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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



Annual General Assembly of the CNAC: presentation of the initial work of the "France Anti-Counterfeiting" system

At the General Assembly of the National Anti-Counterfeiting Committee (CNAC) held on Friday, 8 December 2023 at the French National Assembly, INPI presented the results of the "France Anti-Counterfeiting" initiative¹ that was launched a year earlier: two thematic studies carried out in collaboration with UNIFAB and the CPME, together with the CEIPI's research into the fight against counterfeiting on e-markets.

Christophe Blanchet, Member of Parliament and Chairman of the CNAC, began by talking about the [follow-up report on the evaluation of the fight against counterfeiting](#)², for which he is the *rapporteur* and which he presented to the *Comité d'évaluation et de contrôle des politiques publiques* (Committee for the analysis and control of public policies) on 9 November 2023.



The INPI and three of its partners also unveiled the results of their initial work as part of "France Anti-Counterfeiting", a system launched at the 2022 General Assembly to provide a better understanding of the issues facing all stakeholders (consumers, law enforcement agencies, professionals, etc.) to put in place appropriate anti-counterfeiting resources and strategies in France.

40% of French consumers have at some time bought a counterfeit product

The first work is a survey on the relationship between the French and counterfeiting and its dangers, conducted by the IFOP on behalf of the INPI and the *Union des fabricants pour la protection internationale de la propriété intellectuelle* (Unifab, Union of manufacturers for the international protection of intellectual property).

It shows that the purchase of counterfeit goods in France is increasing: **4 out of 10 French people** have at some time bought counterfeit goods, an increase of 3% compared to the results of the 2018 survey.

According to the study, **clothing** (excluding sportswear) accounts for **19%** of the products most affected, followed by **perfumes (17%)**, **leather goods (16%)** and **sports goods (15%)**.

20% of 15-18 year-olds say they mainly consume counterfeit sports goods, which accounts for **+5%** of the French population.

¹ France Anti-Contrefaçon.

²In French only.

Other main findings of the study:

- **34%** of French people say they have at some time bought a counterfeit product thinking it was genuine; this figure is down 3% compared to the 2018 survey. The figure for the 15-18 age bracket is 36%, down 7%.
- **48%** of 15-18 year-olds see no difference between a fake product and a genuine one; this percentage is down 9% compared to the previous survey.
- Most counterfeit goods are bought outdoors, on markets or from unauthorised street peddlers. **23% of the 15-18** age bracket have at some time bought counterfeit goods from online sales platforms.
- **40%**, or more than 20%, of those who took part in the survey think that counterfeit goods can be bought on social media, and the figure rises to 43% for 15-18 year-olds, an increase of 19%.

For the full survey on "French consumers and counterfeiting", [click here](#)¹.

30% of French SMEs protect their intangible assets

Moreover, the *Confédération des Petites et Moyennes Entreprises* (CPME, Confederation of Small and Medium-sized Enterprises) has carried out a study of microenterprises and SMEs with regard to counterfeiting.

It shows that 30% of French SMEs—mainly in the manufacturing sector—say they protect their intangible assets.

11% of managers of the SMEs that took part in the survey said they had been victims of counterfeiting. Reactions were: 34% of them resorted to an amicable procedure (mediation) or conciliation; 13% took legal action; 9% filed a complaint; and 5% applied for the counterfeit goods to be seized.

However, almost half the managers (44%) said they had not taken any action. The three main reasons given were: lack of awareness of the measures they could take (33%); the low probability of receiving compensation (31%); and the fact that legal proceedings would take a long time (24%).

¹ In French only.

² In French only.

For the full CPME survey on "SMEs and counterfeiting", [click here](#)².

Reducing the proliferation of online counterfeiting

In 2023, researchers at the *Centre d'Études Internationales de la Propriété Intellectuelle* (University of Strasbourg - CEIPI, Centre for International Studies in Intellectual Property) looked at the problematic issue of online counterfeiting.

The European Regulation on a Single Market for Digital Services (Digital Services Act), which entered into force on 17 February 2024, marks a major step forward in the fight against the illegal practices that abound on e-markets.

In France, however, there appears to be a need for national adjustments.

The CEIPI is therefore putting forward a number of proposals aimed at strengthening the fight against online counterfeiting, while at the same time addressing the concerns of right-holders regarding the prosecution of cyber-counterfeiters, the transparency of e-markets and their liability.

To meet these challenges, the CEIPI recommends the use of soft law, i.e. non-mandatory rules, in the form of a code of conduct.

The organisation also proposes strengthening identity checks on online sellers via FranceConnect, applying transparency obligations to all online platforms, and increasing their liability in the event of negligence.

"The aim of the France anti-counterfeiting system run by the INPI is to uncover the issues involved in the fight against counterfeiting. The work carried out by the INPI and its partners this year is helping us identify important ways of putting an end to this scourge, which is damaging for our economy and for the health and safety of our fellow citizens. The main efforts

will need to focus on improving the awareness of consumers and businesses, strengthening SMEs' use of industrial property, and changing the regulations applicable to online sales platforms. I am delighted with the concrete results we have obtained."

