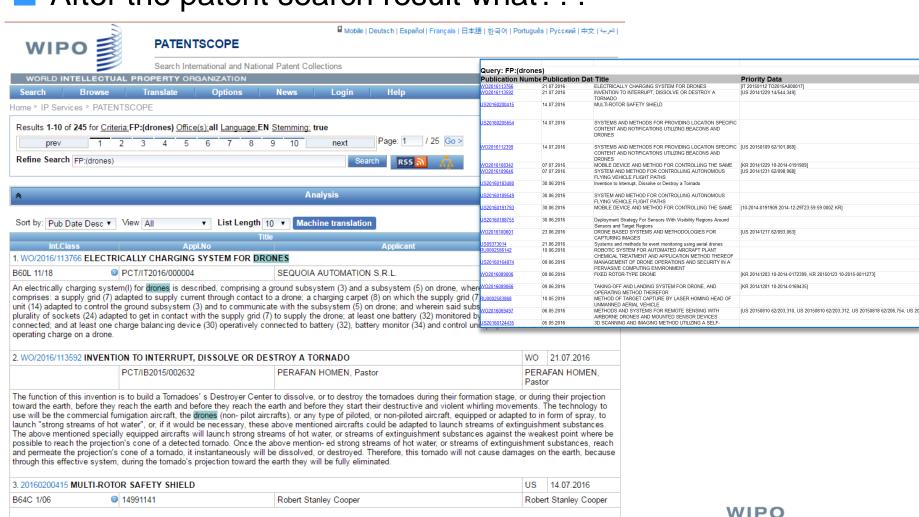
After the patent search result what???

The Multi-Rotor Safety Shield (MRSS) provides a complete and substantial encasement system which can be secured about a Drone, protecting a multitude of aircraft

components from contact with any outside disturbance and which can protect the sensitive components from dust, water, wind, rain, snow, fingers, toes, appendages of

any kind, and atmospheric changes as example, from disabling the Drone and can protect people, places or things from high velocity spinning exposed rotor/propellers.

The MRSS provides rigid non-permeable platform for attaching or incorporating additional safety devices as found in the Drone industry (or other industries) resulting in a safety device that completely prevents the loss a Drone due to the catastrophic failure of any Drone system or combination of systems which would typically result in



How are decisions taken in a knowledge economy?

- Cross sectoral/disciplinary effort: many aspects taken into account (Science/Policy/Economics/Business/Marketing)
 - Policy/Regulations
 - Relevant market definition and analysis
 - Competitors activity and analysis
 - Economic/financial aspect
 - Risk
- Data-driven decisions

Tradition/
Intuition/
Rumors

Consultation
of individual
scientific
literature

Patent Information Search and manual results analysis

Patent/IP Analytics

- Patent Information: important source of:
 - Technical
 - Business information
 - Legal



What is a Patent Landscape Report (PLR)?

- Research and analysis of innovation patterns and patenting trends in a specific technological field/geographical area using patent information
- Transformation of raw patent data through patent search (patent databases) into comprehensive for non- experts patent analysis (breakdown and analysis of the results, visualization, conclusions)

Raw Patent Patent Data Search Analysis

Facilitates dialogue between various stakeholders, creating easily understood by non-experts data



What kind of questions can a PLR answer?



(The Answer to The Ultimate Question of Life, the Universe, and Everything, The Hitchhiker's Guide to the Galaxy, Douglas Adams)

- Which technology trends exist in which geographical areas and how have they developed over time?
- Are there gaps or **white spaces**, i.e. areas with little patent protection, that permit business opportunities or give them an added value?
- Which **players** are the **most active** in a said technical area and what is their specific focus and strategy?
- Which other patents are relevant for a company's activities or a product development/commercialization? (Infringement/FTO, licensing-in, collaborations)
- Which patents are about to expire? Which technologies move in the public domain and provide business opportunities?
- What is the **patent portfolio of competitors** and what is the **impact on the company's portfolio** and activities? **Correlation** and **effect on value**



