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The **INPI LAW JOURNAL** is a newsletter published in English by the Institut national de la propriété industrielle (**INPI**) for a non-French-speaking readership. It covers changes in French law and court rulings on intellectual property in France, the INPI's new missions pursuant to the French PACTE Law, its work with regard to the examination of applications for intellectual property rights, its decisions further to the newly deployed procedures to invalidate and revoke trademarks and oppose patents, and technological upgrades made to its services (digitisation, open data, artificial intelligence, and more).

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Focus

Designation of goods and services in connection with the filing of trademarks relating to non-fungible tokens, the metaverse and digital assets

As new technologies emerge, new questions are being raised with regard to intellectual property, trademarks, protection and, in particular, the **classification of goods and services**.

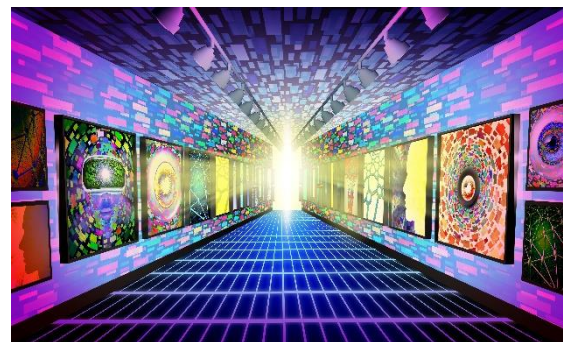
New concepts have been introduced to the general public, which need to be understood in order to provide the most effective protection possible when filing trademarks with the French Patent & Trademark Office (*Institut national de la propriété industrielle*, hereinafter the “INPI”). The emergence of non-fungible tokens [NFTs], virtual goods, the metaverse and virtual currencies is no exception to the rule. Regarding the examination of trademark applications, it results in substituting imprecise wording in a foreign language, the classification of which is sometimes difficult to confirm, with precise wording in the French language.

These concepts are diverse and cover multiple classes of goods and services.

Class 9 of the Nice Classification is the most widely considered in this context. **Non-fungible tokens**, for example, can be included under this Class. These tokens consist of digital files bearing digital certificates of authenticity, which make it possible to confirm, in an unfalsifiable manner, the exclusive ownership of an item included in these non-fungible tokens.

Virtual goods are proper to Class 9 subject to clarification of their nature. They can be registered with or without reference to their use in the metaverse, a type of virtual world in which individuals can interact with others, including by means of an avatar, and thus

acquire various goods and avail of multiple services such as virtual exhibitions.



By freshidea – stock.adobe.com

Class 36 is also frequently relied upon. It is the most appropriate for financial services relating to **virtual currencies** and **digital currencies**.

The first category refers to a digital representation of value that is neither issued by a central bank or public authority, nor necessarily linked to an official currency, but which is accepted as a means of payment. Currencies used in video games are a good example, as are **cryptocurrencies** based on **blockchain** technology.

Unlike virtual currency, digital currency, also known as electronic currency, is legal tender, i.e., a monetary value stored in electronic form, including magnetic form, representing a claim on the issuer, which is issued on receipt of funds for payment transactions and is accepted by natural or legal persons other than the issuer (Article [L.315-1](#) of the French Monetary and Financial Code – *Code monétaire et financier*). Digital currency includes, for example, euros held in a bank account.

These two notions fall under the same more general category of “digital assets”, i.e., data.

Faced with all of these new concepts, it is only natural that the question of effective protection to enhance one’s assets and image in the virtual world should be raised when filing a trademark application. Although the Nice Classification only contains a few passages on goods and services relating to these domains, the INPI recalls that, as with all trademark applications, the wording of such passages must be **drafted with clarity and precision**. The wording must comply with the Nice Classification and its guiding principles, for example by directly linking certain goods or services to the existing wordings of the Classification.

Consequently, all goods and services must be designated with sufficient clarity and precision so as to enable any person to determine the scope of protection on that basis alone. These goods and services are classified according to the Nice Agreement system (Article [R.712-3-1, paragraphs 1 and 2](#) of the French Intellectual Property Code [**Code de la propriété intellectuelle**]).

Similarly, they must not include any foreign terms, fancy names or vague terminology (Article 4- 4° of [Decision No. 2019-157](#) of 11 December 2019 of the CEO of the INPI). For example, just as that the French term *ordiphone* should traditionally be preferred to the English term “smartphone”, the French term “*chaîne de blocs*”, which is used in many filings, should be preferred to the English term “blockchain” (application of the [“Toubon Act” No. 94-665](#) of 4 August 1994 on the use of the French language).

Trademark applications relating to these concepts are examined in the light of all these factors.

This applies to goods, including non-fungible tokens, virtual goods and their links with real goods, and also digital assets. The same goes for services, including the creation, access and exchange of non-fungible tokens, virtual goods and virtual currencies, not to mention the application of these concepts in the entertainment or food services industry.