Pascal Faure, Director General of the INPI

"There would be no counterfeiting if there were no buyers. The fight against counterfeiting needs to take a step forward, and for that, the government needs to stage a major awareness-raising campaign. And law enforcement also needs to be stepped up. We need more effective procedures and sanctions, and more proactive international action. This is the gist of the new proposals put forward in the follow-up report on the evaluation of the fight against counterfeiting, for which I am one of the rapporteurs, presented to the National Assembly on 9 November 2023.

Christophe Blanchet, President of the CNAC

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



Launched in September 2022¹ in close collaboration with the *Centre d'études internationales de la propriété intellectuelle* (CEIPI), the *Confédération des petites et moyennes entreprises* (CPME), the *Direction générale des douanes* (DGDDI, General Directorate of Customs and Excise), the *Fédération des industries mécaniques* (FIM, Federation of Mechanical Industries) and the *Union des Fabricants* (Unifab), the main aims of this system, led by the INPI, are to :

- Bring stakeholders together: engage in dialogue and give all those involved in counterfeiting the chance to speak up so that we can get as full a picture as possible;
- Exploit the data: gather useful information to characterise how and the extent to which counterfeiting has a detrimental impact in France;
- Propose the creation of new tools to help those involved in the fight against counterfeiting.

In particular, the system is used for the activities of the CNAC, whose general secretariat is backed by the INPI and whose president is Christophe Blanchet MP.

The creation of "France Anti-Counterfeiting" follows from the work of the parliamentary mission on the fight against counterfeiting, whose report was submitted on 9 December 2020 by co-rapporteurs Christophe Blanchet (MoDem) and Pierre-Yves Bournazel (Agir ensemble). ■

¹ See [PIBD 2022, 1191, IV-1](#).

French Case Law

Below and in the PIBD, 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

Bordeaux Court of Appeal, 17 October 2023: The Court of Appeal declared the shirts trademark ART&LUX 1855 MILLESIME FABRIQUÉ EN FRANCE invalid on [grounds of its deceptive character](#). The "1855" rating was the first official classification of Bordeaux wines, coinciding with the Paris Universal Exhibition held that same year. The visual importance of the element "1855", immediately associated with the word "Millésime", naturally leads a consumer with an average level of attention to associate both terms, and refers to the world of wine and *grand cru classé* wines, even though shirts are sold under the trademark. Furthermore, these word elements are displayed in a red square, making the look reminiscent of a label and therefore a reference to the **labels of grand cru wines** and to the châteaux from which they originate. The trademark is therefore of such a nature as to induce the average consumer to believe in an **exceptional product**, sold under a trademark existing since 1855, possibly constituting a derivative product or an emanation of the 1855-classified wines.



Paris Court of Appeal, 24 October 2023:



The advertising use of the beer trademarks BUUUUUD and KING OF BEERS during the 2022 Football World Cup, of which the defendant company was an official partner, constitutes a [manifestly unlawful disturbance](#) in that it contravenes the provisions of the Public Health Code. The expression "Buuuuud" [i.e. "Gooooal"] is used by sports commentators and football fans, so the trademark **BUUUUUD** establishes a connivance in the mind of the public between football and the alcoholic beverage. As regards the **KING OF BEERS** trademark, the association of the alcoholic beverage with the attributes of power and might inspired by the reference to royalty constitutes an incitement to excessive alcohol consumption.

Paris Court of Justice, 11 May 2023: Rolls-Royce Motor Cars Ltd has registered the monogram "RR" as a trademark to designate "*automobiles and parts thereof*". This European Union trademark has a **reputation**, as the sign



has long been prominently displayed on the luxury cars that the company sells in various European countries. The use of a similar logo as a shop name for a shisha bar located in a French town [infringes the trademark with a reputation](#). The defendant company sought to take advantage of the image of luxury, prestige and exclusivity associated with the mark.

Versailles Court of Appeal, 2 November 2023: The [three-dimensional trademark](#) consisting of a chocolate-covered biscuit and **representing the appearance of the product** designated in the registration is valid. Firstly, the trademark shows an **inherently distinctive character**, as the sign departs significantly from the norm or customs of the sector, and is therefore likely to fulfil the essential function of the trademark to indicate the origin of the product. It should be noted that French judges are much more willing to recognise the distinctive character of this type of trademark than are the General Court or the Court of Justice of the European Union when ruling on appeals against decisions issued by the EUIPO. Secondly, the sign does not consist exclusively of the **shape which results from the nature or function of the product**. Furthermore, the three-dimensional trademark **has a reputation** even though the products are marketed under the umbrella mark MIKADO, as acknowledged by the EUIPO and later the EU General Court. The biscuit at issue in this case is detrimental to that reputation.

