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**Monthly  
Updates on  
Intellectual  
Property**

知识产权国际动态月刊

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# 专利篇 Patent

## 中冰、中埃专利审查高速路（PPH）试点项目再延长

为继续给申请人提供高效便捷的 PPH 服务，中国国家知识产权局分别与冰岛知识产权局、埃及专利局就 PPH 试点项目再延长达成一致，两 PPH 试点项目均自 2024 年 7 月 1 日起再延长五年，至 2029 年 6 月 30 日止。其中，中冰 PPH 指南中更新了冰岛知识产权局总部地址，其余内容保持不变，将继续适用于中冰 PPH 试点；中埃 PPH 试点项目的要求和流程继续沿用中埃 PPH 指南。

两 PPH 试点项目再延长将有利于创新主体的专利申请得到更快速地审查，从而更好地服务于科技创新与经济发展，并将进一步推动中冰、中埃在知识产权领域的交流与合作。

## China-Iceland, China-Egypt Pilot Patent Prosecution Highway (PPH) Pilot Program Extended

To continuously provide applicants with efficient and convenient PPH services, the China National Intellectual Property Administration (CNIPA) has reached agreements with the Icelandic Intellectual Property Office (ISIPO) and the Egyptian Patent Office to extend the PPH pilot programs for another five years, both starting from July 1, 2024, and ending on June 30, 2029. Specially, the address of the ISIPO headquarters has been updated in the China-Iceland PPH Guidelines, while the rest of the content remains unchanged and will continue to apply to the China-Iceland PPH pilot program. The requirements and procedures of the China-Egypt PPH pilot program will continue to follow the established China-Egypt PPH Guidelines.

The extension of these two PPH pilot programs will accelerate the patent examination process for innovative entities, thereby better serving technological innovation and economic development. It will also further promote exchanges and cooperation in the field of intellectual property between China and Iceland, as well as China and Egypt.

## 香港推行“专利盒”税务优惠

为鼓励工业及研发界别、创意产业和知识产权使用者进行更多知识产权贸易活动，香港特区政府推行“专利盒”税务优惠，将具知识产权资格（即专利、植物品种权利和存在于软件中的版权）所得之知识产权收入的应评税利润税率由 16.5% 减至 5%。

相关立法《2024 年税务（修订）（知识产权收入的税务宽减）条例》已于 2024 年 7 月 5 日在宪报刊登，即日生效。

《修订条例》主要涵盖以下五个重点范畴：

- 一、涵盖的具资格知识产权为专利、受版权保护的软件，以及新的栽培植物品种的权利；
- 二、具资格知识产权可以在世界不同地方取得注册，其源自香港的相关利润可以受惠于“专利盒”税务优惠；
- 三、特惠税率定为 5%，大幅低于香港现行的一般利得税税率（即 16.5%）；
- 四、具资格知识产权须由纳税人自行研发，若研发过程涉及收购其他知识产权，又或外判部分研发活动，则可享受特惠税率的利润额度可能须按比例减少；及
- 五、企业要得到“专利盒”税务优惠，有需要为它们的发明或新植物品种取得本地注册。这个要求会在“专利盒”税务优惠生效两年后方会实施。

## Hong Kong Implemented the “Patent Box” Tax Incentive

To encourage the industrial and R&D sectors, creative industries and IP users to engage in more IP trading activities, the Government of Hong Kong Special Administrative Region of China has implemented the “patent box” tax incentive. The tax rate for assessable profits from eligible IP income derived from eligible IPs (i.e. patents, plant variety rights and copyright subsisting in software) has been reduced from 16.5% to 5%.

The relevant regulation of the Inland Revenue (Amendment) (Tax Concessions for Intellectual Property Income) Ordinance 2024 was gazetted on 5 July, coming into operation from the same day.