WIPO Patent Landscape Reports Topics













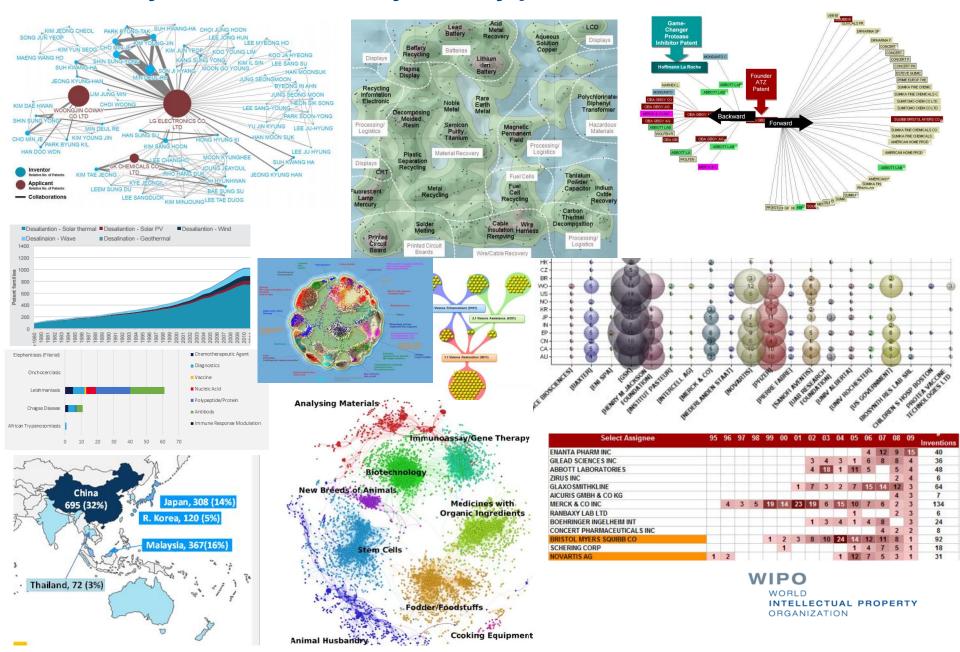




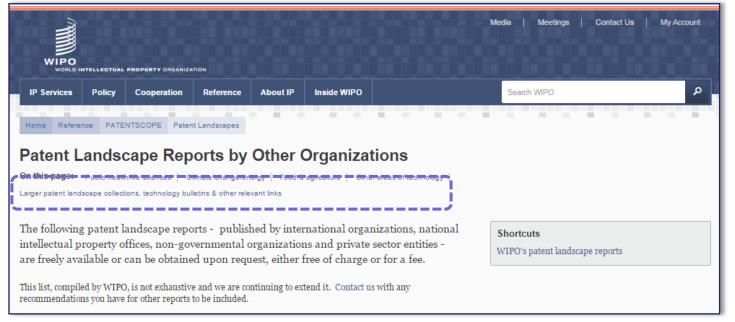




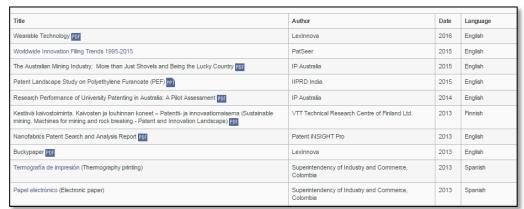
Variety in the analysis types and tools used



Unique compilation of PLR prepared by other organizations



Over 170 PLR available (July 2016)



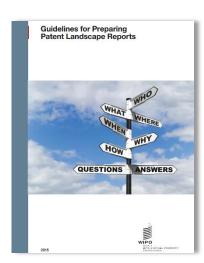


Guidelines for Preparing Patent Landscape Reports

Published in September 2015 and available on http://www.wipo.int/patentscope/en/programs/patent_landscapes

Structure:

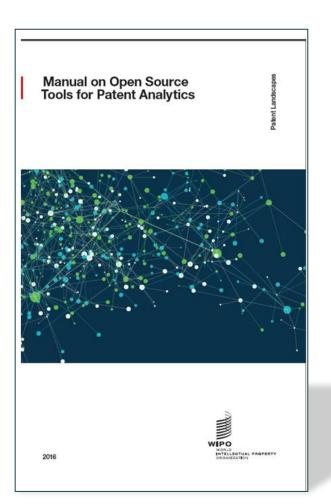
- Background information on patent information
- Objectives and motivations for preparing PLRs
- Different types of patent analysis
- Tasks associated with the preparation of PLRs
- Stages in the preparation of PLRs
- Examples and experience from WIPO's work in





The Manual on Open Source Tools for Patent Analytics

- Project launched in May 2015, funded by FIT-JP
- Aimed at exploring:
 - various free and open source tools which could be used for various patent analysis tasks by users in developing countries





Which analytics tasks, databases and tools does the Manual cover?