Court of Cassation, 6 December 2023: Although a person requesting **infringement-seizure proceedings** does not have to justify any particular circumstances, the Court of Cassation nevertheless requires, with reference to Article 3 of Directive 2004/48/EC, that they demonstrate [fairness in the statement of facts](#) supporting their request. This is not the case in this instance. The European company Puma, owner of international and EU trademarks representing a curved stripe registered for shoes, concealed from the judge the fact that

it had initiated opposition proceedings against trademark applications filed by Carrefour, and the fact that the INPI and the EUIPO had ruled out any imitation of its trademarks. The Paris Court of Appeal therefore cancelled the minutes of the infringement-seizure proceedings.

Court of Cassation, 10 January 2024: Backed by a recent ruling of the Court of Justice of the European Union (2 June 2022, X BV, C-112/21) interpreting the concept of "earlier right", the Court of Cassation has issued a landmark judgment. The owner of an **earlier right**, such as a company name, may **file a nullity claim against a trademark** if there is a likelihood of confusion in the mind of the public, even if the owner of the contested trademark has an **earlier right to the sign**.

Court of Cassation, 6 December 2023: In this case involving the resale by a company of **second-hand cosmetics and free samples** bearing the CHANEL trademark, the Court of Cassation confirmed the appeal judges' finding of trademark infringement in the [absence of exhaustion of the holder's rights](#). In particular, they considered that the rights holder had justified a legitimate ground, as the marketing of **cosmetics without their original packaging** constituted an **impairment of the condition of these products**.

Patents

Paris Court of Appeal, 22 November 2023: French law does not expressly provide for the possibility to seek preliminary relief based on a [simple patent application](#). The Paris Court of Appeal therefore ruled as inadmissible the requests for a **preliminary injunction** for infringement based on two **patent**

applications, in the absence of evidence of infringement of a title, i.e. a granted patent.

Geographical Indications

Court of Cassation, 15 November 2023: The Court of Cassation confirmed the Court of Appeal's rejection of the appeal lodged against the INPI's decision to **approve the geographical indication "Pierres marbrières de Rhône-Alpes" (Rhône-Alpes marbled stones)**, intended to protect limestone formed in the Jurassic and Lower Cretaceous periods and extracted from quarries located in a defined geographical area. Industrial and craft products may benefit from the protection of the geographical indication of the area where they originate, on the sole condition that they have at least one **characteristic** that can be [essentially attributed to that geographical origin](#), without the need to establish the pre-existence of a specific name for that product.

Paris Court of Justice, 12 October 2023: The Paris Court of Justice (*tribunal judiciaire de Paris*) has once again ruled against the use of the name "**Pierre de Bourgogne**" (Burgundy limestone) for products that do not comply with the specification for the eponymous **geographical indication**. This GI was approved by the INPI for lava rock, walling stone, stone blocks and slices originating from Burgundy, as well as for finished and semi-finished products. The defendant company operates in the import/export of building and decorative materials. Its website states that it sells "Pierre de Bourgogne", although it [does not prove that its supplies are sourced from an operator](#) who is a member of the Protection and Management Body of the geographical indication.

Paris Court of Appeal, 8 September 2023:



The use by the defendant company, on the packaging of its potatoes, of the term "Sud-Ouest" (South-West) in conjunction with the name "graisse de canard" (duck fat), for products not eligible for the **protected geographical indication (PGI)** "Canard à foie gras du Sud-Ouest (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)", is an [infringement of this PGI](#). Although this term is grammatically linked to potatoes and not to duck fat, the layout of the presentation insert visually encourages consumers to associate the terms "Sud-Ouest" and "graisse de canard". Consumers will establish a **spontaneous and immediate link** between the terms, assuming that the duck fat used to prepare the dishes concerned originates geographically from the South-West and from Barbary ducks as covered by the PGI. Furthermore, the use of the term 'Sud-Ouest' in association with the duck fat used to cook the end product has the effect of misleading **the consumer** as to the true origin of the product, thereby taking unfair advantage of the reputation of the products covered by the PGI.

INPI Decisions

Application to register the trade mark KRISMAR FRANCE, for vehicles in particular, made in bad faith - Willingness to hinder the exploitation of another's sign

KRISMAR FRANCE

The **contested word mark KRISMAR FRANCE**, registered for vehicles, apparatuses for locomotion by land, air or water and constituent parts of vehicles "of French origin or manufactured in France", is declared invalid in respect of all of the goods covered by its registration. The ground for invalidity based on its deceptive character is rejected, but the **bad faith** of the proprietor is established in this case.

Pursuant to Article [L 711-2-8](#) of the French Intellectual Property Code, as it stood prior to Order 2019-1169, a sign is of such a nature as to **deceive the public** if, in itself, it is likely to mislead the consumer as to a characteristic of the goods or services to which it applies, regardless of the context and the use made of it. The deceptive character of a trade mark must be assessed on the date of filing.