The Amendment Ordinance mainly covers the following five key areas:

- a) eligible IPs covered are patents, copyrighted software and new plant variety rights;
- b) eligible IPs can be registered in different places around the world and their related profits sourced in Hong Kong can benefit from the “patent box” tax incentive;
- c) the concessionary tax rate is set at 5 per cent, which is substantially lower than the existing normal profits tax rate in Hong Kong (i.e. 16.5 per cent);

d) eligible IPs must be developed by taxpayers themselves. If the R&D process involves acquisition of other IPs, or outsourcing part of the R&D activities, the amount of profits eligible for the concessionary tax rate may be reduced proportionally; and

e) enterprises need to obtain local registration for their inventions or new plant varieties in order to enjoy the "patent box" tax incentive. This requirement will only start to implement two years after the "patent box" tax incentive comes into operation.

## 菲律宾知识产权局推出专利保护激励计划

为建立有效的知识工业产权制度，促进国内创造性活动发展，促进技术转让，吸引外国投资，确保产品的市场准入，菲律宾知识产权局（IPOPHL，下文简称“菲知局”）根据本规定的条款和条件，为各创新技术支持办公室（ITSO，下文简称“创支办”）制定了专利保护激励计划，简称“创支办 NICE IP”（下文简称“激励计划”）。

### 第一节. 目标

激励计划旨在：

1. 提高创支办研究成果的质量；
2. 激励创支办提交发明专利申请；以及
3. 提高创支办专利申请的质量，减少将发明转化为实用新型专利申请的情况。

### 第二节. 费用减免

1. 激励计划免除以下费用：

- 1) 实质审查请求费用，前提是在第 18 个月公布的检索报告中将揭示该发明具有新颖性和创造性（不存在 X 文件和 Y 文件）\*；
- 2) 第二次公布费；和
- 3) 发行费。

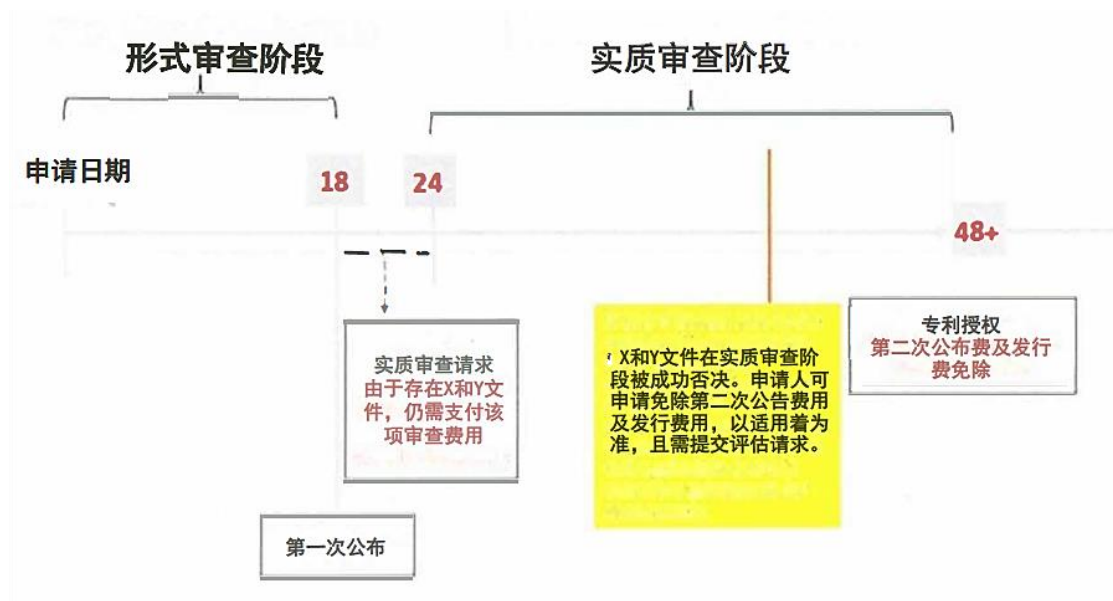
**\*实质审查请求费用只有在发明第 18 个月检索报告确立公布期间被评估为具有新颖性和创造性，才可免除。否则，该项费用仍应由激励计划申请人在公布之日起六个月内全额支付。另外，激励计划的申请没有优先次序，也不影响实质审查的结果。请注意，只有实质审查请求费用可以免除，申请人仍须提交实质审查请求书。**

