How to avoid functional claiming problems

The Eastern District of Texas's diminished status

Star Athletica impact already being felt

A ny IP lawyers who are also dedicated followers of fashion should take note of a session taking place this morning on copyright in fashion designs.

The session will feature a review of the Supreme Court’s Star Athletica v Varsity Brands decision and its impact, a look at copyrightable subject matter in apparel and establishing infringement claims, and an analysis of fashion design protection around the world.

The Supreme Court’s Star Athletica ruling in May involved designs for cheerleading uniforms. The court held that a feature incorporated into the design of a useful article is eligible for copyright protection only if the feature (1) can be perceived as a two- or three-dimensional work of art separate from the useful article, and (2) would qualify as a protectable pictorial, graphic, or sculptural work. The court held that a feature incorporated into the design of a useful article is eligible for copyright protection only if the feature (1) can be perceived as a two- or three-dimensional work of art separate from the useful article, and (2) would qualify as a protectable pictorial, graphic, or sculptural work.

Despite the case focusing on cheerleading uniforms, the ruling gives fashion intellectual property owners another means of protecting their ornamental designs on useful articles such as clothing.

For example, soon after the Star Athletica decision came out Puma sued Forever 21, alleging a line of shoes infringed its design aspects of the fashion industry.”

Despite the case focusing on cheerleading uniforms, the ruling gives fashion intellectual property owners another means of protecting their ornamental designs on useful articles such as clothing.

For example, soon after the Star Athletica decision came out Puma sued Forever 21, alleging a line of shoes infringed its design patent and trade dress. Puma cited Star Athletica, contending that each of the copyrights in its Fenty line of shoes can be perceived as a two- or three-dimensional work of art separate from the Fenty shoes and also because all the court decided was a legal doctrine,” says Riordan. “It didn’t say all of a sudden a bunch of things had protection that didn’t have it before. It defined the test for trying to figure that out. But people are using it to try to extend rights and to claim more rights than were previously thought to exist. Whether those rights actually exist or not is too soon to tell. But I would not have thought we would have seen such a wide expansive reading of the case.”

She says that the copyright in fashion session has similarities to the Trademark/Copyright session directly preceding it on “Lessons Learned in ‘Disparaging’ Marks After In re Tam”. The Supreme Court in its Tam ruling in June held the disparagement clause of the Lanham Act is unconstitutional under the First Amendment’s Free Speech Clause. “I know it is a trademark case but the implications that has on speech and dilution and other brand considerations is going to be much more widely felt than you would have thought. It is similar to the Star Athletica case where it looks like a very narrow ruling, but we are now feeling the effects of it quite broadly.”

The “Copyright In Fashion Designs: Star Athletica And Going Forward” session takes place today 10:45am-12pm as part of the Trademark/Copyright track in the Maryland Ballroom Salon 1, Lobby Level

Senators Hatch and Leahy to be honored

A t this year’s Annual Meeting, AIPLA will bestow the Board of Director’s Excellence Award on US Senators Orrin Hatch [R-UT] and Patrick Leahy [D-VT]. This is AIPLA’s highest award, and is presented to individuals who have made outstanding contributions fostering intellectual property law.

“For the past decade both of the Senators have worked on IP and have been leaders in almost every significant piece of legislation that has come out,” says AIPLA Executive Director Lisa Jorgenson. “They both had a very profound impact on the development of IP law. We are honored to have them at our Annual Meeting.”

Earlier this month for instance, Senator Hatch convened a meeting of the Senate Republican High-Tech Task Force. This included looking at how TC Heartland had impacted the litigation landscape, whether Congress needs to provide further guidance on where patent plaintiffs can bring suit, how unsound patents can be better screened out earlier in the litigation process while ensuring that valid patents survive review, and what sorts of limits Congress should place on what can and cannot be patented.