Virtual goods: bringing new concepts to life



By Sashkin – stock.adobe.com

NFTs and virtual goods

At the last meeting of the Nice Classification Committee of Experts, and following a proposal by France, the term “non-fungible tokens [NFTs]”, the inclusion of which was being considered under Class 9, was discussed by the various States, leading to the adoption of the term “downloadable digital files authenticated by non-fungible tokens [NFTs]”.

The Committee of Experts thus adopted a product term consisting of linking this technological innovation to what already existed under the Nice Classification. The objective was to protect a product independently of the technology by means of which it is implemented. This term, which has been adopted at an international level, has enabled the INPI to develop a national system for assessing goods and services along the same lines.

The same wording can therefore be adapted according to the product the applicant wishes to protect. For example, “Downloadable image files containing works of art authenticated by non-fungible tokens [NFTs]” and “Digital content, namely downloadable digital files authenticated by non-fungible tokens [NFTs] containing toys and collectable graphic designs” are recognised by the INPI as belonging to Class 9.

The goods claimed in trademark applications are not limited to goods authenticated by non-fungible tokens; they may also include goods that do not require such authentication. In either case, the wording of the goods or

services must comply with the above provisions and the guiding principles of the Nice Classification.

For example, while “virtual goods/virtual assets” or “virtual goods, namely clothing” are not considered to be goods within the meaning of the Nice Classification, they can still be protected by using more precise wording under Class 9.

Wording such as “downloadable virtual goods, namely computer programs featuring clothing, for use online and in online virtual worlds” is therefore admissible. In this instance, the virtual goods are identified as computer programs which designate specific goods falling under Class 9. They may or may not be further defined by specifying the “virtual goods” they contain or their application in a virtual environment or metaverse. The same applies to “downloadable digital collectibles” which may be accepted with wording such as “downloadable digital files representing digital collectibles”.

Differentiating between physical and virtual goods: the example of clothing

A distinction should, however, be made between virtual goods that must be registered in Class 9 and their physical equivalents, which must always be registered under their respective classes, in accordance with the Nice Classification and/or its classification guidelines.

For example, the wording “downloadable digital files authenticated by non-fungible tokens (NFT) representing clothing and footwear for use in a virtual environment” is admissible under Class 9.

However, if we keep to the example of clothing and footwear, they fall under Class 25 as do “clothing and footwear authenticated by non-fungible tokens (NFT)”. Indeed, despite their connection with non-fungible tokens, these goods are real and therefore fall under Class 25. Here the phrase “authenticated by non-fungible tokens (NFT)” merely indicates

that these real clothing and footwear are sold together with such a certificate.

Digital assets

As virtual currencies, and in particular cryptocurrencies, are considered by the French financial markets authority (*Autorité des marchés financiers* or “AMF”) as data and not as currencies, they fall under Class 9. The same applies to downloadable digital assets, which are considered to be digital data.

These cryptocurrencies can be stored on “cold wallets for cryptocurrencies”, allowing ownership to be tracked and ensuring their secure use. This product is a physical device and falls under Class 9.

Digital wallets, on the other hand, cannot be claimed as such, as they do not in themselves designate specific goods.

If the applicant’s intention is to protect the software enabling them to operate, the following wording may be used: “downloadable software used as a digital wallet containing cryptocurrencies”. If, however, the applicant aims to claim protection for the goods insofar as they are unique in being contained in such a wallet, then the wording “cryptocurrencies offered in the form of digital wallets” is preferable under Class 9, since it focuses on the main product, namely the cryptocurrencies, which happen to be offered via a digital wallet.

Virtual services: the verisimilitude of the claimed services

The creation, access and exchange of non-fungible tokens and virtual goods

In seeking to respect the above logic, it should be noted that the service of the “sale of non-fungible tokens” does not comply with the guiding principles of the Nice Classification. It would be preferable to adopt the wording “retail services for downloadable digital files authenticated by non-fungible tokens [NFTs]” under **Class 35**.

Based on the same approach, the following examples would also be acceptable:

- “retail services for downloadable virtual goods, namely computer programs featuring clothing and footwear” under Class 35;
- “retail services for downloadable digital files representing downloadable digital collectibles” under Class 35;
- “provision of an online marketplace for buyers and sellers of downloadable digital files authenticated by non-fungible tokens [NFTs]” under Class 35;
- “providing access to a blockchain network” under **Class 38**;
- “intangible goods authentication services using blockchain technology” under **Class 42**.

Similarly, if “non-fungible token creation services” and “non-fungible token design and production services” do not meet the requirements of clarity and precision or the guiding principles of the Nice Classification, the wording “research and development of new downloadable digital files authenticated by non-fungible tokens [NFTs] for others” may be preferred under Class 42.

Creation and exchange of virtual currencies



By Jaruan photo – stock.adobe.com

While digital assets fall under Class 9 due to the fact that they take the form of data, services related to **virtual currencies**, digital currency and digital assets fall under **Class 36**.

According to the Nice Classification explanatory note to Class 36, services related

to “the movement of money, investments in the form of money, [...], even if it relates to crypto assets” fall under this Class due to their fungible nature. By contrast, non-fungible tokens, owing to their very nature, do not qualify as financial goods and maintain their status as files.

