

D YOUNG & CO TRADE MARK NEWSLETTER *no.128*

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GOURMET & INSIDE General Court sets out requirements for evidence of genuine use

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Welcome to the May 2023 edition of the D Young & Co Trade Mark Newsletter. We trust that many of our clients and colleagues are enjoying finally emerging from the winter months as much as we are! With spring comes the INTA Annual Meeting in Singapore from 16 to 20 May, where we are looking forward to meeting many of our readers from around the globe.

The D Young & Co trade mark group is delighted to have been ranked by Managing IP's "IP STARS", once again, in tier 1 for our UK prosecution work and tier 2 for our UK disputes work. Congratulations to the whole team! In response to ever-increasing demand for our services, we have also recruited a number of highly talented new joiners into our both our UK and German teams. It is my great pleasure to welcome Gabriele Engels as Partner Rechtsanwältin, Leyre Barragán as Associate Rechtsanwältin, and Sarah Brooks as Senior Associate Trade Mark Attorney.

Tamsin Holman
Partner, Solicitor

Events



INTA 2023 Annual Meeting Singapore, 16-20 May 2023

Trade mark team partners Jana Bogatz, Tamsin Holman, Anna Reid and Matthew Dick will be attending INTA 2023 in Singapore.

ECTA 41st Annual Conference: Exploring IP Magic Prague, the Czech Republic, 28 June - 01 July 2023

Partner and Chartered Trade Mark Attorney Richard Burton and Senior Associate and Chartered Trade Mark Attorney Jennifer Heath will be attending ECTA 2023.

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Evidence of use

GOURMET & INSIDE General Court sets out requirements for evidence of genuine use

Two General Court decisions, *Sympatex Technologies v EUIPO (INSIDE)* and *Transgourmet Ibérica SAU v EUIPO (GOURMET)*, provide clarification regarding the requirements for evidence of use.

Case T-372/21: *Sympatex Technologies GmbH v EUIPO – INSIDE*

Sympatex Technologies GmbH filed an European Union trade mark (EUTM) for SYMPATHY INSIDE, which included protection for classes 25 and 35. *Liwe Española SA* opposed this mark based on an earlier EUTM registration for the word INSIDE punctuated with a full stop afterwards 'INSIDE.' (the earlier mark), which also included protection for classes 25 and 35.

As *Liwe's* mark was more than five years old at the time that the SYMPATHY INSIDE application was filed, *Sympatex* put *Liwe* to proof of use. The Opposition Division considered that the evidence of use filed by *Sympatex* did demonstrate genuine use of the mark for "clothing, footwear, headgear". It partially upheld the opposition, rejecting the SYMPATHY INSIDE mark for class 25 and the part of the class 35 specification that related to the retail and wholesale of clothing, on the grounds that the marks were confusingly similar.

Sympatex appealed to the Board of Appeal which dismissed the appeal and the decision was appealed to the General Court.

The General Court's decision

The General Court first addressed the issue of whether the evidence of use filed was genuine evidence of use. *Liwe* argued, *inter alia*, that the evidence of use.

1. did not show use of the earlier mark with the full stop; and
2. the graphic representations of the earlier mark (shown below) altered the distinctive



character of the earlier mark as registered.

Given that the word element of the earlier mark (INSIDE) is its dominant and distinctive element, the General Court considered the omission of the full stop to be negligible.

The General Court held that as the earlier mark is a word mark, *Sympatex* is free to choose its presentation in the marketplace. Graphic representations of a word mark are acceptable for the purposes of proving use, provided that they do not alter the distinctive character of the mark as registered. The General Court followed the Board of Appeal's approach, and focused its assessment on the first two graphic representations of the mark INSIDE, as these graphic representations featured frequently in the evidence filed. It held that the representation of the letters IN, within a circle, and SIDE, out of the circle, did not mean that the mark would be understood as two words. The letters are all placed on the same line without a space and are in the same size font. The General Court concluded that the evidence of use did not alter the distinctive character of the mark as depicted on the register and it was sufficient to show genuine use of the earlier mark for "clothing, footwear, headgear" in class 25.

The General Court confirmed that the Board of Appeal had been correct to find a low degree of visual and phonetic similarity between the marks, in addition to conceptual similarity amongst the section of the Spanish public which understands English. A likelihood of confusion was confirmed and the General Court dismissed the appeal.