In this case, the invalidity applicant has not put together the arguments to establish that the contested sign was **inherently** of such a nature as to mislead the public **on the date of filing**. On the one hand, the documents provided by the invalidity applicant do not mention the place of manufacture of the vehicles concerned and do not relate to the contested trade mark, KRISMAR FRANCE, but to the signs "KRISMAR", "KR" and "KRISMAR HORSE TRUCKS". On the other hand,

most of these elements post-date the filing date of the contested trade mark.

The concept of **bad faith** is also assessed on the day of filing, with regard to the trade mark applicant's intention by reference to the objective circumstances of the case in question. According to the CJEU¹, bad faith may be found where *"the proprietor of a trade mark has filed the application for registration of that mark not with the aim of engaging fairly in competition but with the intention of undermining, in a manner inconsistent with honest practices, the interests of third parties"*.

In this case, the contested trade mark KRISMAR FRANCE bears **similarities** to the sign "KRISMAR HORSE TRUCKS" used by the invalidity applicant for the business of importing and exclusively distributing a range of vehicles, mainly horse trucks. Indeed, both signs have the same distinctive and dominant element "KRISMAR".

A **contract for commercial representation** in France was signed prior to the filing of the contested trade mark between the invalidity applicant and a company of which the original proprietor of the contested trade mark is one of the three partners. This contract specifies that the invalidity applicant is the distributor of a range of vehicles marketed under the name "KRISMAR HORSE TRUCKS". Thus, even though the invalidity applicant had not filed a trade mark associated with this sign, the original proprietor of the contested trade mark was, on the date of filing, **necessarily aware of the prior use of the invalidity applicant's sign**, which is very close to the contested sign, since he had been present at the discussions prior to the conclusion of the contract referred to above and since that use had been exercised through his own company on behalf of the invalidity applicant as **exclusive dealer in France**.

¹ CJEU, 4th Ch., 29 Jan 2020, Sky, C-371/18, §75 (M20200025, PIBD [2020, 1139, III-3](#), with a note by Cécile Martin, editor at PIBD).

Finally, there was **no clause in the distribution contract authorising** the dealer company to **file as a trade mark** the sign “KRISMAR HORSE TRUCKS” under which it marketed the goods on behalf of the invalidity applicant, or any other sign containing the principal and dominant element KRISMAR. Furthermore, the proprietor does not show that he informed the invalidity applicant of his intention to file the contested trade mark.

The proprietor of the contested trade mark therefore **acted knowingly in disregard of the invalidity applicant’s interests** by depriving him in advance of the sign he could use in the course of his business, establishing his intention to harm the invalidity applicant’s interests and to breach his **duty of loyalty** to the invalidity applicant, who was his business partner, in a manner that was not in accordance with **honest practices of competition**, without intending to use the sign for his own products. ■

INPI decision, 11 July 2023, [NL 22-0150](#)¹
Steels Constructions c. Krismar SAS

By Norma Point, Legal expert, INPI

Opposition to a patent before INPI - Partial revocation for lack of inventive step



The **opposition** against the French **patent** entitled “Receipt of post communication device for buildings” has been recognised as **partially justified**. Since the holder has not presented any request to amend the patent, the patent is **partially revoked**. The opponent requested the complete revocation of the patent on grounds of **lack of inventive step**.

The subject-matter of claims 1 to 12 relates to a receipt of post communication device for buildings equipped with an intercom, and that of independent claim 13 relates to an intercom for

buildings comprising the receipt of post communication device referred to in claim 1.

The **technical field** of the invention is that of **post communication devices** for “buildings equipped with at least one letter box and an audio or video intercom system comprised of at least one receiving station associated with said letter box and equipped with inputs to receive external signals”. The technical field of letter boxes and that of intercom systems are **neighbouring fields**.

Therefore, **the person skilled in the art** is a designer of receipt of post communication devices. As a communication device specialist, this person clearly possesses general knowledge in the telecommunications field. This person is therefore used to enabling communication between devices that do not speak the same language and has knowledge on protocol converters. As the designer of devices intended to be connected to a building intercom system, this person is clearly aware of such intercoms’ usual structures and general functioning, he/she knows how to interact with them and programme them.

It is settled case law that the person skilled in the art referred to for assessment of the inventive step and the person skilled in the art referred to for assessment of sufficiency of disclosure of the invention are one and the same.

If, when assessing sufficiency of disclosure, the person skilled in the art uses a specific piece of general knowledge in addition to what is described in the patent to carry out the invention, then the person skilled in the art for the inventive step is also in possession of this specific piece of general knowledge. Therefore, the person skilled in the art **must be capable of carrying out the features of the invention described only in a functional manner** in the contested patent.

Documents JP718, KR559 and JP429 may be determined as **the closest prior art** as they relate to receipt of post communication devices which, like the invention, connect to a video intercom system and aim to send notification of the presence of post.

¹ This decision has been appealed to the Paris Court of Appeal.