For example, the “electronic transfer of virtual currencies” is accepted as a service under Class 36. Conversely, the “electronic transfer of downloadable digital files authenticated by non-fungible tokens [NFTs]” qualifies as a Class 38 service (see basic number 380047: “transmission of digital files”).

However, the service consisting of the “issuance of digital tokens for use by members of an online community via a global computer network” does not meet the requirements of clarity and precision. Such wording of the service can neither be accepted nor clarified at the risk of extending or changing the scope of the filing.

On the one hand, the term “issuance” is ambiguous because it does not specify whether it is a creative service, such as a computer programming service, or a sales service included under Class 35. On the other hand, the term “digital tokens” is not precise enough given that, in accordance with the provisions of Article L.552-2 of the French Monetary and Financial Code, “a token is any intangible asset representing, in digital form, one or more rights that can be issued, registered, retained or transferred by means of a shared electronic recording device that makes it possible to identify, directly or indirectly, the owner of said asset”. These tokens may be fungible (cryptocurrencies) or non-fungible [NFTs].

Virtual goods in the entertainment industry

The need for clarity and precision with respect to goods and services means that two separate services which inherently fall under different classes must not be mentioned in the same wording.

This applies in particular to **Class 41**, where the wording “Entertainment services, namely providing virtual goods, such as perfumes, works of art, digital collectibles and non-fungible tokens for recreational purposes” has often been proposed.

Such wording of these services cannot be accepted by the INPI in that it refers to both “entertainment services” (**Class 41**) and the “online offer of goods”, which can potentially take the form of a sales service (**Class 35**) or the transmission of digital files (**Class 38**), for example.

The same reasoning also applies to “Entertainment services, namely the provision of online or virtual environments offering the streaming of entertainment content and the live broadcasting of entertainment events”. In this example, it is unclear whether only entertainment services are involved (Class 41) or whether an online or virtual environment is also provided, which is actually a service providing access to online gaming websites (Class 38).

Such wording of the services can neither be accepted nor clarified at the risk of extending or changing the scope of the filing.

However, the wording “Entertainment service, namely the provision of online computer games in which players can win virtual goods, namely computer programs featuring perfumes, bags, shoes, games” under Class 41 is admissible.

Differentiating between physical and virtual goods: the example of the food services industry

As services can now be provided virtually, some services, that might previously have been clear and precise, now need to be reworded.

This is the case for example for “virtual restaurant services offering a selection of ready-made meals, food and beverages”.

A distinction must be made between the following two concepts: (a) “virtual restaurants”, also known as *cuisines fantômes*

(“ghost kitchens”) in French or “dark kitchens” in English, which refer to real restaurants offering real food, although the latter is only available via online food delivery platforms; and (b) restaurant services, provided in a virtual world, in which virtual food is served to avatars, for example.

The first concept consists of the provision of real food and therefore falls under **Class 43**. These services can thus be specified using the wording “services of a virtual restaurant (dark kitchen) offering a selection of ready-made meals, food and beverages” under Class 43.

However, the same does not apply to the second concept, which does not refer to a restaurant service in the proper sense of the term under Class 43. On the contrary, it consists of a service provided in a virtual world, i.e., a world artificially created by computer software, to which the operator grants access to its clients. Therefore, it consists of a service providing access to a computer network or an online platform offering such restaurant services in a virtual world. Consequently, these services fall under **Class 38** and not Class 43. These services may be specified using the wording “providing access to global computer networks, providing the services of a virtual restaurant offering a selection of ready-made meals, food and beverages” under Class 38, which would be preferable in this context.

The approach adopted by the INPI is likely to evolve over time in accordance with applications and potential case law, but also in accordance with future developments concerning the Nice Classification itself.

Indeed, the various States party to the Nice Agreement are set to meet in April 2023 at the Committee of Experts in order to discuss the new entries to be adopted under the Nice Classification. There is no doubt that goods and services relating to non-fungible tokens, virtual goods and digital assets will be at the heart of the discussions. ■

By Alix Drappier, Charlotte Neveu, Luca Zambito-Marsala, legal experts on Trademarks, and Kahina Bounif, Team leader within the Trademark division of the Trademark and Design Department of the INPI

French Case Law

Below and in the PIBD, the INPI's law review (in French), you can read about various decisions handed down by the French courts and commented on by INPI's legal experts.

Trademarks



Trademark n° 96 654 944 of the company L'Équipe

Court of Cassation, 22 June 2022: The Court of Cassation approved the Court of Appeal's decision to revoke the owner's rights to the L'ÉQUIPE trademark for the sports activities covered by the application. The use of the trademark for the purposes of **sponsoring a sports event** does not constitute genuine use with respect to said services; it merely represents **promotional use** for the owner's press and media activities.



By bios48 – stock.adobe.com

Court of Cassation, 1 June 2022: The Court of Appeal rightly upheld the application of the town of Laguiole for **invalidity, on the ground of fraudulent filing, of twenty-seven trademarks** including its name. It held that, at the time of the multiple filings, the defendants had sought to **monopolise the name of the town in order to designate various goods and services, having no connection with the town**, and that these filings were part of a commercial strategy aimed at depriving the town and its current or future inhabitants of **the use of this name necessary for their business**.