Case T-102/22: *Transgourmet Ibérica SAU v EUIPO - GOURMET*

This decision focuses on the examination of evidence of use in relation to trade marks that have a low degree of distinctive character. It involved an unsuccessful declaration of invalidity filed by *Transgourmet Ibérica*, SAU against an EUTM Registration owned by *Aldi GmbH & Co KG* (shown below). *Transgourmet* relied on an earlier Spanish mark for the word mark "GOURMET", which covered food related goods in class 30.



➤ Useful links

- *Case T-372/21, Sympatex Technologies GmbH v EUIPO – INSIDE:*
dycip.com/caset37221
- *Case T-102/22 Transgourmet Ibérica SAU v EUIPO – GOURMET:*
dycip.com/caset10222

Transgourmet was required to file evidence of use of the mark GOURMET and the Cancellation Division held that the evidence filed did not demonstrate genuine use of the word mark. The decision was appealed to the Board of Appeal which dismissed the appeal on the grounds that the evidence did not show use as trade mark, and certain evidence demonstrated use in a form which altered the distinctive character of the mark as registered. Transgourmet appealed the decision further to the General Court.

The General Court's decision

In summary, the General Court held that:

1. The Board of Appeal had erred in stating that GOURMET was descriptive of the class 30 goods

In cancellation proceedings before the EUIPO the validity of a national trade mark cannot be questioned. The fact that a national mark has been registered means that it has a minimum degree of inherent distinctive character and its validity can only be brought into question in cancellation proceedings before that member state. Consequently, the Board of Appeal's characterisation of the term "gourmet" as descriptive of the goods at issue amounted to denying its distinctive character and so constituted an error of law.

2. In assessing genuine use, there is no requirement to examine the distinctive character of the earlier mark

There is genuine use of a mark where the evidence illustrates the mark is used to guarantee the identity of the relevant goods or services. The Board of Appeal had wrongly confined itself to examining whether GOURMET would be perceived as a descriptive term. Again, as the earlier mark had been registered it should have been treated as distinctive. It was apparent from the evidence filed that GOURMET **had been used** as a trade mark. The perception of the mark as a descriptive term should not have been taken into consideration in assessing its genuine use.

3. There is no hierarchy between items of evidence

Equal consideration should be given to all types of evidence of use, and there should

be no hierarchy between items of evidence, for example: packages, labels, price lists, catalogues, invoices, photographs, newspaper advertisements, and statements in writing.

4. When assessing use of a mark, it is necessary to perform an examination of the distinctive and dominant character of both the intrinsic and additional elements

Variant use allows for use of a mark in a form differing in elements which do not alter the distinctive character of the registration. When assessing whether the distinctive character has been altered it is necessary to perform an examination of the distinctive and dominant character of any additional elements. Account must be taken of the intrinsic qualities and the greater or lesser degree of distinctive character of the earlier mark. Notably, the weaker the distinctive character, the easier it will be to alter it by adding a component that is itself distinctive.

The General Court held that the distinctive character of GOURMET had not been altered in the evidence of use filed (shown below). It highlighted that when a mark is composed



of word elements and figurative elements words are likely to be regarded as more distinctive, especially in this case where the figurative elements are neither striking nor dominant. Therefore, the Board of Appeal's reasoning "that certain relevant goods are raw foodstuffs and not products cooked by a chef, which increases the distinctive character of the white chef's hat" was not accepted. The additional figurative elements were held to be incapable of altering the distinctive character of the earlier word mark GOURMET.

The General Court annulled the Board of Appeal's decision that Transgourmet had not demonstrated genuine use of its mark, and the case will be referred back to the Board of Appeal.

Authors:

Sarah Brooks & Sophie Rann



In short

If you register a word mark you can use graphic representations of that mark, as long as in doing so you do not alter the distinctive character of the mark. This is to allow businesses when commercially exploiting their mark to make variations of the mark that do not alter the distinctive character but allow the mark to be adapted to the conditions of the market for the goods and services concerned.

Punctuation in the mark applied for does not necessarily need to be replicated in use of the mark, so long as removing it does not alter the distinctive character of the mark.

When assessing whether the distinctive character has been altered it is necessary to perform an examination of the distinctive and dominant character of any additional elements.

Account must be taken of the intrinsic qualities and the greater or lesser degree of distinctive character of the earlier mark. Notably, the weaker the distinctive character, the easier it will be to alter it by adding a component that is itself distinctive.