This year’s Annual Meeting boasts a strong lineup, including the USPTO’s Joseph Matal speaking at today’s Opening Plenary Session. Acting Register of Copyrights Karyn L. Claggett will be speaking tomorrow. Jorgenson also highlights that the speaker list includes a number of Federal Circuit, district court and USPTO judges and retired judges, including former Federal Circuit Chief Judge Paul Michel, and current Federal Circuit Judges Pauline Newman and Kara Stoll.
New analysis

**Was Aqua Products a wash out?**

The Federal Circuit’s en banc Aqua Products v. Matsal ruling has been described as “a complete non-event” and “a real mess” that “did little to resolve the big questions” surrounding the PTAB’s treatment of motions to amend. However, it did shift the burden of persuasion in motions to amend to the petitioner.

The 148-page opinion was a long time coming. Oral arguments took place in December 2016. The unusually long wait suggests that the eventual ruling would be complicated. This proved to be true. The opinion, written by Judge O’Malley, described its ruling as “narrow” as a result of the different views on the judgment the court should reach and the rationale it should employ in support of that judgment.

“The final written decision of the Board in this case is vacated insofar as it denied the patent owner’s motion to amend the patent,” the opinion says. “The matter is remanded for the Board to issue a final decision under § 318(a) assessing the patentability of amended claims on the patent owner.”

The original panel decision in the case was issued in May 2016, and upheld the PTAB’s denial of a motion to amend claims of a patent for automated swimming pool cleaners. Sitting en banc, the court decided not to take the plunge of offering clear guidance for amending claims at the PTAB.

The Federal Circuit concluded: “The only legal conclusions that support and define the judgment of the court are: (1) the PTO has not adopted a rule placing the burden of persuasion with respect to the patentability of amended claims on the patent owner that is entitled to deference; and (2) in the absence of anything that might be entitled deference, the PTO may not place that burden on the patentee.”

A Fish & Richardson analysis said the opinion “did little to resolve the big questions surrounding the Board’s treatment of motions to amend.” Five different judges addressed the question, but no opinion drew a majority. “So as things stand right now, the PTO may not place the burden on the patentee to prove the patentability of amended claims, but the PTO may engage in notice and comment rulemaking to do so, at which time the court will be tasked with determining whether any practice so adopted is valid,” Fish & Richardson explained.

But Aqua Products will still have an impact, despite the judgment noting that “very little said over the course of the many pages that form the five opinions in this case has precedent weight.”

Michael Weiner, partner at Marshall Gerstein & Borun, commented that the decision creates “a real mess for the PTAB” because it affects all pending IPRs, which must be decided within one year after institution unless the time period is extended by up to six months for good cause.

“The PTAB will need to establish procedures and likely issue new rules to address the court’s decision, and will probably need to use its authority to extend its deadlines for pending IPRs,” commented Weiner in a statement.

Some believe Aqua Products makes amending claims more likely. “At a minimum, with the change in the burden, I suspect there will be an increase in the number of motions to amend,” said Cyrus Morton, partner and chair of the Patent Office Trials Group at Robbins Kaplan, in a statement. “That will continue at least until we see what the court’s guidance is, and we can determine the impact, despite the judgment noting that ‘very little said over the course of the many pages that form the five opinions in this case has precedent weight.’”

But patent owners should not get overly excited. Justin Oliver, partner at Fitzpatrick Cella Harper & Scinto, described the shift of the burden of proof to petitioners as a “significant shift”. But he added: “However, the manner in which the Federal Circuit reached that decision leaves the door open for the PTO to issue regulations that shift the burden back to the patent owner. Whether the PTO will do so, and whether such new regulations would withstand scrutiny in a future appeal, remain open questions.”

In a blog post titled “Much ado about nothing,” Scott McKeown, chair of Ropes & Gray’s PTAB group, described Aqua Products as “a complete non-event.” He commented: “While the decision has been embraced as a net positive for patentees, practically speaking, it will not move the needle on amending at the PTAB.”

McKeown acknowledged the shift of the burden of persuasion to petitioners, but said that the difficulties of amending claims at the PTAB are not because of an improper shifting of the burden of patentability. McKeown said the more interesting part of the decision was the posturing on the Chevron defence ahead of the Supreme Court’s hearing of SAS Institute v. Lee.