Obtaining Data Reference 2008











Cleaning Data













.III. Plotly

Sharing Data



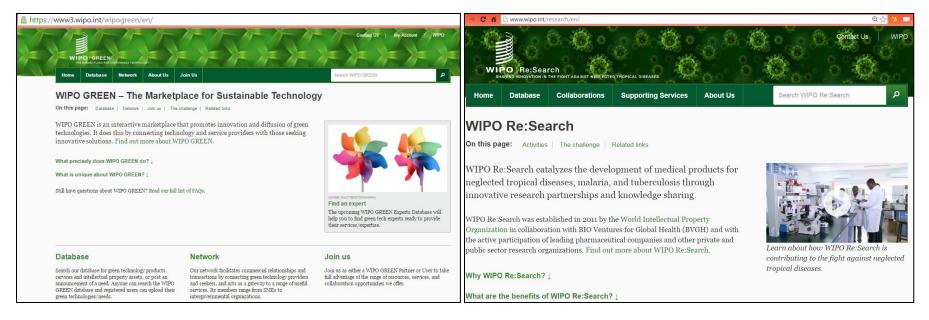




C. Multi-stakeholder Platforms

WIPO GREEN

WIPO Re:Search





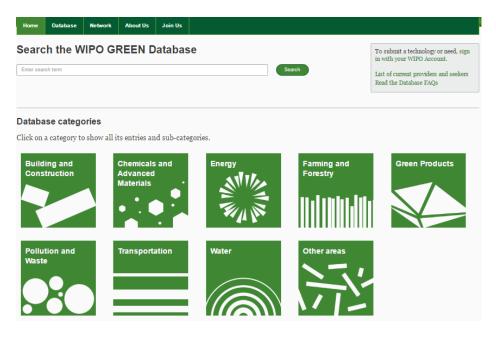
WIPO Re:Search

- Initiative in the field of neglected deseases, tuberculosis and malaria
- Includes a database with information on availability of IP rights and other information
- Based on the principle of voluntary contribution

Structured Search	Full Text Search		
Provider:	Aberystwyth University African Institute of Biomedical Sciences and Technology (AIBST) Alnylam Caltech Center for Infectious Disease Research Center for World Health and Medicine (CWHM) Centre of Excellence for Malaria Diagnosis, University of Lagos Drugs for Neglected Diseases initiative (DNDi) Eisai Eskitis Institute GlaxoSmithKline (GSK) Infectious Disease Research Institute (IDRI) International Centre for Genetic Engineering and Biotechnology (ICGEB)	Kumasi Centre for Research in Tropical Medicine (KCRTM) Liverpool School of Tropical Medicine (LSTM) Massachussets Institute of Technology (MIT) McGill University (McGill) Medical Research Council of South Africa (MRC) Medicines for Malaria Venture (MMV) Merck (MSD) National Institute of Parasitic Diseases, China National University of Singapore Nilh (USA) Northeastern University (NEU) Novartis PATH Pfizer	Sanofi Stanford University Swiss Tropical and Public Health Institute Theodor Bilharz Research Institute - (TBRI) Trypanosomiasis Research Centre at the Kenya Agriculture Research Institute (KARI) University of Bamako, Mali University of Buea, Cameroon University of Buea, Cameroon University of California Berkeley University of Dundee, UK University of South Florida University of South Florida University of Ibadan, Nigeria University of Kansas (KU) University of Washington, Seattle Walter Reed Army Institute of Research (WRAIR)
Disease:	Unknown or Others Burull Ulcer Chagas disease (American trypanosomiasis) Cysticercosis Dengue/dengue hemorrhagic fever Dracuncullasis (guinea-worm disease) Echinococcosis Endemic treponematoses (Yaws) Foodborne trematode infections (Clonorchiasis, Fascioliasis, Human African trypanosomiasis		g, Hits Data ad ies cal Candidate candidate landidate landidate laroute Technology (platform) laroperty (patents) lon lc Tool Technology ogical Entity ta, Know-how, Services, Resources



WIPO Green



https://www3.wipo.int/wipogreen

- The marketplace for sustainable technology: search functionality for technology providers and seekers
- Network of green technologies stakeholders
- Grouped in 9 technology areas



Thank you!