Peppa Pig v Wolfoo

IP dispute gets territorial

Case details at a glance

Jurisdiction: England & Wales

Decision level: High Court

Parties: Entertainment One UK Limited

& anr v Sconnect Co. Ltd & ors

Citation: [2022] EWHC 3295 (Ch)

Date: 21 December 2022

Decision: dycip.com/entertainmentonevsconnect

The UK was found to be the target after the High Court clarified the jurisdiction in a dispute involving internet platforms. The owners of Peppa Pig succeeded in keeping their IP infringement claim in the UK courts after the creators of Wolfoo failed to convince the High Court that Vietnam is a more appropriate jurisdiction. The High Court also clarified procedural issues concerning the validity of service via electronic means.

Background

The owners of the intellectual property rights in the Peppa Pig TV series have brought proceedings against the creators of children's YouTube show, Wolfoo, for copyright infringement, trade mark infringement and passing off.

However, this decision did not address the infringement proceedings and instead the High Court was faced with two applications. The first was filed by the defendants seeking a declaration that the English courts had no jurisdiction to try the claims because (1) the service was defective and (2) the defendants did not target the UK market. The second application was filed by the claimants seeking a declaration that service on the defendants was not defective, or if it was deemed not to be effective, then the claimants sought an order for service by an alternative method.

The challenge to service

Following the pre-action correspondence, the claimants' legal representative wrote to the defendants' legal representative to confirm whether they would accept service of proceedings on behalf of the defendants, and whether this could be via email. The defendants' legal representative confirmed that they did have instructions to accept service and provided two email addresses.

The claimants' legal representative subsequently served proceedings. The defendants' legal representative noted that one of the emails had an issue accessing the cloud storage site that stored the annexes to the particulars of claim. Once the issue was resolved, the defendants' legal representative confirmed receipt of all documents.

A couple of days later, the defendants' legal representative wrote to the claimants' legal representative to reject the service of all documents and materials that were submitted by way of email and via links to the cloud storage, on the basis that the claimants had not asked if they had any limitations affecting service.

The court concluded that where a solicitor signals acceptance of service via email without providing any limitations, it is reasonable to assume that there are no limitations out of the ordinary. In particular, the judge noted that the service of the claim form, the particulars of claim and the response pack are distinct from the service of any other materials, such as those provided via the links to the cloud storage. Further, the judge held that in the event that his assessment was incorrect, he would have granted the alternative relief sought by the claimants in their application.

UK as a target

The defendants argued that the Wolfoo videos targeted Vietnam and the USA. However, the following factors, amongst others, were relied on to support the argument that the use was targeting the UK:

- The first defendant operates the sconnect.edu.vn/en website for the Sconnect animation training academy;
- The training academy website includes an article stating that the channel attracts audiences from the UK;
- Screenshots of the YouTube channel demonstrated advertising aimed at UK audiences; and
- The defendants had not added conditions to the YouTube channel to block viewers from countries outside of the USA and Vietnam.

Overall, the judge was convinced that the UK was a target and that the Courts of England and Wales had jurisdiction.

Forum conveniens (convenient forum)

The defendants proposed that Vietnam

would be a more appropriate court, relying on the fact that the claimants have litigated in other jurisdictions in the past and that the defendants' witnesses were located in Vietnam. However, the judge was not convinced that the Vietnam courts would provide a better alternative. In particular, the judge noted that:

- The claimants' goodwill, copyright and trade marks cannot be protected outside of the UK;
- The claimants conceived and implemented the artistic works in Peppa Pig in England and Wales;
- The claimants' entities are registered in England and Wales;
- The defendants and the claimants have legal teams acting for them that are situated in England and Wales; and
- There are witnesses situated in England and Wales.

Therefore, the judge ordered the parties to agree directions to progress the case in the UK.

Author:

Kamila Geremek



In short

With IP infringements frequently taking place via internet platforms that lack territorial limitations, this case highlights that it is possible for the Courts of England and Wales to be an appropriate forum for cases concerning internationally available content. This is good news for IP owners with strong UK rights who are tackling infringements in an increasingly borderless digital world.