情况 1：在第 18 个月的检索报告确立公布期间没有 X 和 Y 文件。





情况 2：在实质审查阶段有 X 和 Y 文件，但申请人能够成功地克服 X 和 Y 文件，使其申请具有新颖性和创造性：



2. 申请人应支付所有其他费用。
3. 激励计划的受益人不能参与专利局的任何其他计划，例如 YIPI、Scitech 或 Juana Invent 计划。

### 第三节. 资格标准

满足以下条件的创支办可以享受激励方案：

1. 与菲知局签署谅解备忘录且在有效期内；
2. 2024 年提交的专利申请在检索报告编制期间对新颖性和创造性标准表现出有利的审

查员行为;及

3. 2022 年和 2023 年提交的专利申请具有良好的实质性
4. 2024 年的审查报告。

#### 第四节. 一般条款

1. 符合条件的创支办需要向各自的创支办客户经理提交书面请求，然后将该请求转发给创支办管理团队。

2. 然后，创支办管理团队应根据资格标准评估创支办申请的资格。合格的申请人将获得创支办管理团队的推荐表。

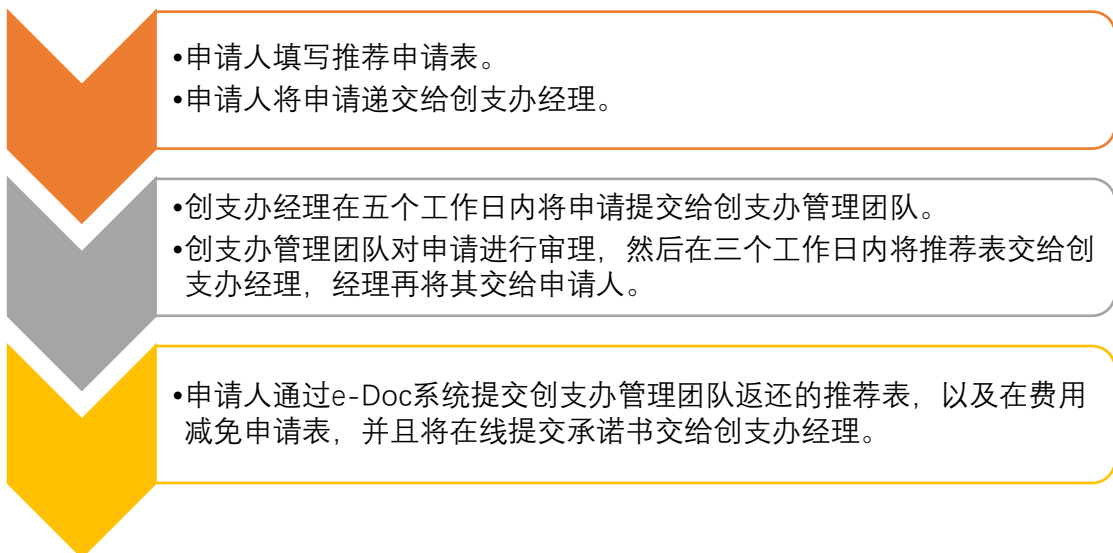
3. 符合资格的创支办可在规定的时限内申请激励方案包，即：

- 1) 在第 18 个月的公布期之后，以检索报告显示创支办发明的新颖性和创造性为前提。
- 2) 在实质审查阶段，在成功克服新颖性和创造性之后。

4. 符合资格的创支办应通过 e-Doc 系统向专利局提交以下文件：

- 1) 免除费用的请求（附件 A）；
- 2) 创支办管理团队的建议（附件 B）；
- 3) 文件、信息和技术转让局（DITTB）的认可证明。

5. 专利局应负责对合格的专利申请进行标记，使其在主管审查员的 IPAS 工作流程中很突出。



#### 第五节. 有效期

激励计划有效期为 2024 年 4 月 15 日至 2025 年 4 月 30 日，或直到 100 件专利申请符合激励计划资格，以较晚者为准。但是，可以在审查和评估后延长期限。