Irene.Kitsara@wipo.int

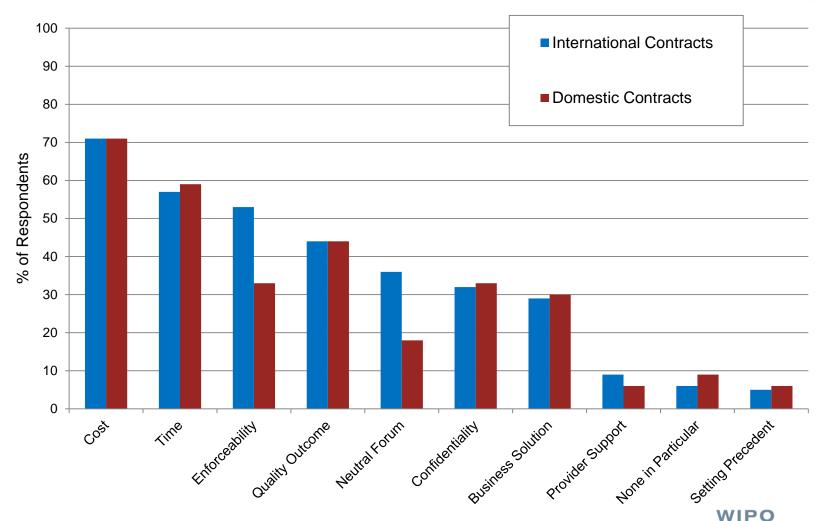


How WIPO Alternative Dispute Resolution (ADR) services may be used to more efficiently settle IP disputes

<u>Speaker</u>: Ms. Irene Kitsara, Industrial Property Information Officer, Innovation and Technology Support Section, Global Infrastructure Sector, WIPO

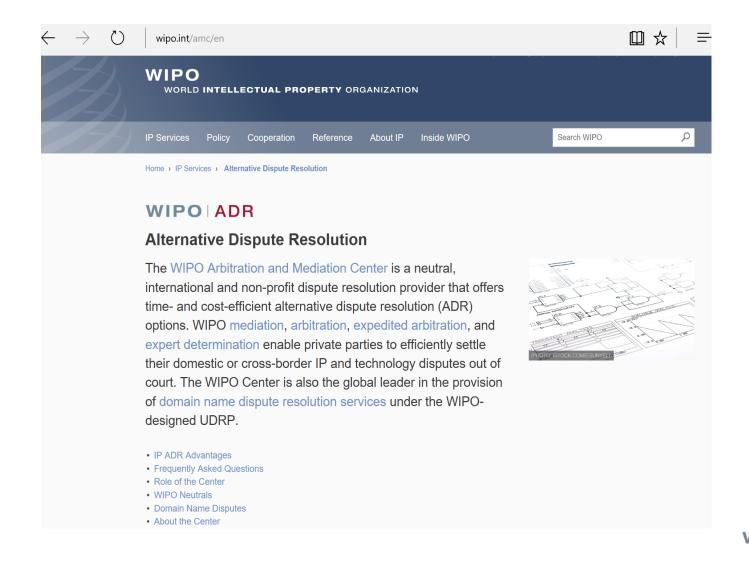
E-mail: irene.kitsara@wipo.int

Top Ten Priorities in Choice of IP Dispute Resolution Contract Clause (WIPO Survey)



WIPO Center Report on International Survey of Dispute Resolution in Technology Transactions

WIPO Alternative Dispute Resolution (ADR)





WIPO Arbitration and Mediation Center

- Facilitates the resolution of commercial disputes between private parties involving <u>IP and technology</u>, through procedures other than court litigation (alternative dispute resolution: ADR)
 - Offices in Geneva and Singapore
- ADR of IP disputes benefits from a <u>specialized ADR provider</u>
 - WIPO mediators, arbitrators and experts <u>experienced</u> in IP and technology - able to deliver informed results efficiently
- Competitive WIPO fees
- International neutrality
- Services include mediation, (expedited) arbitration, expert determination, and domain name dispute resolution



WIPO ADR Mediation, Arbitration, Expert Determination

- Mediation: informal consensual process in which a neutral intermediary, the mediator, assists the parties in reaching a settlement of their dispute, based on the parties' respective interests. The mediator cannot impose a decision. The settlement agreement has force of contract. Mediation leaves open available court or agreed arbitration options.
- Arbitration: consensual procedure in which the parties submit their dispute to one or more chosen arbitrators, for a <u>binding and final</u> <u>decision</u> (award), <u>internationally enforceable</u>, based on the parties' rights and obligations,. Arbitration normally forecloses court options.
- **Expert Determination**: consensual procedure in which the parties submit a <u>specific matter</u> (e.g., technical question) to one or more experts who make a <u>determination</u> on the matter, which <u>can</u> be binding, unless the parties have agreed otherwise.