Umbr-no

UK High Court finds Dream Pairs logo does not infringe Umbro trade marks

Case details at a glance

Jurisdiction: England & Wales

Decision level: High Court

Parties: Iconix Luxembourg Holdings SARL and (1) Dream Pairs Europe Inc

(2) Top Glory Trading Group Inc

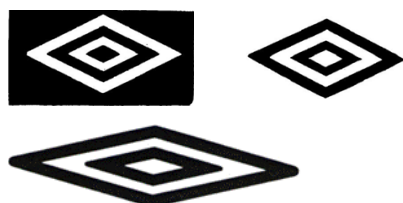
Citation: [2023] EWHC 706 (Ch)

Date: 28 March 2023

Decision: dycip.com/umbrovdreampairs

Umbro's claim the Dream Pairs logo infringed its trade marks has failed on the basis of lack of similarity of the signs. In the High Court proceedings, Iconix Luxembourg Holdings SARL (Umbro) claimed that the Dream Pairs logo was an infringement of two of its registered trade marks (shown below).

Umbro's Registered trademarks (the marks):



Dream Pairs logo (the sign):



Dream Pairs has been using the sign on football boots and other footwear in the UK since December 2018. Almost all of this use was via its Amazon UK website.



Umbro claimed that this use of the sign constituted trade mark infringement under sections 10(2)(b) and 10(3) of the Trade Marks Act 1994. Furthermore, it sought invalidation of two trade mark registrations obtained by a second defendant, Top Glory Trading Group Inc, which incorporated the sign. It was common ground that such actions would stand or fall with the infringement case.

Section 10(2)(b) likelihood of confusion claim

Despite the identity of the goods and the highly distinctive character and reputation of the Umbro marks, acquired through decades of use including on the kit of the 1966 World Cup winning England team, the judge held that this claim failed.

His reasoning was twofold. First, he found

Umbro claimed infringement due to likelihood of confusion and reputation



there to be at most a very low degree of similarity between Umbro's marks and the sign. It was deemed that the average consumer would view the sign as a tilted square surrounding a P, which is sufficiently distinctive to distinguish the sign from the Umbro marks, which were described as pairs of elongated sideways diamonds.

Following this, the judge considered the context in which the sign was used. This context was the Amazon webpage on which Dream Pairs' shoes were being sold. The page made regular references to Dream Pairs and none to Umbro. Given this, and the very low degree of similarity between the sign and the Umbro marks, it was held that there was no likelihood of confusion on the part of the average consumer.

Section 10(3) reputational claim

The key to this claim was whether the average consumer would make a link between use of the sign and the marks. When considering this, the judge again found that whilst the goods concerned were identical or very similar, and the marks have a reputation and are distinctive, the very faint similarity between the marks and the sign would not give rise to a link. Therefore, the Section 10(3) claim also failed.

In the event that he was wrong on this point, the judge did consider whether Umbro had suffered any of the three relevant types of injury as a result of use of the sign.

In relation to detriment to the reputation of the

marks, Umbro sought to argue that the Dream Pairs goods were cheap and of poor quality. Unfortunately for them, branding reports that they had relied on in establishing their target market also revealed that the word most strongly associated with the Umbro brand was cheap. Hence this argument failed.

There was also found to be no evidential or rational basis for there being a risk of detriment to the distinctive character of the marks due to use of the sign.

Finally, when considering whether use of the sign took unfair advantage of the reputation of Umbro's marks, the judge, again citing the association of the Umbro brand with the word cheap, found that the marks did not enjoy any special reputation as to "fit, durability or performance" that could be taken advantage of. In addition to this, Umbro failed to show that any of Dream Pairs' conduct was unfair.

Author:

Laurie Ford



In short

This case reaffirms the importance of using evidence that supports the full narrative of a claim, otherwise claimants run the risk of shooting themselves in the foot, as happened here.

Hecht Pharma v EUIPO

General Court offers guidance on genuine use of pharmaceutical products

Case details at a glance

Jurisdiction: EU

Decision level: General Court

Parties: Hecht Pharma v EUIPO

Citation: T 346/21

Date: 11 January 2023

Decision: dycip.com/hechtpharmaveuipo

Useful link

Judgment of the General Court in *Endoceutics, Inc v EUIPO*, 17 November 2017:

dycip.com/endoceuticsveuipo

In this decision the General Court clarified multiple aspects of genuine use of trade marks for pharmaceutical products. Gufic BioSciences Ltd (Gufic) is an Indian pharmaceutical company specialising in ayurvedic medicines. Gufic owns European Union Trade Mark (EUTM) number. 008613044 “Gufic” in classes 3, 5 and 29, which was filed in 2009.