Document JP718 clearly discloses all features of the claimed device, save for a method of connection comprising a wireless link to transmit signals from the sensors to the receiving station. The wireless connection of the claimed subject-matter has no particular technical effect compared to the wire connection of JP718, with both having the sole purpose of transmitting signals from the sensors, without any further details.

Document JP375 clearly teaches that each wire connection can be replaced with a wireless connection. It addresses the same objective technical problem as document JP718 and formulates a response to this problem.

A person skilled in the art seeking an alternative to the wire connection of the device referred to in document JP718 would be motivated to refer to document JP375, in which he/she would find a teaching on a solution enabling him/her to modify the device referred to in document JP718, without any identified difficulty, by replacing the wire connection with the wireless connection taught. The same reasoning applies when assessing the inventive step in relation to document KR559.

Thus, for a person skilled in the art, the subject-matter of independent claim 1 **is obvious in the light of** the combination of documents JP718 and JP375.

The subject-matter of claim 2 differs from the abovementioned documents as regards two features: wireless connection (derived from claim 1), and transmission of signals in digital format to the receiving station of the intercom system through signal processing techniques adapted to said station (derived from the additional feature in claim 2). These two features provide two solutions to two **partial objective technical problems**.

As previously demonstrated, the first difference is obvious for the person skilled in the art (replace a wire connection with a wireless connection). For the second difference, although this is not specified in the state of the art, the format of the data received by the intercom's receiving station controller is necessarily adapted. This digital format is only one particular embodiment of the adaptation between the receipt of post communication device and the intercom. The subject-matter of claim 2 **is therefore obvious**

in the fight of the combination of the abovementioned documents and the general knowledge of the person skilled in the art.

Furthermore, the person skilled in the art would deduce from the abovementioned documents and his/her general knowledge that the receipt of post communication device should transmit adapted encoded data in order to enable it to communicate with a multitude of intercom receiving stations linked by a communication bus, or that the receipt of post communication device should transmit data compatible with the communication protocol required by the intercom. Consequently, the subject-matter of claims 3 and 6 does not involve an inventive step.

The intercom's specific means of signalling derived from claims 11 and 12 do not provide any additional feature to the communication device defined in claim 1. The opponent's specific argument does not need to be assessed since the lack of inventive step for this claim has already been noted.

Finally, claim 13 is an independent claim linked to claim 1: it defines an intercom system comprising the communication device in claim 1 and not only a communication device intended for connection to an intercom. Here, the person skilled in the art specialises in intercom systems comprising receipt of post communication devices. The person is defined as **a team comprised of an intercom designer and a communication device designer**.

For similar reasons to those developed when assessing the inventive step of the subject-matter of claim 1, the subject-matter of claim 13 is the search for an alternative to integrate a wireless connection into the intercom system, which, for the person skilled in the art, is obvious in the light of the state of the art, and therefore does not involve an inventive step.

However, the opponent's arguments against some claims are not accepted. The patent is partially revoked. ■

INPI decision, 23 August 2023, OPP 22-0014
[OB20220014](#)
Thomas C c. URMET SpA

By Livie Cruzoe, Legal expert, INPI

French IP Law Updates

Approval of a new Geographical Indication: “Dentelle de Calais-Caudry”



Lace scalloping

The specification for the geographical indication “Dentelle de Calais-Caudry” (Calais-Caudry Lace), which had been submitted for approval to the French Patent and Trademark Office (INPI) on 25 April 2023, and has been the subject of a public enquiry¹, has been approved by Decision No 2024-02 of 3 January 2024 of the CEO of the INPI, which came into force on 26 January 2024, upon its publication in the *Bulletin officiel de la propriété industrielle* (Official Bulletin of Industrial Property) and the Official Journal².

For two hundred years, Calais-Caudry lace has been made in the north of France using a weaving process on a special machine that produces fine and sturdy lace, different from what is known as “knitted” lace.

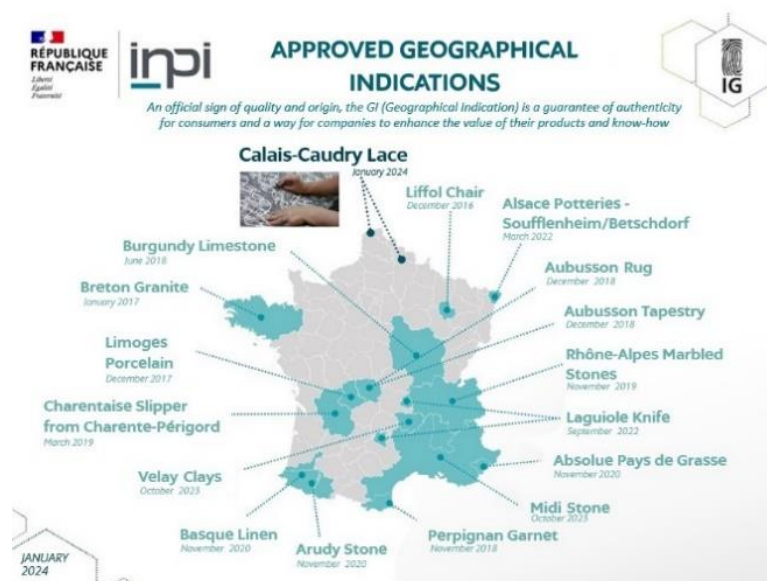
Eight businesses, representing 400 jobs and a turnover of €19 million, are concerned by this approval, which is granted for the first time to

a craft and industrial geographical indication in the Hauts-de-France region.