## 第六节. 项目监控

1. DITTB 应通过创支办管理团队与创支办客户经理协同执行和监督项目，并应每季度向总干事办公室提交一份基于激励计划提交的所有申请的报告。
2. DITTB 应协助创支办的受益人进行专利申请，并监控其申请状态。同样，DITTB 还应提供与技术转让、商业化以及申请所涵盖的受益人的知识产权资产的管理/维护有关的相关建议和信 息。

## **Intellectual Property Office of the Philippines Provides Fees Incentive for Invention Patent**

To build an effective intellectual and industrial property system for the development of domestic and creative activity, facilitating transfer of technology, attracting foreign investments, and ensuring market access for products, Intellectual Property Office of the Philippines (IPOP HL) establishes the Patent Protection Incentive for ITSOs program, to be known as “ITSO NICE IP”, under the herein prescribed terms and conditions.

### **Section 1. Objectives**

The ITSO NICE IP aims to:

1. Increase the quality of research outputs of ITSOs;
2. Encourage and stimulate ITSOs to file invention patent applications; and
3. Increase the quality of ITSO patent applications and mitigate the practice of filing an invention converted into a utility model.

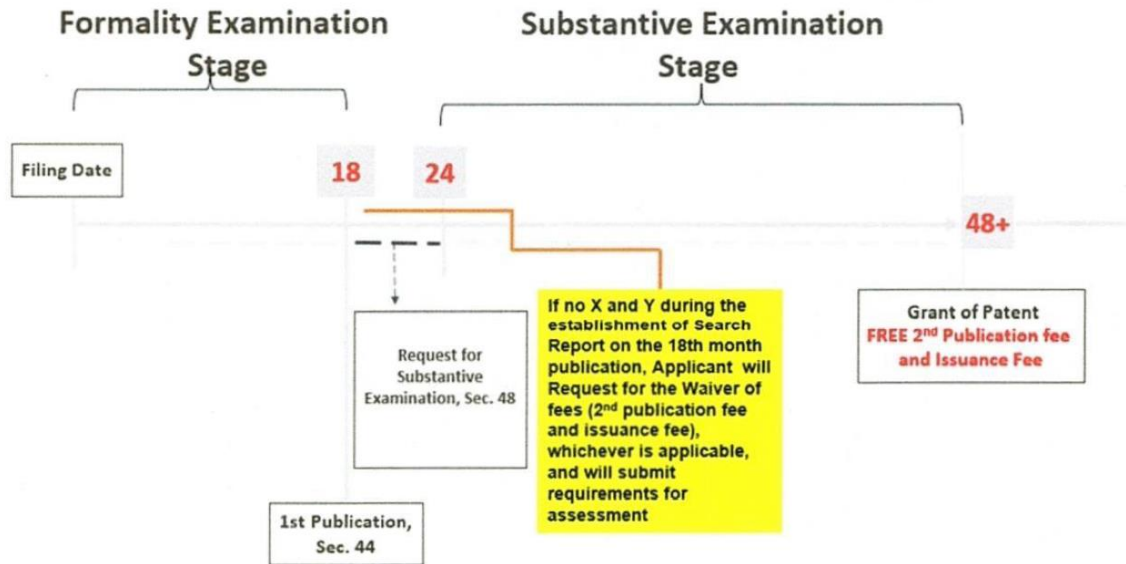
### **Section 2. Waiver of Fees**

1. The ITSO NICE IP shall waive the following fees:
  - a) Request for Substantive Examination (RSE) Fee provided that the Search Report released on the 18th-month publication will reveal that the invention is novel and inventive (No X and Y document) \*;
  - b) Second Publication Fee; and
  - c) Issuance Fee.