Why Consider IP ADR?

- Cost of IP court litigation
 - Calls for expedient solutions
- Internationalization of creation/use of IP
 - Calls for cross-border solutions, consolidated in a single procedure
- Technical and specialized nature of IP
 - Calls for specific expertise and neutrality
- Short product and market cycles in IP
 - Calls for time-efficient procedures
- Confidential nature of IP
 - Calls for private procedures
- Collaborative nature of IP creation and commercialization
 - Calls for mechanisms that preserve relations

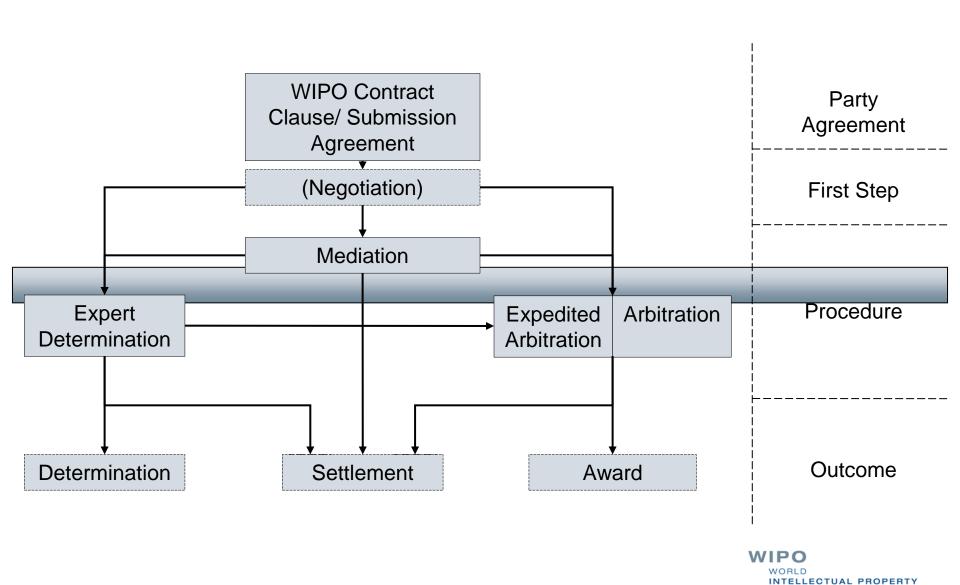


Routes to WIPO ADR

- ADR <u>contract clause</u> electing WIPO Rules
 - WIPO Mediation, and/or
 - WIPO (Expedited) Arbitration, and/or
 - WIPO Expert Determination
 - Model clauses: www.wipo.int/amc/en/clauses/index.html
 - Parties can shape the process via the clause (e.g., location, language, law)
- ADR submission agreement electing WIPO Rules, e.g., in existing non-contractual disputes
- Unilateral request for WIPO Mediation by one party
- WIPO Clause Generator
- Court referrals



WIPO ADR Options



ORGANIZATION

WIPO Model Clause Example: Mediation followed by Expedited Arbitration

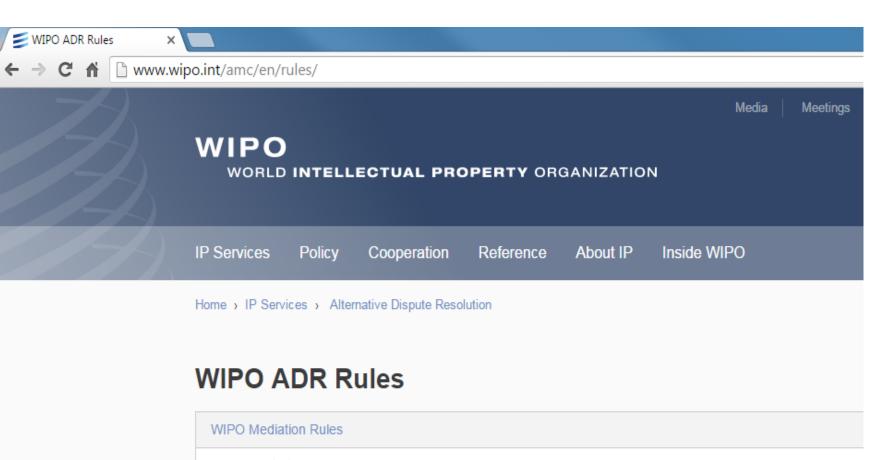
"Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language]"

If, and to the extent that, any such dispute, controversy or claim has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute, controversy or claim referred to arbitration shall be decided in accordance with [specify jurisdiction] law."