In a congratulatory message to the lacemakers of Calais and Caudry, the CEO of the INPI, Pascal Faure, said:

“Calais-Caudry lace is one of the symbols of French craftsmanship recognised since the start of the scheme as eligible for such recognition. Long awaited by everyone, this approval rewards the efforts and perseverance of those involved in the industry. In a sector where counterfeiting represents a significant loss of earnings, I am convinced that this geographical indication will protect the historical and high-quality know-how of these artisans.”

This is the seventeenth craft and industrial geographical indication to be approved since the implementation of the scheme. ■



¹ Cf. [PIBD 2023, 1207, I-1](#).

² Cf. [avis](#).

About INPI

The INPI Academy offers the opportunity to learn about Intellectual Property in a flexible, dynamic and interactive way thanks to its MOOCs.



Available free of charge, the [INPI's Massive Open Online Courses](#) are ideal for learning about Intellectual Property, especially in the following areas: patents, trademarks, designs, copyright, literary and artistic property, IP commercialisation (strategy, licensing, assignment) and counterfeiting.

The courses include videos, interactive activities, contributions from recognised specialists and validation quizzes. The MOOCs run by the INPI will let you progress on your own and at your own pace to acquire the first basic notions of Intellectual Property, working directly online with your computer, tablet or smartphone

The TGV smashes all speed records (1981)

After several years of research, in 1981 the first Train à Grande Vitesse (TGV) in commercial high-speed service started running between Paris and Lyon (380 km/h). Today, the TGV network includes more than 230 lines in France.

What's the latest TGV speed record?

One evening in 2001, one "lucky" sardine was privy to an astonishing experience and went down in the history of the SNCF, France's national state-owned railway company. The sardine was caught in Calais, where it boarded the TGV and was released into the Mediterranean in Marseille... 3 hours and 29 minutes later! The train travelled the total distance of 1,067.20 km at an average speed of 510.62 km/h to celebrate the opening of the TGV Méditerranée line.

But let's rewind: the TGV adventure began back in the 1960s. Japan had started building the Shinkansen, known in English as the bullet train. Meanwhile, the SNCF was wondering how to compete with cars and planes. Research began in 1966 and came to fruition in 1971 with 'TGV001', which was powered by gas turbines chosen on account of their small size and ability to deliver high levels of power in a short time.

In 1972, the engine reached 318 km/h – a record for diesel-engine trains. A year later, however, the oil crisis gave the SNCF a reason to develop an electric prototype.



Patent No 2501128, filed on 4 March 1981

Less than ten years later, in 1981, the first commercial high-speed service started running between Paris and Lyon (380 km/h). But it wasn't until 1983 that it was fully opened to high-speed trains. From then on, more and more lines were opened and commercial success followed. The TGV became an international benchmark and has welcomed more than 1.7 billion passengers since it was created. Smashing speed records (574.8 km/h) is not the only challenge for the TGV. Another key goal is to connect Paris with the main European capitals by 2025. ■

International IP law News

Worldwide activity of French patent filers in 2022

Published by INPI in December 2023, the [latest edition](#) of the "Worldwide activity of French patent filers" complements the "2022 ranking for top patent filers at INPI"¹. This publication presents two rankings:

- The "**Invention**" ranking, which lists the top fifty French applicants for priority patent applications or applications claiming priority from an earlier application (provided that the priority application is not published) published by the following industrial property offices: INPI, WIPO, EPO, CNIPA (China), DPMA (Germany), JPO (Japan), KIPO (Republic of Korea) and USPTO (United States of America). These eight offices cover almost all of the priority patent applications from French applicants.

The top ten applicants are as follows:

2022 rank	Name of applicant	Patent applications published in 2022	Of which published by INPI (%)
1	Valeo Group	1,218	43.8%
2	Stellantis	1,162	79.5%
3	Safran	1,076	86.2%
4	Continental Group	1,014	10.8%
5	Renault Group	772	44.4%
6	CEA (French Alternative Energies and Atomic Energy Commission)	720	92.9%
7	STMicroelectronics	719	27.5%
8	CNRS (French National Centre for Scientific Research)	703	50.1%
9	L'Oreal	686	57.6%
10	Forvia	656	30.0%

- The "**Protection**" ranking, which is based on all patent applications, whether they are priority applications or extensions of priority applications, published by all of the industrial property offices available in the EPO's [PATSTAT](#) database.