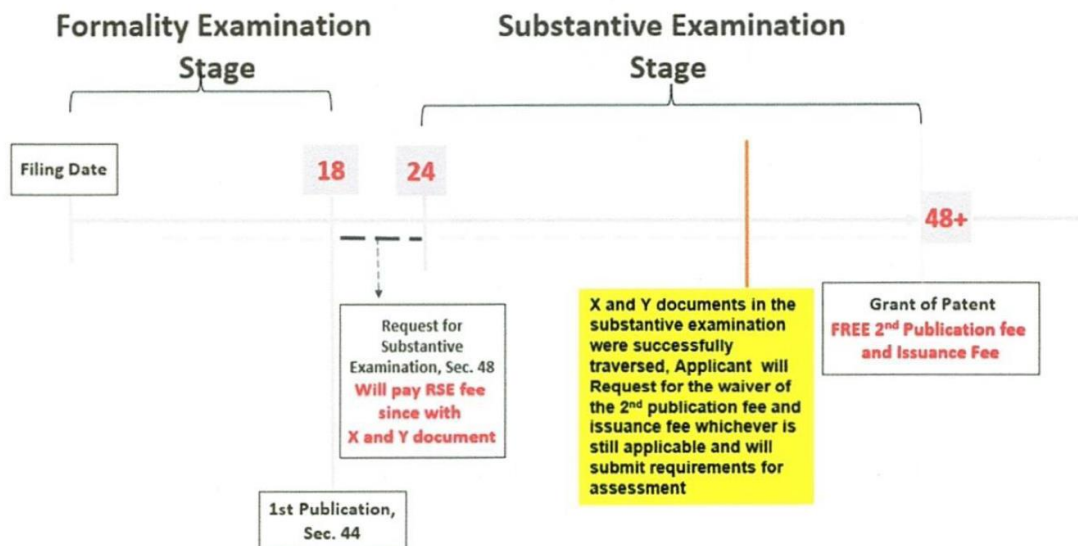
**\* The RSE shall only be waived if the invention is initially evaluated as novel and inventive during the establishment of the Search Report on the 18th-month publication. Otherwise, the RSE shall be paid fully by the ITSO applicant within six (6) months from the date of publication. In addition, the ITSO**

*NICE applications are without prioritization and without prejudice to the result of the substantive examination. Note that only the RSE fees may be waived but applicants must still submit a RSE.*

Scenario 1: With no X and Y Document during the establishment of Search Report on the 18th-month publication.



Scenario 2: With X and Y documents during the Substantive Examination Stage but the applicant was able to successfully overcome the X and Y documents making the application novel and inventive:



2. All other fees shall be paid for by the Applicant.
3. A beneficiary of the ITSO NICE IP cannot avail of any other program of the Bureau of Patents (BOP) such as the YIPI, Scitech, or Juana Invent Programs.

### **Section 3. Eligibility Criteria**

ITSOs with:

1. existing MOA with IPOPHL;
2. patent applications filed in 2024 showing favorable examiner's action on novelty and inventiveness criteria during the establishment of the Search Report; and
3. patent applications filed in 2022 and 2023 with favorable substantive
4. examination report in 2024 can avail of the incentive package.