The Role of WIPO Center Case

- Case administration:
 - Under WIPO Rules, or under special procedures
 - Active management: containing time and costs
 - WIPO ECAF (optional online case management)
- Facilitating <u>selection and appointment</u> of mediators, arbitrators, experts
 - WIPO list of 1,500+ neutrals
 - From numerous countries in all regions
 - Specialized in different areas of IP and IT





WIPO Arbitration Rules

WIPO Expedited Arbitration Rules

WIPO Expert Determination Rules



WIPO Electronic Case Facility (ECAF)

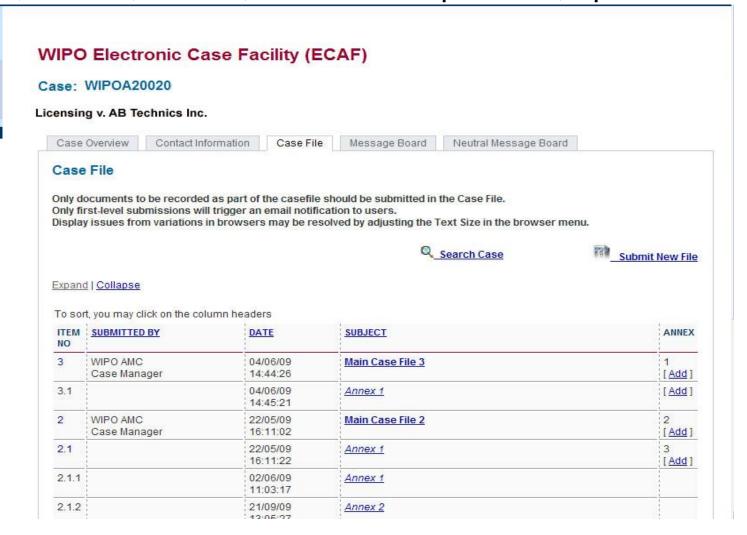
Help Arbitration

Mediation

Logout

Expert Determination

Simple; secure; instant; location-independent; optional





WIPO Arbitration

Appointment of Arbitror(s) Statement of clause **Statement of Defense Written and Witness Statements Hearings Closure of Proceedings Final award**