Court of Cassation, 16 February 2022: The Court of Cassation partially granted the application for revocation of the rights to the Baron de Poyferré trademark after noting that the application, which was first brought before the Court of Appeal, had **the same purpose** as the **invalidity** application brought before the **Court of first instance**. An application for revocation aims to remove, at the end of an uninterrupted period of five years during which no genuine use of the trademark has been made, the obstacle that the latter represents for the revocation applicant's business. This outcome can be fully achieved through an invalidity application.

Patents

Court of Cassation, 29 June 2022: The Court of Cassation considered whether the French courts had jurisdiction with respect to **acts of infringement** of a European patent, committed by both **French and foreign companies in foreign countries**. It overturned the decision of the Court of Appeal, which considered that the French courts did not have jurisdiction over acts committed by an English company in the United Kingdom and in Germany. In accordance with Article 8, paragraph 1 of regulation No 1215/2012 applicable in the event of **multiple defendants**, it should have examined whether the fact of ruling on infringement claims separately was likely to lead to **"irreconcilable judgments"**.

Paris Court of Appeal, 22 February 2022: The Court ordered the **transfer** of ownership to an innovative company specialising in aviation electronics of (i) a **European patent** not designating France and (ii) a **US patent**, both of which were filed in breach of an agreement with investors.

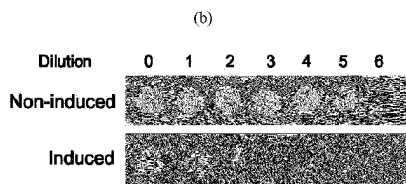
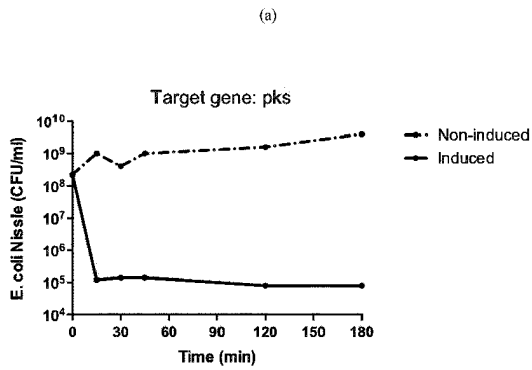


Figure 5.

Notice n° EP3773685 – Treating and preventing microbial infections

Paris Court of Justice, 11 February 2022: The holder of a **European patent application for technology used to develop pharmaceutical products** has brought infringement proceedings against a company that sought funding as part of a research programme to develop a pharmaceutical product. The Paris Court of Justice found that the holder did not have a vested and current interest in bringing the proceedings, as the acts in question fell within the scope of the experimental use exception provided for under Article L.613-5 of the French Intellectual Property Code.

Designs

Bordeaux Court of Appeal, 15 March 2022:

The Bordeaux Court of Appeal recognised the possibility of an **implied assignment of rights over registered and unregistered designs**. The creator of the light fixture designs invoked is not entitled to bring infringement proceedings as he does not own the copyright being claimed. In this case, the Court of Appeal applied **Article L.131-2 of the French Intellectual Property Code as it stood prior to Act No. 2016-925 of 7 July 2016**, which amended it by extending “**the requirement for a written document** proving the existence of the agreement” to include any agreement by which “copyright is transferred”.

Paris Court of Appeal, 25 February 2022:

In its decision, the Court of Appeal recalled the principle whereby the assessment of the individual character of a Community design cannot be based on features taken in isolation and drawn from a number of earlier designs. Rather, it must be based on the **overall impression** produced by each of these earlier designs, taken individually, as compared with the overall impression produced by the Community design on the informed user. In the case in question, the fact that the skirt design invoked **falls under the “glam rock” trend**, which has been in fashion since 2010, **is not enough to destroy its novelty or individual character**. The overall impression it produces, compared with the overall impression produced by each of the earlier designs invoked, is different in the eyes of the informed user. ■

INPI Decisions

Below you can read about some of the decisions handed down by the INPI in relation to the new proceedings governing trademark invalidity and revocation and patent oppositions, commented on by the INPI's legal experts.

Trademark opposition - Infringement by evocation of the 'Cognac' geographical indication by the sign Cognapea relating to genuine cognacs



The 'Cognac' geographical indication (GI), applied to a spirit drink, is subject to protection throughout the European Union under [Regulation \(EU\) 2019/787 of 17 April 2019](#). In accordance with the case law of the Court of Justice of the European Union (CJEU), infringement of this GI must be examined solely on the basis of the provisions of this regulation, and not on the basis of any national provisions.

Article 21, paragraph 2(b) of the abovementioned Regulation provides that geographical indications are **protected in particular against any evocation** [1]. In the present case, the contested composite sign **Cognapea**, applied to "brandies benefiting from the 'Cognac' geographical indication", evokes the Cognac GI.