The mark “Gufic” was used in different forms:



In 2017, Hecht Pharma GmbH (Hecht) filed a non-use revocation action against the Gufic mark. The Cancellation Division revoked the mark in its entirety. Gufic appealed the decision and submitted further evidence of use, including invoices showing sales to German pharmacies.

The Board of Appeal partially overturned the decision and found the Gufic mark to have been genuinely used for “medicines” in class 5.

Hecht appealed this decision to the General Court raising the following claims:

- Extent of use:** there was insufficient public and external use of the mark. In particular, Hecht criticised that Gufic’s distribution model was illegal under German law and, thus Gufic should have shown sales from pharmacies to end consumers in order to prove genuine use. There was also no advertising of the goods under the Gufic mark; though such advertising would have been prohibited under German law.
- Nature of use:** the mark was not used as a trade mark, but as a part of company name, and/or not used as registered (as shown above).
- Nature of use:** the mark was not used for the registered goods, that is, “medicines”. The goods have been incorrectly classified in class 5 by the Board of Appeal.

Further guidance on genuine use of trade marks in the pharmaceuticals sector



The decision of the General Court

The General Court rejected the appeal in its entirety and commented on all the above-mentioned ground.

Regarding point 1 (extent of use)

The General Court rejected Hecht’s arguments finding that:

- Genuine use does not require showing sales to end consumers, in particular the intermediaries involved could be considered third parties;
- For the question of genuine use it is irrelevant if the distribution model is prohibited under national laws, in particular as the EUIPO is not authorised to decide on compliance with these national laws and, in any event, it would not change the fact that there has been use; and

- Lack of advertising does not prevent a finding of genuine use, especially if advertising for the goods would be illegal under the applicable laws.

Regarding point 2 (use as a trade mark)

The General Court stated that:

- it is common practice in the pharmaceutical sector for medicinal products to bear multiple marks on their packaging, namely the product mark and the manufacturer’s name. Therefore, the fact that Gufic is also the company name does not prevent the public from recognising it as a trade mark;
- the distinctive character of the sign Gufic was not impaired through the use in conjunction with other elements (as shown above left).

Regarding point 3 (goods covered)

The General Court concluded that although it previously held that sale of goods exclusively in pharmacies does not mean that they are medicinal products (see T 802/16 - *Endoceutics/ EUIPO – Merck*), the fact that a product is sold only in pharmacies is a relevant factor when classifying a product as medicinal. In this case, the Gufic goods were sold exclusively through pharmacies and only upon presentation of a doctor’s prescription. Furthermore, the products contained information and warnings on the packaging that enabled the relevant public to perceive the products as medicinal. Therefore, the relevant public would view the goods sold under the Gufic mark as medicinal, and the goods were correctly classified.

Authors:

Anna Scheuermann & Yvonne Stone



In short

This decision provides useful guidance in relation to genuine use of trade marks in the pharmaceutical sector, in particular:

- unlawful use of a mark;
- use of the mark together with a company name and/or other signs on the packaging; and
- classification of goods as medicinal.

Sweet defeat for Lindt

Appointed person dismisses appeal in Teddy v Teddylicious dispute

Case details at a glance

Jurisdiction: United Kingdom
Decision level: UKIPO and appointed person
Parties: Chocoladefabriken Lindt & Sprungli AG and Ibran Yasin
Citations: O/313/22 & O/0032/23
Date: 08 April 2022 & 12 January 2023
Decisions: dycip.com/ipoo31322 & dycip.com/ipoo003223

The appointed person has upheld a decision made by the UK Intellectual Property Office (UKIPO) in rejecting an opposition made by Chocoladefabriken Lindt & Sprungli AG (Lindt) against a UK trade mark application for the figurative mark TEDDYLICIOUS in relation to chocolate desserts, cakes, and related retail and wholesale services in class 30 and 35.



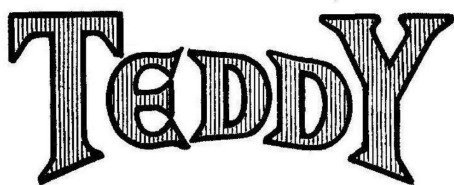
Background

Ibran Yasin applied to register a figurative application for the figurative mark TEDDYLICIOUS in respect of chocolate desserts, cakes, and related retail and wholesale services in classes 30 and 35.

Chocoladefabriken Lindt & Sprungli AG (Lindt), the Swiss Chocolatier, had opposed the application including under Sections 5(2)(b) of the Trade Marks Act relying on its earlier marks incorporating the word TEDDY, registered for goods in relation to chocolate confectionery, cocoa, and chocolate powder.

