International intellectual property Law:

**WTO**: World trade organization

**WIPO**: World intellectual property organization (Geneva)

**OHIM**: Office of Harmonization in the Internal Market, based in Alicante, Spain, which has become EUIPO

**EUIPO** since march 2016 (European Union Intellectual Property Office)

**EPO:** The European Patent Office, based in Munich, Germany

* The effects of industrial property rights are limited to the territory of the State of the administration which issued it.
* Harmonization of protection of intellectual property right has resulted in The Paris convention and the Berne convention.

**Paris convention 1883**:

* was designed to help the inhabitants of a country to get their intellectual creations protected in other countries by *industrial property rights.*

**Berne Convention 1886:**

* Its purpose is to control international use of original works and to provide compensation to their creators.

**Madrid Arrangement: 1891**

* regulates the international registration of marks. The Madrid system offers a trademark owner the possibility of protecting in various countries simply by filing with the national or regional office.

**WIPO 1970:**

* Its mission is to develop **a balanced** **and accessible** international system of intellectual property,
* Promotes creativity, innovation and the public interest.

**General rules laid down by the Bern convention and the Paris convention:**

1. **Minimum protection rule:** The Convention provides only minimal protection, each State may provide more extensive protection
2. **Reciprocity rule national laws** national laws, although different, are considered equivalent, which forbids a State to deny a right to a foreign Unionist on the ground that this right does not exist in the countries concerned.

**Paris Convention**

* **Principle of priority**: when an application is submitted in one there is a set amount of time for applicant to apply in another country.

**Berne Convention:**

* The Berne Convention provides for the protection without formalities (No registration required)
* Provides a term of protection that is in principle 50 years after the death of the author

**Patents:**

* Must be protected at the national and regional level (EX: Europe)

**European Patent**

* The Munich Convention establishes a single procedure for issuing European patent
* Once granted, the European patent in each State produces the same effects as a national patent

**Unitary Patent VS European Patent:**

* In a typical European patent application, a single examination is conducted by the European Patent Office (EPO). After the procedure, the applicant gets more 'national' patents: a patent for each designated country (among the 38 signatory countries)
* The unitary patent provides a single patent that covers European countries

International patents:

* There is NO international patent.
* However, there is an international filing procedure, which, under the Patent Cooperation Treaty (PCT) allows an applicant to submit only one application, which may take effect as in many countries as designated in during the application process.
* This procedure has a number of advantages
* Only countries that are members of the Patent Cooperation Treaty (PCT) can be designated in for an international patent application

COMMUNITY TRADEMARK:

* It is possible to obtain protection for the whole territory of the European Union with a request directly with the EUIPO
* The CTM is renewable every 10 years

International trademark Application:

* It is possible from a registered trademark or an application for registration in one country to apply for protection in one or more countries at the WIPO which administers the international registration system
* Priority right

Protecting designs and models

* The protection of designs & models abroad can be done:  
  - In each country  
  - At the European community level  
  - At the international level  
  - Through copyright
* The priority right: If the applicant makes a deposit in a country which is a member of the Paris Union or the WTO, it has the opportunity, within six months

Community designs a models protection can take two different forms:  
  
The Registered Community D& M gives an exclusive right to use and prohibit the manufacture, supply, marketing, import, export, use or storage of products in which the design is incorporated .

For Unregistered Community Designs & Models, protection is acquired automatically, without formality and without cost, the simple fact of its disclosure, for a maximum period of 3 years from the date on which the design was disclosed for the first time within the EU.

The protection of designs & models by author’s right:

* Note: Author’s right differ from country to country and the protection granted in one country is not automatically recognized abroad

Copyright:

Scope of Application of the Berne Convention, Berne Convention & WIPO Treaty

* The Bern Convention Gives a broad definition of protected works "*every production in the scientific literary and artistic works are protected regardless of the fashion and form of expression*
* *Admits that the national legislator may require that the work be fixed on a support (ideas are not protected*
* *The Convention does not apply to internal situations*
* *For works that are published, the country of origin is when it was released the first time irrespective of the nationality of the author*

*Protected Rights*

* *Patrimonial Rights:*
  + *Exclusive economic rights granted to authors under the Convention*
* *Moral Rights*
  + *the author the right to object to any distortion, mutilation or other modification of the work and any other damage that would be prejudicial to his honor or reputation*
* *Duration;* 
  + *the author the right to object to any distortion, mutilation or other modification of the work and any other damage that would be prejudicial to his honor or reputation*

*The WTO:*

* *Assures that the Member States comply with the main conventions of the WIPO, the Paris Convention for the Protection of Industrial Property (Paris Convention) and the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention).*

*TRIPS AGREEMENT*

* *Sets out the minimum standards of protection to be provided by each Member State.*
* *The TRIPS Agreement provides for measures to allow the use of third-party patents in certain exceptional cases.*
* *the USA New President, Biden, agree to support the waiver of patent protection for COVID-19 vaccines in WTO negotiations*