WIPO Expedited Arbitration



- ✓ Shorter time limits
- ✓ Sole arbitrator
- ✓ Shorter hearings

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

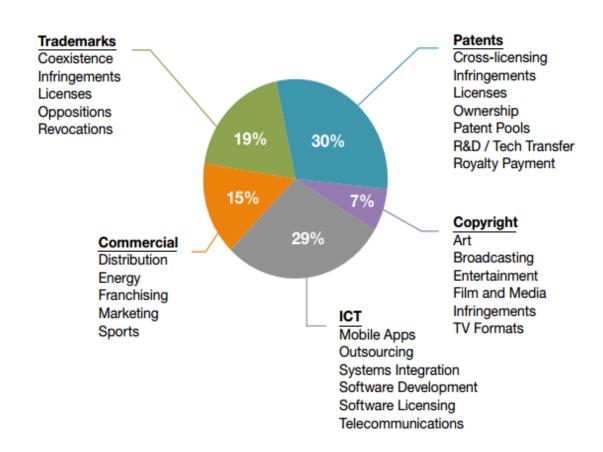
√ Fixed fees

WIPO Mediation, Arbitration and Expert Determination Cases

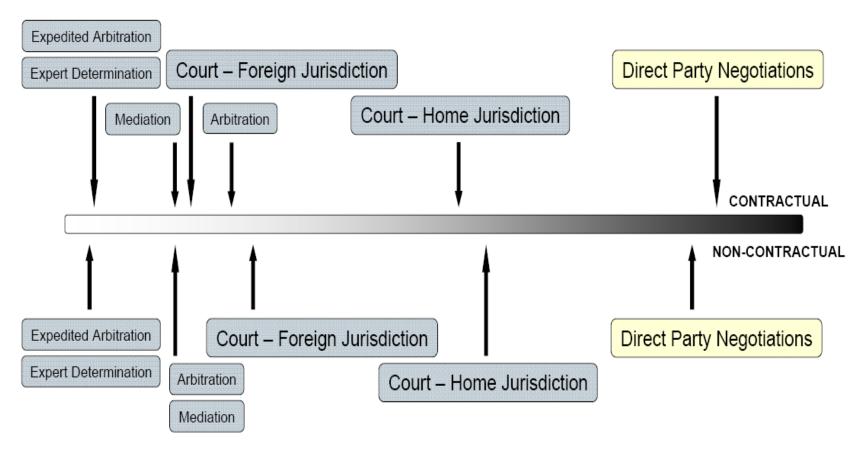
- IP/IT disputes and commercial disputes:
 - Contractual: patent licenses, software/ICT, R&D and technology transfer agreements, patent pools, distribution agreements, joint ventures, copyright collecting societies, trademark coexistence agreements, settlement agreements
 - Non-contractual: infringement of IP rights
- Domestic and international disputes (25/75%)
- Amounts in dispute from USD 50,000 to USD 1 billion



Dispute Areas in WIPO Mediation and Arbitration Cases



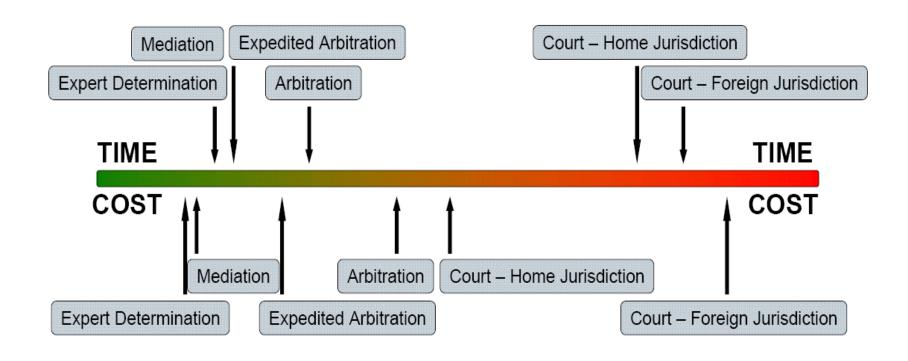
How Are Technology Disputes Resolved?



WIPO Center Report on International Survey of Dispute Resolution in Technology Transactions

WIPO
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ORGANIZATION

Relative Time and Cost of Technology Dispute Resolution





Type of Procedure

page.

IP Services

Alternative Dispute Resolution

Mediation



Mediation, (Expedited) Arbitration, Expert Determination Fee Calculator

The fees referenced below are estimates, in **United States dollars**. Final amounts payable are to be decided in consultation with the Center.

	0
Amount in Dispute in USD	500000
	0
Dispute is not quantifiable or Request does not indicate any claims for a monetary amount	
WIPO PCT Filer, Hague System Filer, Madrid System Filer, WIPO Green Technology Provider or Seeker	
	Calculate Reset
Registration Fee	No Registration Fee
Administration Fee	USD 375
Mediator's Fee	USD 300-USD 600 per hour USD 1,500-USD 3,500 per day.

For further information and payment details, click on the applicable schedule of fees and costs on the right hand side of the

Schedule of Fees

Mediation

Arbitration / Expedited Arbitration

Expert Determination

Emergency Relief Proceedings (Effective from June 1, 2014)

Uniform Domain Name Dispute Resolution Policy (UDRP)

- 1999: WIPO-created <u>international</u> administrative ADR procedure
- Allows trademark owners to resolve "clear cut" cases of abusive domain name registration and use ("cybersquatting")
- Operates outside the courts, but preserves party court option
- Uniform: applicable to <u>all gTLDs</u> "old" (.com, .net, .org, etc.) and "new" (.bike, .fail, .nyc, etc.)
- Applicable via <u>mandatory</u> "contract web" between ICANN, registrars, and registrants



UDRP: Principal Advantages

- Significantly <u>quicker and cheaper</u> than court litigation
 - Two-month average
 - Fixed fees (USD 1,500)
- Predictable criteria and results
- Decision (transfer) implemented directly by registrar
- Prevents consumer confusion/brand abuse



