

Brazil.

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Unwired Planet v Huawei [2020] UKSC 37

By **Edward Cronan** of Hogarth Chambers, London, United Kingdom.

On 26 August 2020 the United Kingdom Supreme Court confirmed the ability of the UK courts to determine fair, reasonable, and non-discriminatory (FRAND) terms for a global licence to a portfolio of standard essential patents. The determination arose in the context of a patentee's claim for an injunction against further infringement of UK standard essential patents.

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MOU on Online IP Protection: Thailand's Initiative for Online IP Rights Enforcement

By **Suebsiri Taweepon and Pongchaiwat Jirayustienjinda** of Tilleke & Gibbins, Bangkok, Thailand.

E-commerce platforms have become some of the most significant marketplaces in Thailand, with millions of daily business transactions and huge numbers of online users. The increasing number of online shops operating on e-commerce platforms requires new techniques to be employed in online intellectual property (IP) rights infringement cases. Both the private sector and the government have developed tools to enhance online IP enforcement, including ones using the latest legal technologies and artificial intelligence (AI).

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Patent Law Litigation in Brazil at the Supreme Court: an Attempt to Invalidate Sole Paragraph of Section 40 of Brazilian Patent Law

By **Luiz Edgard Montauray Pimenta**. Senior partner at Montauray Pimenta, Machado & Vieira de Mello, and President of ABPI (Brazilian IP Association).

The Supreme Court of Brazil is about to schedule the judgement session of the lawsuit (ADIN) 5529 filed by the Federal District Attorney's Office seeking the invalidation of the sole paragraph of section 40 of the Brazilian Patent Law, which provides for a minimum term of 10 years of validity of patents after their grant by the Brazilian Patent Office.

ABPI, the Brazilian IP Association, the major IP Association in Brazil, that I am proud to serve as President since 2018, has been accepted in this lawsuit to defend the legality of such a provision, and so consequently presented strong arguments on behalf of the validity of this section in our Patent Law, and requested the rejection of the lawsuit.

As a matter of fact, this provision implements an international rule v

In fact, this rule should hardly ever be applied for, being only a guarantee for a 10 year minimum period of a patent after its granting by the Brazilian Patent Office.

The Brazilian IP Association (ABPI) has recently published a [full page manifesto](#) in a major Brazilian business newspaper (Valor) in favor of innovation and of the maintenance of the term of patents in Brazil. A [copy of this publication](#) is attached as an English translation.

Since August 2019, the Brazilian Patent Office has implemented a program through which they seek the elimination of the longstanding, existing (and unacceptable) patent backlog, which has been contested on a regular basis during several years by ABPI and other entities, by carrying out an extraordinary and meritorious effort to reduce the examination term of patent applications in Brazil. We all hope that in the near future a patent will be only exceptionally granted after a period of 10 years.

We hope and believe that the Brazilian Supreme Court will share this same understanding and will maintain the validity of this provision in our Patent Law.

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December 2020 Amendment of the Plant Variety Protection and Seed Act

By Kozo YABE of Yuasa & Hara, Tokyo, Japan.

On December 2, 2020, an amendment of the Plant Variety Protection and Seed Act was passed by the Diet. It was immediately promulgated on December 9, 2020. This amendment particularly intends to prevent the erosion of registered seed and plant varieties to foreign farms and markets without the consent and control of a breeder. The amendment of export controlling rights by breeder's right and the indication of registered seeds and plants will be effective on April 1, 2021 while other amendments will become effective on April 1, 2022.

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AIPPI Italy's Webinars: COVID-19 Emergency and Copyright. Public procurement, free license and open source

By Francesca Morri and Giulio Enrico Sironi of the Crespi Law Firm and Simmons & Simmons respectively.

During the COVID 19 Emergency the Italian Group of AIPPI organized a number of webinars on IP related issues. The goal was to investigate whether, and how, the emergency impacted the management, enforcement, licensing and other aspects of IP Rights. On November 12th, 2020 we participated in a webinar on Copyright, examining the following topic: "*Public procurement, free license and open source*". It was an extremely up-to-date topic since, during the emergency, Italian Public Procurement of innovative solutions had increased due to the need to trace contacts, collect, store and manage data, etc.