### **Section 4. General Conditions**

1. Eligible ITSOs need to submit a written request to their respective ITSO Account Manager, which will then be forwarded to the ITSO Administration Team.
2. The ITSO Administration Team shall then assess the eligibility of ITSO applications based on the eligibility criteria. Qualified applicants will be issued a Recommendation Form from the ITSO Administration Team.
3. Eligible ITSOs can apply for the incentive package within the specified prosecution timelines:
  - a. Following the 18th-month publication, provided that the Search Report shows the novelty and inventiveness of the ITSO invention.
  - b. During the substantive examination stage, after successfully overcoming the novelty and inventive findings.
4. Eligible ITSOs shall submit the following documents to the BOP through the e-Doc system:
  - a. Request for the Waiver of Fees (Annex A);
  - b. Recommendation from ITSO Administration Team (Annex B);
  - c. Endorsement by Documentation, Information, and Technology Transfer Bureau (DITTB) to BOP.
5. BOP shall be in charge of the tagging for qualified patent applications which is apparent in the IPAS workflow of the Examiner-in-Charge.



#### **Section 5. Effectivity Period**

The ITSO NICE IP shall run from 15 April 2024 to 30 April 2025 or until 100 patent applications have qualified for the incentive package, whichever comes later. However, it may be extended after review and assessment.

#### **Section 6. Project Monitoring**

1. The DITTB through the ITSO Administration Team shall coordinate with the ITSO Account Managers for the implementation and monitoring of the project and shall submit a quarterly report of all applications filed under the ITSO NICE IP to the Office of the Director General.
2. The DITTB shall assist the beneficiaries of the ITSO NICE IP with their patent applications, and monitor the status of their applications. The DITTB shall, likewise, provide pertinent advice and information related to technology transfer, commercialization, and management/maintenance of the beneficiaries' intellectual property assets covered by the application.

## 欧盟增加对俄制裁措施：限制其知识产权的欧洲申请

欧盟于 2024 年 6 月 24 日通过了对俄罗斯的第 14 套制裁措施，并于次日生效，此次对工业产权的申请和正在进行的注册程序施加了限制。

根据第 833/2014 号法规第 5 条（经 2024 年 6 月 24 日欧盟理事会条例 2024/1745 修订），禁止根据成员国或欧盟法律组建的知识产权局和其他主管机构接受以下人员提交的商标、专利、工业品外观设计、外观设计、受保护的原产地名称和地理标志的新注册申请：

- ◆ 俄罗斯公民，
- ◆ 居住在俄罗斯的自然人的，
- ◆ 俄罗斯境内的法人、组织或机构。

若上述知识产权注册申请是与居住或设立在俄罗斯境外的非俄罗斯自然人或法人共同提交的，则限制规则同样适用。

俄罗斯国民或居住在俄罗斯的自然人的以及位于俄罗斯的法人、组织或机构已递交的正在进行的上述知识产权注册申请也将不予接受。

已授予知识产权后的申请不受制裁影响。

制裁不适用于欧盟、欧洲经济区或瑞士公民，或获准在这些国家中临时或永久居住的自然人的。

## EU Sanctions Package Against Russia Imposes Restrictions on the Filing of Industrial Property Rights

The 14th EU sanctions package against Russia, adopted on June 24, 2024, and coming into force the following day, imposes restrictions on the filing of industrial property rights and during ongoing registration procedures.

According to Article 5s of Regulation No. 833/2014, as last amended by Council Regulation (EU) 2024/1745 of June 24, 2024, Intellectual property offices and other competent institutions constituted under the law of a Member State or the Union are prohibited from accepting new applications for the registration of trademarks, patents, industrial designs, designs, protected designations of origin, and geographical indications submitted by the following persons:

- Russian citizens,
- Natural persons residing in Russia,
- Legal entities, organizations, or institutions located in Russia.

**This also applies if these applications are filed jointly with non-Russian natural or legal persons**

**residing or established outside of Russia.**

Applications submitted by Russian nationals or natural persons residing in Russia, as well as by legal entities, organizations, or establishments located in Russia, submitted during ongoing registration procedures related to the aforementioned intellectual property rights, will also not be accepted.

**Applications submitted after the grant of an intellectual property right are not affected by the sanctions.**

The sanctions do not apply to citizens of the European Union, the European Economic Area, or Switzerland, or to natural persons who are authorized to reside in any of these countries on a temporary or permanent basis.