The UDRP Test – Three Elements

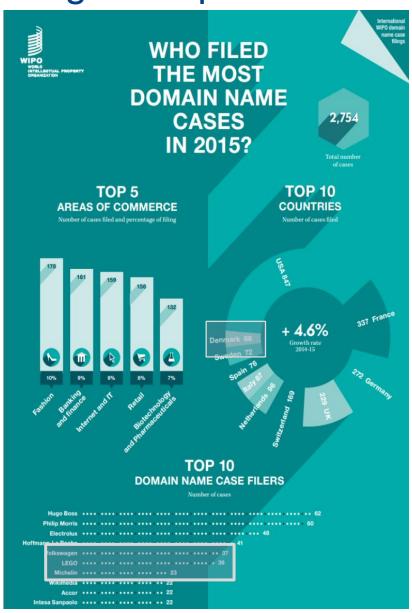
- Trademark must be identical or confusingly similar to the domain name; and
- The registrant of the domain name must have no rights or legitimate interests in the domain name; and
- The domain name must have been registered and used in bad faith.

Domain Name Dispute Filing with WIPO

- 16 years' experience as the global leader in domain name dispute resolution
 - 35,000+ cases covering 65,000+ domain names
 - 2015 total: 2,754 cases
 - Involving parties based in 177 countries
 - Multilingual case administration (21 languages to date)
 - Paperless filing: WIPO-initiated eUDRP
 - Provides dispute resolution services to 75 ccTLDs

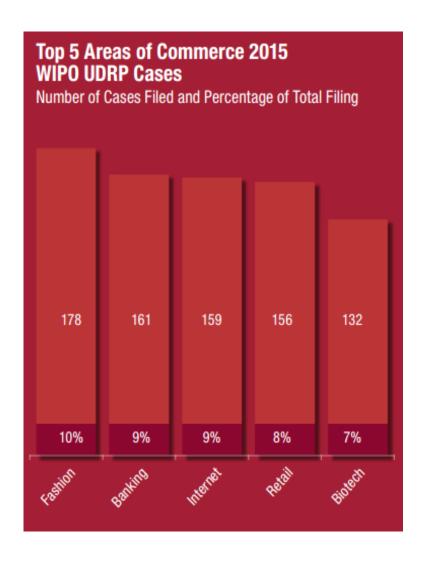


Denmark among the top 10 domain name case filers





WIPO UDRP Complainant Areas of Activity





Key WIPO UDRP Resources

- WIPO <u>Guide</u> to the UDRP <u>www.wipo.int/amc/en/domains/guide</u>
- Model <u>pleadings</u> (complaint and response) <u>www.wipo.int/amc/en/domains/complainant</u>
- Legal <u>Index</u> of UDRP Decisions <u>www.wipo.int/amc/en/domains/search/index.html</u>
- WIPO <u>Jurisprudential Overview</u> of Selected UDRP Questions

www.wipo.int/amc/en/domains/search/overview/index.html



Home > IP Services > Alternative Dispute Resolution > Domain Name Disputes > Search

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Second Edition ("WIPO Overview 2.0")

© 2011 World Intellectual Property Organization

Decision-making authority under the Uniform Domain Name Dispute Resolution Policy and Rules (UDRP) lies exclusively with the appointed panels. To assist awareness of their views on certain questions that commonly arise in proceedings under the UDRP, the WIPO Arbitration and Mediation Center has produced the following update and extension of its informal overview of panel positions on key procedural and substantial issues. This WIPO Overview 2.0 includes new decision references supporting each line of opinion, with over 380 decisions (formerly 100) from over 180 (formerly 80) different UDRP panelists now listed. Reflecting the evolution of the Domain Name System and UDRP jurisprudence, the number of issues included in the WIPO Overview has doubled.

QUESTIONS

UDRP Policy
UDRP Rules
WIPO Supplemental Rules

1. First UDRP Element

- 1.1 Does ownership of a registered trademark to which the domain name is identical or confusingly similar automatically satisfy the requirements under paragraph 4(a)(i) of the UDRP?
- 1.2 What is the test for identity or confusing similarity, and can the content of a website be relevant in determining this?
- 1.3 Is a domain name consisting of a trademark and a negative term confusingly similar to the complainant's trademark? ("sucks cases")



Further Information

- WIPO Arbitration and Mediation Center Offices
 - Geneva, Switzerland
 - Singapore, Singapore



- Rio de Janeiro, Brazil
- Beijing, China
- Tokyo, Japan
- Moscow, Russia
- Singapore, Singapore







Further Information

- Queries and case filing: arbiter.mail@wipo.int
- Model clauses:
 <u>www.wipo.int/amc/en/clauses/</u>
- Info on procedures, neutrals and case examples:
 www.wipo.int/amc/