Genuine use

Lindt's earlier trade marks were subject to proof of use in relation to chocolate products. The evidence failed to demonstrate genuine use of all of the earlier EUTM registrations relied upon; however, the opposition was able to proceed on the basis of the European Trade Mark (EUTM) for TEDDY (stylised):



Likelihood of confusion

In arguing likelihood of confusion between the marks, Lindt stressed the importance of the beginnings of the marks, arguing that the marks were visually and aurally similar to a significant degree given the

identical prefix "TEDDY" and conceptual similar, conveying the concept of a teddy, such that there was likelihood of confusion between the marks. However, the hearing officer disagreed with Lindt's arguments, emphasising that the overall impact and perception of the marks on the average consumer played a more important role in the comparison of marks than the prefixes of the marks alone. The average consumer was held to be one who selects goods and services visually. As such, they would find the construction and overall impression of the made-up word "Teddylicious" striking, and would focus on this aspect. The marks were visually and aurally similar to a low to medium degree on this basis.

The conceptual similarity was diminished by the fact that the word "Teddylicious" is allusive of the goods and services being delicious, and conveys a different concept from the word "TEDDY" alone because it is a made-up word. Moreover, even if the concept of a teddy was recognised within the mark, when used in connection with the applicant's goods and services, which relate to desserts and cakes, the mark "TEDDYLICIOUS" was considered to convey a different concept, namely that of a made-up word indicating deliciousness rather than a teddy, and therefore consumers would be unlikely to mistake the contested mark.

Despite Lindt's arguments that the suffix "-licious" did not play a dominant or distinctive role in the overall perception of the mark, and that it was common for brand owners in the food sector to add the suffix "-licious" to their brands to create sub-brands, the hearing officer rejected these arguments.

Appeal

On appeal, the appointed person rejected Lindt's arguments, and reaffirmed the hearing officer's position, stating that there was no evidence to support the contention of brands in the marketplace adding the suffix "-licious" to create sub-brands. Even though "-licious" was held to be likely to evoke the word "delicious," as part of the coined word "Teddylicious", and should not therefore be artificially dissected.

Lindt argued that the hearing officer had given too much importance to the differences between the marks and goods/services in question, and not enough weight to the similarities, leading to an incorrect decision being made. However, the appointed person clarified that trade marks must be assessed as a whole, and not by "dismembering" or "excising" the mark. It was held that the decision taker must evaluate the net effect of the similarities and differences between the marks and the goods and services in question.

The appointed person found that the hearing officer had followed this approach and assessed the marks based on their net effect, taking into account the relevant factors. The hearing officer's decision was therefore legally correct, and there was no error in the factual determination. As a result, Lindt's appeal was dismissed.

Authors:

Richard Burton & Sophia Karim



In short

This case serves as a reminder that being the owner of a well-known brand does not necessarily guarantee success in an opposition. Assessing the likelihood of confusion requires nuanced analysis of the mark as a whole and its impression on the relevant public. On appeals, it is notable that registry decisions can in reality only successfully be challenged if there is an identifiable flaw in the hearing officer's decision, which renders the disputed conclusion rationally insupportable. In this case, that was held to be lacking.

D YOUNG & CO INTELLECTUAL PROPERTY

And finally...

Designs

USA design patent protection via the Hague system Reduction in official fees

A reduction in official fees has been announced for design patent protection sought in the USA, which is obtained via the international Hague design registration system, which is operated by WIPO in Geneva.

For Hague design registrations applied for on or after 01 May 2023, for smaller-sized applicants, the small and micro entity status discounts which can be applied to the designation fees (which are payable to cover the USA in an international Hague design registration) will increase from the current levels of 50% and 75%, to 60% and 80% respectively.

For applicants seeking to declare themselves as a small entity for the USA as part of a Hague design registration, this can be done by selecting the small entity radio button from the initial application form. For those seeking the more heavily discounted micro entity status, the relevant micro entity status radio button from the application form should be selected instead. This should be provided with an accompanying (signed) micro entity certification form PTO/SB/15A or PTO/SB/15B, which is submitted as part of the initial Hague registered design application.

This announcement will be extremely welcome news to smaller-sized entities seeking design patent protection in the USA via the Hague design registration system, in so far as the percentage discounts available under this route will soon be harmonised with those already in place for national USA design patent applications applied for at the USPTO directly.

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