**Tam tells his trademark tale**

Tam tells his trademark tale

The AIPLA Annual Meeting is not the only IP conference taking place this week – the AIPPI Congress was held earlier this week in Sydney, Australia. Simon Tam, founder of The Slants, who grabbed an account of his battle to register US trade mark in a panel at the AIPPI Congress on “Funny, bad taste or out of order? Morality and public order in trade-marks.” Recounting how he started The Slants rock band to fight prejudice and injustice, Tam said he never dreamed that he would also end up changing US trade-mark law.

The Slants’ fight took them from performances in US prisons to the USPTO, the Federal Circuit and ultimately the Supreme Court – where the whole band attended the hearing. In a unanimous opinion earlier this year, the eight justices upheld Tam’s case and ruled that the “disparaging” exception in the Lanham Act contravened the First Amendment.

For Tam, the case was always about reclaiming the language of racial stereotyping, something to which the band has been committed since its foundation. “Think how you can shape the world by changing the process, changing your perspective. I never imagined that starting a rock band called The Slants would change IP law, but I knew we would need to change the process to change our world,” he said to an attentive audience, adding that the key to succeeding at the Supreme Court was that: “I never approached this as an attorney. I approached it as an activist.”

The Matsal v Tam decision will lead to changes to USPTO practice, though the full ramifications are not yet clear. Other panelists in the session discussed how Australia, China and Europe approach moral restrictions on trademark registrations.

Mark Metzeling of IP Gateway said that “offensive” marks will be refused in Australia, including terms that suggest racial vilification, religious intolerance and personal abuse. Discussing Tam’s case, he said he hoped the word “slants” would not be seen as offensive in Australia today: “I actually don’t think there would be any objection to an application for The Slants.”

Qiang Ma of Jun He described the categories of marks that are not eligible for registration in China, including marks incorporating country names.

Speaking to Tam, Luis Berenguer of EUIPO said: “I’m the bad guy. We are the ones who refuse trademark applications!” But he said the Office faces difficult decisions, especially given that it works in several languages, and has to take into account cultures and legal traditions in 28 countries. Cases that have come before the Office include applications for the marks Screw Yaku, Paki, Bin Ladin, Baghdad Country Club, No Made in China, Labellamafia and Hijo de Puta.

“If you’re easily offended, leave now.” That was the warning Shane Smyth of FR Kelly gave to the audience at the start of the session. But once Tam started speaking, no one moved.

The Tam case will be discussed at the AIPLA Annual Meeting today in a session titled “Who Says It’s Disparaging? Lessons Learned in ‘Disparaging’ Marks After In re Tam” 10:45am-12pm in the Maryland Ballroom Salon 1, Lobby Level.
Functional claiming post-Williamson

“This is a troublesome but fascinating topic,” says Isi Caulder, partner at Bereskin & Parr in Toronto, who is moderating today’s patent prosecution session looking at “Functional Claiming: An Untimely Death or Judicious Resurrection”.

F unctional claiming is claim language focused on the function performed, without the recital of structure, material, or acts in support of the function. This definition comes from both the statutory language of Section 112(f) – referred to as means-plus-function claiming – and from case law such as the Federal Circuit’s Williamson v Citrix Online ruling.

“Functional claiming under 35 USC 112(f) affects most of us patent folks,” says Caulder. “The US courts use that to interpret patent claims when they are written in a certain way. It surprises people when it happens in their day-to-day practice.”

Means-plus-function claiming has dramatically declined since the 1990s. An analysis by Professor Dennis Crouch on the Patenty-O blog in 2013 showed that the percentage of applications that included at least one means-plus-function term fell to under 10% by 2012 from almost 25% at the turn of the century. Between 1950 and 1990 the average was about 45%.

The Federal Circuit in its en banc Williamson decision in 2015 overruled its own precedent from 2004 that there was a “strong” presumption that claim limitations that do not use the term “means” are not means-plus-function limitations. The claim at issue in Williamson referred to a “distributed learning control module,” which the court found was subject to 112(f) and invalid as indefinite under § 112(5).