2022 rank	Name of applicant	Patent applications published in 2022	Of which published by INPI (%)
1	Safran	3,145	29.6%
2	Valeo Group	3,045	17.9%
3	Continental Group	2,439	4.7%
4	CNRS (French National Centre for Scientific Research)	2,323	15.2%
5	CEA (French Alternative Energies and Atomic Energy Commission)	2,079	32.3%
6	Stellantis	1,940	47.6%
7	Airbus	1,843	11.2%
8	Saint-Gobain	1,703	9.5%
9	L'Oreal	1,617	29.4%
10	Sanofi Group	1,497	0.0%

¹ See [PIBD 2023, 1201, IV-5](#).

IP is invited to the prestigious France-Qatar Economic Forum!

Within the framework of the first state visit of Emir Tamim bin Hamad Al-Thani, who was welcomed to the Elysée by President of the Republic Emmanuel Macron on Tuesday 27 February, the “France-Qatar Economic Forum” was held in Paris on 28 February and presided over by Prime Ministers Gabriel Attal and Mohammed bin Abdulrahman Al-Thani. The Forum aimed to strengthen economic relations between our two countries and to explore investment opportunities in industrial sectors such as AI, biotechnology and health.

This event was organised around a number of round tables on topics of major interest to the partnerships between our countries and concluded with a signing ceremony involving the signature of a memorandum of cooperation between INPI¹ and the Ministry of Commerce and Industry (MOCI).



*Saleh bin Majed Al-Khulaifi, Assistant Undersecretary for Commerce Affairs at the Ministry of Commerce and Industry
Pascal Faure, CEO of INPI*

This first ever memorandum signed by Mr Pascal Faure, Chief Executive Officer of INPI, and his counterpart His Excellency Mr Saleh bin Majed Al-Khulaifi, in this highly symbolic context, is a decisive turning point in the history of our cooperation with Qatar.

The memorandum follows the discussions entered into with Ms Amna Al-Kuwari, Director of the MOCI’s Intellectual Property Department during the meeting of 11 July 2023 in parallel to the Sixty

Fourth Series of Meetings of the Assemblies of the Member States of WIPO in Geneva.

It provides a framework for cooperation with MOCI in the field of intellectual property, with a view to supporting bilateral economic relations and technological innovation in both countries.

By Céline Boisseau, Coordinator of INPI International Network.

China: a Beijing court rules that an image generated by artificial intelligence can be protected by copyright



On 27 November 2023, the Beijing Internet Court rendered a historic decision, recognising subsistence of copyright in a work generated by artificial intelligence (AI).

The facts are as follows: the plaintiff posted an image on the Chinese social network *Xiaohongshu* that he had created using an AI image generator. The defendant then used it to illustrate his own poems and shared the whole thing on another digital platform. The plaintiff therefore took legal action to stop the infringement of his copyright and obtain compensation for the damage suffered as a result of the unauthorised use of this image.

In this case, the judges recognised that the plaintiff was the owner of copyright in the image generated by AI. The court found that his “intellectual investment” in the choice and formalisation of the prompts necessary to operate the AI tool could be likened to the manual adjustments made by photographers on their cameras to achieve the desired result. By analogy, the judges thus considered generative AI as a tool enabling human

also support companies in their export activities, in liaison with the French Treasury Department.

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The members of INPI’s “international network” (covering around 100 countries) implement international cooperation initiatives with its public and private partners worldwide. They

beings to create original works, as in the case in question.

The Beijing court therefore ordered the defendant to make a public apology and pay the plaintiff the equivalent of nearly €65 in damages.

After insisting that this decision was in line with the objective of the Chinese Copyright Law, the court considered that extending protection to AI-generated content could encourage creators to use AI to produce more creative content. Nevertheless, the judges stressed the importance of carrying out a case-by-case analysis to determine whether or not AI-generated works are eligible for copyright protection.

This decision contrasts with previous decisions worldwide, particularly in the United States, which have tended to oppose copyright protection for AI-generated content. In this sense, it sets a major precedent, both in China and globally. Chinese media outlets that have reported on this case stress the interest it has sparked, justifying the live broadcast of the trial, which was followed by almost one hundred and seventy thousand people.

This decision has also given rise to numerous debates. Some commentators argue that it seems reasonable in order to guarantee a protective environment for copyright in China. In their view, automatically excluding AI-generated works from copyright protection could pave the way for unauthorised use of all works accessible on the Internet, regardless of the method of generation or the author, potentially infringing on the rights of many authors.

Other observers highlight how this decision aligns with China's goals of becoming a global leader in AI. Copyright protection for AI-generated works not only encourages the use of such tools, but also increases the commercial value of AI-generated products and services. ■

By Julie Hervé, INPI Regional Counsellor for East Asia¹

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The members of INPI's "international network" (covering around 100 countries) implement international cooperation initiatives with its public and private partners worldwide. They

Signing of the work plan between the French National Institute of Industrial Property (INPI) and the Indian Patent Office (CGPDTM)

France and India have a long tradition of institutional cooperation in various economic sectors (aviation, energy, sustainable development, infrastructure and industry, agriculture and agri-food).