The Cognac GI is partially incorporated into the name 'Cognapea', which has significant visual and phonetic similarities and designates identical products. As a result, when applied to said products, the sign is clearly designed to create a direct and unequivocal link with the geographical indication evoked in the mind of the consumer, so that the product bearing that GI will immediately and directly come to the consumer's mind as a reference image. This connection is all the more immediate and

obvious in that the product also benefits from a strong reputation, particularly in France.

Moreover, the opponents argue that such evocation, even for brandies respecting the specifications of the Cognac GI, should be prohibited, in that by not reproducing the geographical indication in its entirety, the contested trademark is likely to impair the latter and risks undermining its reputation by trivialising it, which is not contested by the company applying for registration.

In the light of these considerations, the CEO of the INPI found that the contested sign Cognapea, applied to "brandies benefiting from the Cognac geographical indication", was liable to infringe, by evocation, the Cognac GI invoked, pursuant to Article 21, paragraph 2(b) of the Regulation.

INPI Decision, 26 August 2022, OP 22-0433 (O20220433) [2]

Institut National de l'Origine et de la Qualité ("INAO", the French Institute of Origin and Quality) and the *Bureau National Interprofessionnel du Cognac* ("BNIC", the coordination and decision-making body for the Cognac industry) vs. Cognapea SCEA

[1] The criteria used in this INPI decision to characterise the evocation of the geographical indication are based on the preliminary ruling on Champanillo (CJEU, 5th Chamber, 9 Sept. 2021, CIVC vs. GB, C-783/19; P20210055; [PIBD 2021, 1167, III-8](#)).

[2] This INPI decision is the [first to hold that a geographical indication has been infringed by evocation](#) by the application for registration of a trademark designating products that comply with the specifications of that geographical indication.

Lack of inherent distinctive character of the Vendôme trademark evoking, for the jewellery products concerned, an image of prestige linked to the Place Vendôme



Place Vendôme, Paris

The Vendôme trademark was registered by the town of Vendôme for jewellery and watchmaking products [1]. Press articles show that the Place Vendôme is highly renowned for these sectors, thus leading to an assimilation in the mind of French consumers between the term “Vendôme” and this *place* (square), which is home to several prestigious brands operating in the same sector.

It is obvious from this instant connection with the Place Vendôme—which conveys an image of prestige and luxury closely tied to jewellery and watchmaking products—that the term “Vendôme”, when associated with such products, is likely to arouse positive feelings. It will therefore be perceived by the relevant public as a selling point, capable of influencing consumer preferences, rather than as a guarantee of the commercial origin of the products. As the name “Vendôme” does not appear capable of fulfilling the essential function of a trademark, **it must be cancelled for the products in question, due to lack of inherent distinctive character.**

In accordance with the principle of *fraus omnia corrumpit* (fraud corrupts all), in addition to case law, the registration of a trademark filed in bad faith can be declared invalid. The resale of the Vendôme trademark is not sufficient in itself to prove bad faith on the part of the town of Vendôme, as the speculative purpose of the

filing alone does not make it possible to establish it as such, unless the opponents can provide evidence of dishonest intent at the time of filing. However, even if the town of Vendôme filed the contested trademark with the intention of avoiding the setbacks suffered by the town of Laguiole, one cannot assume, even in the absence of economic activity in the sectors concerned, that its intention was to establish a right to the term “Vendôme” and not to offer, in the course of trade, the products covered by the trademark.

Furthermore, there is no evidence that the town filed the trademark with the aim of creating a blocking position likely to harm third party interests by taking advantage of the reputation of the Place Vendôme. Likewise, the mere fact that the town filed a new, partially identical application for the same trademark in order to avoid revocation and thus create a blocking position is not sufficient in itself to constitute bad faith. ■

INPI Decision, 1 July 2022, [NL 21-0116](#)
(NL20210116)

Van Cleef & Arpels and Cartier International AG vs. Louis Vuitton Malletier SA

[1] The town of Vendôme, which had registered the Vendôme trademark before assigning it to Louis Vuitton Malletier, is located in central France, while the famous Place Vendôme is located in Paris.



Town of Vendôme, in the Centre-Val de Loire region

French IP Law updates



By cristianstorto – stock.adobe.com

National and European Union strategies to combat counterfeiting

In his conclusion to an earlier written question about updating anti-counterfeiting legislation¹, **Christophe Blanchet, MP** and President of France’s **National Anti-Counterfeiting Committee (CNAC)** asked what the French government “intended to do to improve the fight against counterfeiting and ensure that strong legislation is rapidly adopted, at the EU level, to regulate online sales.”

Since then, the **Digital Services Act (DSA)** – an EU regulation aimed at combating illegal online trade and making digital platforms more accountable – was adopted by the European Parliament (5 July 2022) and adopted by the Council of the European Union (4 October 2022). This new element gave C. Blanchet a particularly good reason to ask the

government an additional written question, on 12 July 2022, about its intention to “capitalize on this EU text to initiate a national anti-counterfeiting strategy”.

In its response dated 11 October 2022, the government first presented the four objectives of Customs’ national anti-counterfeiting plan: improve cooperation with all those involved in the fight against counterfeiting, strengthen intelligence gathering and processing as well as control and investigation policies, and align litigation policy and legal proceedings with strategic issues.