Judge Newman wrote an interesting dissent in the case, criticizing the court for eliminating the statutory signal of the word “means”. The purpose of this change, the benefit, is obscure,” Newman wrote. “The result, however, is clear: additional uncertainty of the patent grant, confusion in its interpretation, invitation to litigation, and disincentive to patent-based innovation.”

The Federal Circuit outlined a new standard of “whether the words of the claim are understood by a person of ordinary skill in the art to have a sufficiently definite meaning as the name for a structure.” Post-Williamson, examiners have more scope to interpret claim language that does not use the word “means” under 112(f) even if practitioners do not intend it.

“The reaction from both applicants and examiners is to avoid these types of claims because they are read down so narrowly,” says Caulder. “Increasing what is happening is that nonce words will raise the flag of 112(f). You don’t necessarily have to have ‘means’ in your claim – there are other types of words like ‘module’ that will evoke the ire. So practitioners are generally avoiding these types of claims. But it is not that simple. In some areas, such as my area on the computer side, it is impossible to avoid functional claiming because the nature of the technology really calls out for that kind of description in the claims.”

Today’s speakers will try to make sense of this situation. There will be three presentations: “From the White House to the USPTO to You: What’s Happening with Functional Claiming,” by Michele Van Patten Frank of Venable; “Malfunctioning Functional Claims: Tips for Drafting Patent Applications in View of Williamson,” by Charles Bieneman of Bejin Bieneman; and “The Collision of Section 101 Patent-Eligibility and Section 112 Functional Claiming,” by Ronald Embry of Patterson & Sheridan.

Bieneman will advise practitioners to “strive for the impossible” by avoiding functional claiming. His tips for this include reciting the structure in the claim, avoiding nonce words, using “means” only if you really mean it, avoiding certain danger words like “to” or “for” which imply function not structure, and using generic terms to try to reduce the risk of functional interpretation.

Bieneman will also discuss some of the case law after Williamson. Caulder says Williamson is “an important development.” “It is even more significant,” he says. “The only thing you can do is try to avoid functional claiming or very deliberately use it as a practitioner,” she says.


Overcoming obviousness objections

Patent prosecution practitioners will learn all about obviousness in a session this morning. Jacques Etkowitz of Rattner Prestia in King of Prussia, PA says practitioners of all experience levels will benefit from attending.

“There will be absolutely worthwhile practical tips on how to deal with obviousness in your prosecution practice,” he says. “For those that may not prosecute cases that much, getting this advice from those that have been dealing with it for years is invaluable.”

The highly-subjective nature of obviousness creates much uncertainty.

“You’ll find different examiners clearly taking different approaches to how they will apply art, with some being more reasonable than others when you’re arguing the application or the combination of prior art references in a rejection and the reasonableness of the combination,” says Etkowitz. “Some of the more senior examiners know what they can or cannot do in combining prior art references and making those rejections stick, while sometimes your examiners will take a little more leeway and try and make an argument that many times will not survive a well-reasoned response from the patent attorney.”

He adds: “Unfortunately there is no way to put two pieces of prior art into a process, turn the crank, and get an answer,” says Etkowitz. “It is very subjective and sometimes arguments set forth in an Office action may look good but when you actually dig into what the prior art reference says, the result is completely different.”

Skilled prosecution practitioners are successful in overcoming these rejections and making the examiner go back and look for better prior art.

“We will take the time and dig into the reference, find out what it does and doesn’t stand for and then respond,” says Etkowitz. “Sometimes an amendment is necessary in order to clarify, bring out a more salient point in an invention and get past that combination of references and hopefully move towards an allowance.”

The session will feature three presenters: Brantley Shumaker of Middleton Reutlinger will look at “A Walk Down Memory Lane: Is the Law on Obviousness More Obvious Now?” Warren Woessner of Schwengman Lundberg Woessner will discuss “Adjusting the Rearview Mirror – Overcoming Rejections Based on Hindsight.” Suzannah Sundby of Canaday + Lottz will talk about “Examining Examiners: I Say Potato and You Say Vegetable – BRI and the Unexpected Results of Interviews.”

The presentation on rejections based on hindsight will discuss situations when the examiner uses the patent applicant’s own specification as a guide.