In terms of intellectual property, the two countries signed a Memorandum of Understanding (MoU) in 2006, establishing the framework for technical exchanges aimed at improving the regulatory environment for the development of French companies in the Indian market. The scope of the agreement covers all areas of intellectual property as well as the fight against counterfeiting.

On 1 December 2023, Mr Pascal Faure, CEO of INPI, and Prof. (Dr) Unnat P. Pandit, Controller General of Patents, Designs and Trademarks (CGPDTM), signed a work plan for the period 2023-2025 between the two industrial property offices.



The actions of cooperation between the INPI and the CGPDTM defined in this new work plan cover the sharing of best practices in training and examination, registration and promotion of geographical indications, support for SMEs and start-ups, as well as in information technologies. ■

By Sebastien Connan, INPI Regional Counsellor for India & South Asia²

also support companies in their export activities, in liaison with the French Treasury Department.

UPC update

The European patent with unitary effect and the Unified Patent Court (UPC) entered into force on 1 June 2023. Until then, there had been no unitary title for patents in Europe, resulting in a fragmented European market with bundles of national patents and national decisions. The unitary patent and the Unified Patent Court have been introduced to overcome this fragmentation by offering a single title covering multiple European territories and a single court for European patents. As such, they help to deepen the single market.

On the 1st of February, an information on the case load of the Court was published on the UPC website (<https://www.unified-patent-court.org/en/news/case-load-court-update-29-february-2024>).

As of 29 February 2024, a total of 274 cases had been brought before the UPC since it was set up: 96 infringement cases, 24 revocation actions and 129 counterclaims for revocation (coming from 39 infringement actions), and 22 applications for preserving of evidence or provisional measures.

A look into the geographical repartition of the caseload shows that Paris divisions (central or local) received 15.7% of the affairs. German is the preferred language of proceedings representing 48%.



With regard to revocation actions brought before the central divisions (20 cases for Paris and 4 cases for Munich), the following breakdown by technical field can be noted. In Paris, 56% for A classification, 44% for B, G et H. In Munich, all cases are in classification C.

Actions brought before the UPC are listed in the UPC registry, which can be accessed online: <https://www.unified-patent-court.org/en/registry/cases>

As a result of *Brexit*, Milan has been chosen as the location for the section of the Central Division of the Court of First Instance of the UPC originally planned for London. The Milan section should be operational in June 2024. It will have jurisdiction over patent disputes in Section A of the IPC ("Human necessities"), excluding supplementary protection certificates. ■

By Elodie Durbize Head of the International and legal Unit, INPI

Agenda

26 March 2024

FNDE – Trademark Law

[Details](#)

15 January–31 March 2024

WIPO – Applications open for WIPO Global Awards 2024

[Details](#)

4 April 2024

EUIPO – IPforYOU France

Organised by EUIPO & the French Patent and Trademark Office (INPI) - Online

[Details](#)

4 April 2024

CEIPI Conference – "Shapes, patterns, positions, colors: non-traditional trademarks in question" – National Assembly, Paris

[Details](#)

23 April 2024

WIPO – Closing the Gender Gap in Intellectual Property (IP) – Women and the Sustainable Development Goals

[Details](#)

26 April 2024

EPO – Bringing cleantech innovation to market

[Details](#)

26 April 2024

WIPO – World IP Day 2024 Events Calendar

[Details](#)

29-30 April 2024

EUIPO – 5th IP Case Law Conference

[Details](#)

13–24 May 2024

WIPO – 2024 WIPO Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge

[Details](#)

13 June 2024

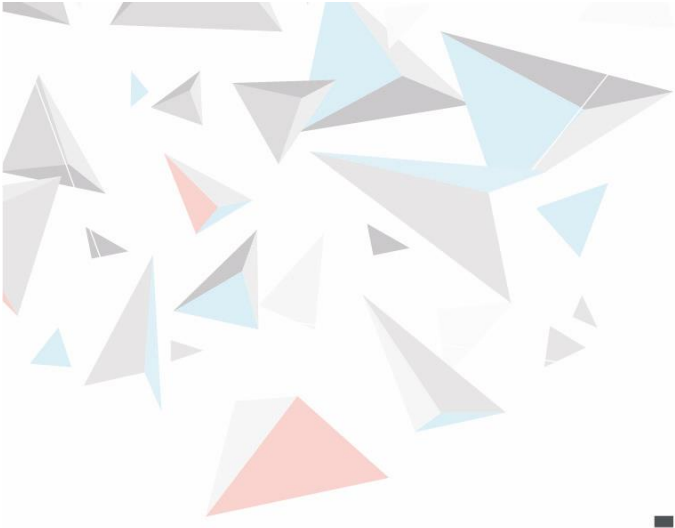
FNDE – Designs Law

[Details](#)

13 June 2024

LES France - ASPI - AIPPI – LIFE SCIENCES IP EVENT 2024

[Details](#)



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