Next, in relation to the DSA, it pointed out that France, during its **presidency of the Council of the European Union** (1 January-30 June 2022), “played a particularly active role in the work carried out prior to the adoption of the text, notably to ensure its pertinence in relation to the fight against counterfeiting”. It added that “right from the start, enforcing the intellectual property rights of European businesses was one of the key focus areas during the text’s examination”. It also indicated that it supported a revision of Regulation (EU) No. 608/2013 of 12 June 2013 concerning customs enforcement of intellectual property rights, to “encourage modernization of the legal resources used in the fight against counterfeiting.” ■

¹ See *PIBD* 2022, 1185, I-1.

About INPI

Launch of the *BOPI* for Designs on DATA INPI

INPI is pursuing the transition of its services to electronic formats and gradually modernizing France's **Official Bulletin of Industrial Property (BOPI)**. Since 30 September 2022, INPI publications relating to designs are available in the *BOPI* section of the DATA INPI portal, via an interface that has been simplified and enhanced.

The *BOPI* is France's official publication for all notifications and decisions relating to industrial property (IP) rights. Accessible to all, it enables IP users to keep track of their rights and keep an eye on the competition.

Since 30 September 2022, the DATA INPI portal includes a "**Search in the *BOPI* for Designs**" function, enabling users to carry out advanced searches on registered designs by *BOPI* number, year, date, section, registration number, key word or name of the party involved.

This new *BOPI* format offers numerous advantages, including **advanced search** functions, additional features based on filters and favourites, greater data accessibility and more comprehensive information (notably for additions to the national register of designs), as well as the option of downloading each publication.

All publications relating to designs are posted on the DATA INPI portal every second Friday.

Note: Issues of the *BOPI* for Designs published prior to Issue No. 2022/20 of 30 September 2022 are only available via inpi.fr.

The *BOPI* for Trademarks and the *BOPI* for Patents will also be available on DATA INPI in the near future.

Appointments to INPI's Board of Directors

An order dated 17 September 2022, published in the *Official Journal* of 19 October 2022, appointed several people as voting members of INPI's Board of Directors effective from **28 October 2022** for a period of **three years**.

Among the people appointed were the current Chair of the Board, **Sylvie Guinard**, Chief Executive Officer of Thimonnier SAS¹, and the current Vice Chair of the Board, **Géraldine Guéry-Jacques**, Director of Industrial Property/Patents at Groupe SEB. They were reappointed, respectively, as a figure from the business world and as a representative of company-based industrial property professionals.

To represent industrial sectors that are particularly interested in industrial property protection, the order renewed the term of office of **Olivier Gicquel**, who heads up the intellectual property department at CNH Industrial, and appointed two new members – **Élodie Belnoue**, who has a PhD in immunology and is the Senior Director in charge of coordinating research and development activities at Amal Therapeutics, and **Bernard Reybier**, who chairs the Board of Directors of Fermob.



Elodie Belnoue and Bernard Reybier

¹ See first appointment, INPI, [News](#), 4 Nov. 2019

Meet the INPI 2022 awards winners



Launched in 1991, the INPI Awards recognize and reward companies that **embody French innovation** at its best and whose **industrial property strategies** serve as an example to others.

The INPI Awards also highlight businesses' capacity to **manage their intangible assets** and integrate them effectively into their **development strategy** (to generate revenue, attract talent, create new products, develop exports, forge partnerships or raise funds).

This year, the jury was led by Bernard Reybier, Chairman of the Board of Directors of Fermob, which won an INPI Award in 2013. Reflecting France's innovation ecosystem, the jury comprised experts and leaders from both the public and private sectors.

The award ceremony brought together more than two hundred people from all segments of the innovation ecosystem at an iconic Parisian venue, the 3 Mazarium.

Below are the winners chosen by this year's jury:

- **Responsible Innovation category winner: ABOLIS BIOTECHNOLOGIES**

Abolis Biotechnologies (Évry, Essonne, Île-de-France) has developed microbes to speed up green transition among manufacturers.

- **Industry category winner: EUROPE TECHNOLOGIES**

Europe Technologies (Carquefou, Loire-Atlantique, Pays-de-la-Loire) specializes in the industrialization, manufacturing and maintenance of composite, metal and plastic parts and sub-assemblies.

- **Export category winner: GATTEFOSSÉ**

Gattefossé (Saint-Priest, Rhône, Auvergne-Rhône-Alpes) develops, produces and markets personal care ingredients for the beauty and healthcare industries.

- **Research Partnership category winner: SINTERMAT**

Sintermat (Venarey-les-Laumes, Côte d'Or, Bourgogne-Franche-Comté) specializes in the development and production of augmented materials, made from metallic, ceramic or natural powders.

- **Start-Up category winner: VETOPHAGE**

Vetophage (Lyon, Rhône, Auvergne-Rhône-Alpes) specializes in developing solutions to combat antibiotic resistance in animals.

- **Special Jury Award 2022: PROVEPHARM LIFE SOLUTIONS**

Provepharm (Marseille, Provence-Alpes-Côte d'Azur) purifies and revitalizes known molecules, in accordance with the applicable legislation, for use in new applications.