“But for the examiner having that information, he would not have been able to make the combination of rejection that he makes and that’s not permitted,” explains Etkowitz. “An examiner is not permitted to use the applicant’s teachings against them. The law on obviousness is clear that the references themselves must teach what the claim that’s being examined says.”

He adds: “It is a complicated argument, but the courts have come down several times and said you cannot apply one reference as a modifier to the first reference if the combination would result in the first reference not being useful for its intended purpose. That happens a lot when the examiner uses the applicant’s specifica- tions as a teaching tool.”

The Eastern District of Texas has lost its status as the top district court for patent cases in 2018 because of the Supreme Court's ruling in 2015. The court held that TTAB decisions about likelihood of confusion can have a preclusive effect in subsequent district court litigation. The question of whether you should take your trademark battle to the Trademark Trial and Appeal Board (TTAB) or make a federal case out of it will be discussed in a session this afternoon.

Shannon Jost of Stokes Lawrence, Jonathan Hudis of Ogletree & Braly and TTAB Administrative Judge Susan Hightower will discuss the different strategies for winning in district court and the TTAB, as well as share tips on making your case before the TTAB.

Moderator Dean Eyler of Gray Plant Mooty is planning an interactive session, leading a structured discussion rather than having the panelists presenting one after another. They will discuss strategic concerns about whether to file in the TTAB or district court trademark litigation.

“The biggest difference still is that in federal court you are often preparing your case for the possibility of trying it to a jury,” says Eyler. “You are not going to have a jury in the TTAB. In federal court, the analysis also tends to be more far reaching regarding market place factors. They tend to have more importance in federal court decisions than in the TTAB.”

The session will touch on the Supreme Court’s B&B Hardware v Hargis Industries ruling in March 2015. The court held that TTAB decisions about likelihood of confusion can have a preclusive effect in subsequent district court litigation. "B&B Hardware was very important in the trademark world,” says Eyler. “The Supreme Court ruled that TTAB decisions can have a preclusive effect, so that just heightens the importance of picking the right forum.”

Fears were raised that the ruling would be interpreted broadly, giving the TTAB more power than intended. One concern was that the TTAB might change its practice regarding suspending actions in favor of district court actions.

“I think it is fair to say that the impact has been a little less than many people predicted at first,” says Eyler. “It definitely does heighten the importance of TTAB cases. But I think the TTAB has been pretty clear that generally speaking their practices have not generally changed.”

Separately, the TTAB did recently update some of its rules, however. These included encouraging electronic filing, simplifying procedures and reducing discovery burdens. The TTAB changes will also be covered in the session.

The “Take Your Trademark Battle to the TTAB or Make a Federal Case Out of it?” session takes place today 2pm-3:30pm in the Maryland Ballroom Salon 1, Lobby Level.
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Protection of patents and trademarks in the Eurasian economic union

Evgeny Alexandrov of Gorodissky & Partners discusses the legal environment for IP protection within the Eurasian Economic Union, including a draft treaty introducing a regional trademark and service mark protection system

The exclusive right to a Union Trademark will be valid for 10 years from the filing date with an option of multiple renewals each time for 10 more years. In order to renew a Union Trademark registration, it will be necessary to file a request to the filing office and pay renewal fees set forth in each of EAEU countries.

Evgeny Alexandrov, PhD

Evgeny Alexandrov is a partner, chief of legal department, and Russian Trademark attorney at Gorodissky & Partners. Evgeny joined Gorodissky & Partners in 2005 and in 2015 was promoted to partner at the firm. He advises clients on the legal (non-contentious) and illegal (contentious) use of IP/IT, unfair competition and false advertising, parallel imports and anti-counterfeiting, licensing and franchising, media and technology. He represents clients before commercial courts and courts of general jurisdiction, administrative and law enforcement bodies. Projects handled by Evgeny include successful representation of major companies in patent and trademark infringement cases, legal support of the Russian companies in different IP issues including multi-jurisdiction disputes.
The countries-members of EAEU have agreed on the draft of the Treaty on Trademarks, Service Marks and Appellations of Origin of Goods of the Eurasian Economic Union introducing a regional trademark and service mark protection system.

Regional trademark will become effective at the beginning of the next year.

Appellations of origin of goods (geographical indications) in EAEU countries

EAEU countries have national registers of protected appellations of origin, including both appellations related to geographical objects inside that country and appellations related to the objects on other countries’ territory. New entries are registered in those Registers by national PTOs under the procedures set forth by national laws. The procedures provide filing an application for registration of an appellation of origin and granting the right to use the said appellation or filing an application for granting the right to use the registered appellation of origin.

EAEU’s Draft Treaty provides recognition of appellations of origin registered in EAEU countries as appellations of origin protected on the territory of all EAEU countries. It will be carried out by registration of the nationally-registered appellations of origin into the Unified Register of Union Appellations of Origin and issuance of a unified certificate of protection.

Under the Draft Treaty, the Union countries shall not be obliged to protect another country’s appellations of origins that are not protected or ceased to be protected in that country.

In order to obtain protection to appellations of origin on the Union territory applicants from EAEU countries will file corresponding applications to their national PTOs. Applicants from other countries may choose any EAEU country’s PTO as their filing office. Procedure of registration of appellation of goods in EAEU countries’ national PTOs and fees for filing an application are set forth by each EAEU country’s legislation, while a fee for registration of appellation of origin in the Unified Register will be determined as a sum of registration fees of all Union countries. For each appellation of origin registered in Unified Register the right holder will be granted with a single document certifying both protection of appellation of origin and his right to use it on the Union territory.

The Draft Treaty therefore did not provide for examining appellations of origin applications by each national PTO of EAEU countries; in fact, Union countries recognize as valid on the Union territory appellations of origin protection granted by a filing office upon payment of the respective fees by the applicant. This procedure will simplify obtaining of protection for appellations of origin on the territory of EAEU.

Patents

Technical solutions may be protected in Russia and other countries of the Union by a patent for invention or a patent for utility model. Also, there is the Eurasian Patent Convention (EAPC) which provides the possibility to obtain a regional patent for an invention valid in all Member-States. The EAPC covers more countries than the Eurasian Economic Union, viz: Armenia, Azerbaijan, Belarus, Kyrgyzstan, Kazakhstan, Russia, Turkmenistan and Tajikistan. Hence, when making a decision to protect an invention the applicant should consider whether to file a Eurasian patent application covering eight countries or national applications in selected countries.

The Eurasian patent system is used by applicants from over 80 countries of the world.

To perform administrative tasks relating to the functioning of the Eurasian patent system and grant of Eurasian patents, the Eurasian Patent Convention established the Eurasian Patent Organization with the Eurasian Patent Office (EAPPO) acting as its executive body. The patent issued by the Eurasian Patent Office is in the Russian language and shall have the same effect in Member-States as national patents for inventions.

The EAPC does not recognize as inventions the following subject matters in those cases where a Eurasian patent or a Eurasian patent are directly pertinent to any of the above-listed subject matter as such:

• discoveries;
• scientific theories and mathematical methods;
• presentation of information;
• methods of economic organization and management;
• symbols, schedules and rules, including rules of games;
• methods for performing mental acts;
• algorithms and computer programs;
• topographies of integrated circuits;
• projects and plans for structures and buildings and for land development;
• solutions concerning solely the outward appearance of manufactured goods and aimed at satisfying aesthetic requirements.

At that, as in many other jurisdictions Eurasian patents shall not be granted for:

• plant varieties and animal breeds;
• topology of integrated circuits;
• inventions, the commercial use of which it is essential to prevent, for the purposes of protecting public order or morality, including the protection of the life and health of people and animals or the protection of plants, or in order to prevent serious damage being caused to the environment. In that regard, such use may not be considered such, solely on the grounds that it is forbidden by the legislation of one or more Member-States.

Any dispute relating validity of the Eurasian patent in a given Member-State, or the infringement, in a given Member-State, of a Eurasian patent shall be resolved by the national courts or other competent authorities of that State on the basis of EAPC and the Patent Regulations. The decision shall have effect only in the territory of the Member-State.