[Read on to discover the inspiring stories](#) behind these companies, which have made innovation a key component of their growth by adopting an assertive, coherent industrial property strategy. ■

International IP Law news

Sixty-third series of meetings of the Assemblies of the Member States of WIPO



Various bilateral meetings were organized between INPI and its international counterparts on the sidelines of the [sixty-third](#) series of meetings of the Assemblies of the Member States of WIPO, which were held in Geneva this year from 14 to 22 July 2022.

INPI CEO Pascal Faure met with many of the heads of delegations from other countries, including those from South Korea, Japan and the United States (members of the IP5, which brings together the world's five largest IP offices³), notably to acknowledge the progress already made and to discuss opportunities for cooperation.

To meet global intellectual property challenges as effectively as possible, INPI has an international network ⁴ of regional IP counsellors who cover strategic geographic areas from their base locations around the world. One of the primary roles of this international network is to foster institutional cooperation with our peers worldwide – for the ultimate benefit of French businesses.

The offices involved in the meetings held during the Assemblies of the Member States of WIPO therefore represent just some of the many countries with which INPI maintains close ties.

³ EPO, JPO (Japan), KIPO (South Korea), CNIPA (China), USPTO (United States).

The first significant event during this year's bilateral meetings was the signature, on 14 July 2022, of a patent prosecution highway (PPH) agreement with the Korean Intellectual Property Office (KIPO) – the fifth PPH agreement signed by INPI worldwide.

This latest agreement, which entered into force on 1 September 2022, will speed up the patent examination process thanks to a system of mutual recognition between the two countries' offices.

On 18 and 19 July, INPI also had meetings with delegations from the offices with which it has signed PPH agreements over the past two years, namely the Japan Patent Office (JPO), the United States Patent and Trademark Office (USPTO), the Canadian Intellectual Property Office (CIPO) and the Brazilian patent office (INPI Brazil) in Latin America. These meetings notably brought to light the need to further structure our cooperation in order to encourage greater use of the agreements by applicants.

In addition to the PPH agreement signed with the Korean office, the WIPO Assemblies also facilitated the signature of working plans for 2022-2023 with INPI's counterparts in Brazil and Peru (Indecopi) and the renewal of our Memorandum of Understanding with the CIPO.

INPI also initiated discussions in Geneva about future working plans to be signed with other offices, such as the Intellectual Property Office of India, the Mexican Institute of Industrial Property (IMPI) and the Intellectual Property Office of Vietnam (IP Vietnam).

One of the key topics was geographical indications, particularly with Mexico, which is on the verge of adhering to the Geneva Act of the Lisbon Agreement.

This topic is also a priority in INPI's cooperation with Peru, where the Geneva Act of the Lisbon Agreement entered into force on 18 October

⁴ See INPI, international network, [information sheets](#) on intellectual property around the world.

after being ratified by the country earlier in the year, and with the Saudi Authority for Intellectual Property (SAIP), which INPI also met with in Geneva, in view of the law on geographical indications being prepared in Saudi Arabia.

Lastly, INPI also had meetings during the week with the Intellectual Property Office of Singapore (IPOS) to discuss the working plan currently in place (which notably included INPI's participation in the world's premier intellectual property event, Singapore's IP Week, held on 6-7 September 2022), as well as with Chile's National Institute of Industrial Property (INAPI), which indicated interest in renewing its licence to use INPI's business support tools.

Céline Boisseau, International Network Coordinator, INPI

CNAC General Assembly (2022)

France's National Anti-Counterfeiting Committee (CNAC)⁵ held its general assembly on 14 September 2022. It was chaired for the first time by French MP Christophe Blanchet, accompanied by INPI CEO Pascal Faure.

Christophe Blanchet, the committee's new president, opened the meeting by bringing up France's proposed law to modernize anti-counterfeiting measures. The text was unanimously adopted by the National Assembly on 25 November 2021 and is now awaiting discussion by the Senate. It could either be adopted by the Senate as it stands or improved via amendments. While providing a solid base to build on, the initial text does not include many of the proposals submitted, notably with regard to the coordination of anti-counterfeiting measures. The Senate could also make amendments to take into account the consequences of France's Presidency of the

European Union and the adoption of the Digital Services Act⁶.

Mr. Blanchet then touched on the topic of the 2023 Rugby World Cup and the 2024 Olympic Games – two major events that will take place in France and are particularly vulnerable to violations of IP rights. On a more general note, he pointed out that a collective effort is required to raise the government's awareness of the proliferation of open-air stores selling counterfeit products in several areas on Paris's perimeter. To wrap up, the President of the CNAC encouraged all committee members to work together to bring about the most effective legislative text possible. He also thanked members for their constant efforts and assured them of his support and commitment by their side.

Pascal Faure then delivered his speech as Secretary General of the CNAC. After congratulating Christophe Blanchet on his new role, the INPI CEO gave a brief overview of key counterfeiting facts and figures:

- Counterfeit goods represent 5.8% of all imports into the European Union.
- France continues to be the number one country in Europe, and the number two country in the world after the United States, affected by counterfeiting.
- French Customs seized 9.1 million counterfeit items in 2021, up 62.5% from the previous year, illustrating both the extent of the problem and Customs' capacity for action.