Conclusion

The above demonstrates that the legal environment on IP protection within the Eurasian Economic Union is quite unified and harmonized with the major International Treaties that ensures appropriate legal protection of IP assets and encourages foreign companies doing business in the given jurisdictions.

Gorodissky & Partners

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**TODAY'S SCHEDULE: THURSDAY - OCTOBER 19, 2017**

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<td>8:00-9:00am</td>
<td>Opening Plenary Session - Welcome Remarks; Speaker: Joseph Matai; Committee of the Year Announcement</td>
<td>Marriott Ballroom, Salons 2 + 3, Lobby Level</td>
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<td>9:30am-2:30pm</td>
<td>Spouse/Guest Tour: The National Museum of African American History &amp; Culture</td>
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<td>6:30-8:00pm</td>
<td>Corporate Practice (Breakfast Meeting) (Corporate In-House Counsel Only)</td>
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<tr>
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<td>4:30-5:30pm</td>
<td>Antitrust Law</td>
<td>Madison AB, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>Harmonization Task Force (Committee Members Only)</td>
<td>Harding, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>IP Practice in China</td>
<td>Virginia C, Lobby Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>IP Practice in the Far East</td>
<td>Jackson, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>Legislation (Committee Members Only)</td>
<td>Capitol Boardroom, Lobby Level</td>
</tr>
<tr>
<td>3:30-4:30pm</td>
<td>AIPLEF (Foundation Trustees Only)</td>
<td>Hoover, Mezzanine Level</td>
</tr>
<tr>
<td>3:30-4:30pm</td>
<td>PTAB Trial</td>
<td>Washington Room 4, Exhibition Level</td>
</tr>
<tr>
<td>3:30-4:30pm</td>
<td>Quarterly Journal Editorial Board Meeting (Editorial Board Members Only)</td>
<td>McKinley, Mezzanine Level</td>
</tr>
<tr>
<td>3:30-5:30pm</td>
<td>Special Committee on Publications (Committee Members Only)</td>
<td>Wilson A, Mezzanine Level</td>
</tr>
<tr>
<td>3:30-5:30pm</td>
<td>American Intellectual Property Law Education Foundation (AIPLEF) (Foundation Trustees Only)</td>
<td>Virginia B, Lobby Level</td>
</tr>
<tr>
<td>3:30-5:30pm</td>
<td>Patent Cooperation Treaty Issues/Patent-Relations with the USPTO</td>
<td>Virginia A, Lobby Level</td>
</tr>
<tr>
<td>3:30-5:30pm</td>
<td>Trademark: Anti-Counterfeiting and Anti-Piracy/Trademark Ligation/Trademark Relations with the USPTO</td>
<td>Wilson BC, Mezzanine Level (Meeting: 3:30 - 5 pm), McKinley Foyer (Reception: 5 - 5:30 pm)</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>International Trade Commission</td>
<td>Hoover, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>IP Law Associations (Committee Members Only)</td>
<td>Wilson A, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>IP Transactions</td>
<td>Harding, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>Patent Agents</td>
<td>Coolidge, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>Standards and Open Source</td>
<td>Madison AB, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>Task Force on Patentable Subject Matter (Committee Members Only)</td>
<td>Jackson, Mezzanine Level</td>
</tr>
<tr>
<td>4:30-5:30pm</td>
<td>US Bar/EPO Liaison Council (Council Members Only)</td>
<td>Jefferson, Mezzanine Level</td>
</tr>
<tr>
<td>7:30-9:00pm</td>
<td>Opening Night Reception: “Farm to Table”</td>
<td>Marriott Ballroom Salon 2-3, Lobby Level</td>
</tr>
</tbody>
</table>

In an uncertain legal environment, we are one law firm that is not content simply to accept the status quo. We work constantly to influence the evolving body of Mexico’s intellectual property laws, with the goal of ultimately bringing them in line with international standards. While we continue to make great strides in this regard, clients from all over the world rely on us to prosecute, manage, and defend their IP portfolios under the laws that exist today. In other words, we work effectively within the system, even as we seek to change it.

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