Against this backdrop, the CNAC "is and must remain an invaluable forum for facilitating the sharing of information and best practices, coordinating concrete initiatives and formulating proposals for reform." For Mr. Faure, "coordination at the national and international level is a key success factor."

⁵ France's anti-counterfeiting efforts are organized and implemented by the National Anti-Counterfeiting Committee (CNAC), a public-private partnership tasked with facilitating the sharing of information and best practices, coordinating concrete initiatives and formulating proposals. Set up in 1995, the CNAC brings together industrial and

artistic federations, professional associations and businesses, as well as public agencies involved in combating counterfeiting.

⁶ See written question posed by C. Blanchet, [PIBD 2022, 1191, 1-2](#).

He also indicated that INPI is currently stepping up its anti-counterfeiting efforts.

The last part of the meeting was dedicated to a presentation of INPI's new *France anti-contrefaçon* ("France Against Counterfeiting") project and the initiation of work by INPI and its partners to gain a better understanding of counterfeiting issues and trends in France.

Following the meeting, INPI signed three partnership agreements with key stakeholders in the fight against counterfeiting in France: the Center for International Intellectual Property Studies (CEIPI), SME confederation CPME and French anti-counterfeiting association Union des Fabricants.

These three partnerships are in addition to the ones already signed recently – with French Customs, which notably includes a data sharing arrangement, and with France's Mechanical Engineering Industries Federation (FIM), which provides for the upcoming implementation of a study on counterfeiting in the mechanical engineering industry.

The *France anti-contrefaçon* project will help to enhance the quality and comprehensiveness of data submitted to the EUIPO Observatory and will guide the CNAC's future actions. INPI will also strengthen cooperation with Customs' Observatory, a key partner in the project, in order to gather, analyse and exploit the data necessary to characterize the nature and impact of counterfeiting in France. The findings from these initiatives will help the public authorities design more effective policies to combat counterfeiting, via a structured, coordinated approach.

Stéphanie Leguay, Coordinator of France's National Anti-Counterfeiting Committee (CNAC)

Visit to the Japan Patent Office by INPI's CEO

On 20 October 2022, INPI CEO Pascal Faure met with his Japanese counterpart, Hamano Koichi, Commissioner of the Japan Patent Office (JPO), during the 10th meeting between the two countries' industrial property offices. Held in Tokyo, the meeting provided an opportunity to formalize the renewal of INPI's

patent prosecution highway (PPH) agreement with the JPO, while also making it even more advantageous for our businesses.



Pascal Faure (INPI CEO)

Accompanied by the Regional Economic Department of the French Embassy in Tokyo, Mr. Faure also spoke at length with Mr. Tanaka Shigeaki, Secretary-General of IP Strategy Headquarters within Japan's Cabinet Office, bringing to light future avenues of cooperation in the areas of support services for start-ups and partnerships between universities and businesses.

On the same day, speaking at the "Recent Developments in EU and Japanese IP Law" seminar organized by INPI and the EU-Japan Centre for Industrial Cooperation, Mr. Faure said that the French office "attaches great importance to its cooperation with the Japan Patent Office [...] a key partnership for France, and for Europe, which will benefit all our businesses." The seminar also served as a forum for emphasizing France's attractiveness in light of the EU's upcoming Unitary Patent System and for pointing out that, within Europe, France will play a key role in patent-related legal matters through the Unified Patent Court (UPC).

INPI has been present in Japan since February 2021 via a regional counsellor whose remit also includes South Korea and Taiwan. Based at the French Embassy in Tokyo, INPI regional counsellor Amandine Montredon (tokyo@inpi.fr) provides support to French businesses in all matters related to intellectual property. ■

Amandine Montredon, INPI Regional Counsellor for Japan, South Korea and Taiwan

Agenda

15 December 2022

INPI – Alliance PI Day – "Public-private" collaborative R&D and technology transfers: drivers for success

[Details](#)

15 December 2022

WIPO – An overview of the Global Design Database

[Details](#)

10 January 2023

ASPI – UP and UPC: where are we now? Is everything ready to go?

[Details](#)

19 January – 16 March 2023

EPO – Clarity and sufficiency of disclosure

[Details](#)

31 January 2023

EUIPO – Webinar: Business-Smart IP Enforcement Strategies for Africa

[Details](#)

30-31 January 2023

INPI – Distance training: Patent basics

[Details](#)

2-3 February 2023

INPI – Distance training: trademark basics

[Details](#)

21 February 2023

EUIPO – Webinar: Overlap between RCDs and EUTMs

[Details](#)

16 March 2023

ASPI – China: Prospects for 2023

[Details](#)

21-24 March 2023

INPI – Focus on European patent procedures

[Details](#)

23-24 March 2023

EUIPO – IP Seminar

[Details](#)

13-14 April 2023

INPI – Focus on international trademark procedures

[Details](#)



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