## 俄罗斯批准关于专利优先权期限延长 6 个月的倡议

俄罗斯联邦政府批准通过联邦经济发展部起草的《民法典》修正案，其中涉及专利申请优先权期限的延长。

专利申请优先权期限是为了保持已披露发明的新颖性而设置的宽限期。目前，在公开发明实质内容的情况下，俄罗斯申请人仅有六个月的时间利用优先权（即所谓的新颖性特权）向 Rospatent 申请登记。但事实证明，这段时间对许多发明者而言太短了，尤其是面对复杂的文件程序时。国内研发人员往往先发表有关其技术解决方案的科学文章，然后在 6 个月内匆忙提出发明申请，发明者往往没有足够的时间准备必要的文件。此外，在对技术方案的新颖性（专利性的条件之一）提出质疑时，与外国公民拥有 12 个月的宽限期相比，俄罗斯专利权人的处境更为不利。

为解决这一问题，俄罗斯经济发展部起草了《民法典》修正案，将专利优先权期限从 6 个月延长至 12 个月，为俄罗斯申请人在允许的范围内保护自己的权利提供有利条件，使俄罗斯发明家能够满怀信心地开展研究并公布其工作成果，而不必担心失去专利权。该法案也将成为俄罗斯创新体系发展的重要一步，并提高国内知识产权在国际舞台的竞争力。

## Russian Government Approved the Initiative of Extending Patent Priority Period

The Government of the Russian Federation has approved amendments to the Civil Code drafted by the Ministry of Economic Development of the Federation, which involve the extension of the priority period for patent applications.

The priority period for patent applications is a grace period established to maintain the novelty of disclosed inventions. Currently, in the case of disclosing the essential content of an invention, Russian applicants have only six months to apply for registration with Rospatent using the priority right (also known as the novelty privilege). However, it has proven that this period is too short for many inventors, especially when facing complex documentation procedures. Domestic researchers often first publish scientific articles about their technical solutions and then rush to file invention applications within six months, often without sufficient time to prepare the necessary documents. Moreover, when the novelty of a technical solution (one of the conditions for patentability) is challenged, Russian patentees are at a disadvantage compared to foreign citizens who enjoy a 12-month grace period.

To address this issue, the Ministry of Economic Development of Russia has drafted amendments to the Civil Code, extending the patent priority period from six months to 12 months. This provides Russian

applicants with favorable conditions to protect their rights within the allowed scope, enabling Russian inventors to confidently conduct research and publish their work without fear of losing patent rights. This bill will also mark an important step in the development of Russia's innovation system and enhance the competitiveness of domestic intellectual property on the international stage.

## 巴西和日本进行 PCT 费用调整，2024 年 9 月 1 日生效

- 巴西

根据 PCT 细则 16.1 (d)，由巴西工业产权局进行国际检索的费用已确定为新的等值瑞士法郎。自 2024 年 9 月 1 日起，在线提交的国际申请检索费为 272 瑞士法郎，纸制提交的国际申请为 407 瑞士法郎。

- 日本

PCT 细则 15.2 (d) 规定的国际申请费和超过 30 的每张附加费，和 PCT 细则 57.2 (d) 规定的 PCT 费用表第 4 项的减免费及手续费，已确定为新的等值日元。自 2024 年 9 月 1 日起适用的新收费标准如下：

国际申请费：237,500 日元

超过 30 张的每张费用：2,700 日元

减免费用 (PCT 费用表第 4 项说明)：

电子申请 (请求书、说明书、权利要求书和摘要采用字符编码格式)：

53,600 日元

手续费：35,700 日元

此外，根据 PCT 细则 16.1 (d)，由日本特许厅 (JPO) 执行国际检索的费用已确定为新的等值瑞士法郎。新的收费标准亦自 2024 年 9 月 1 日起适用，分别为：801 瑞士法郎 (适用于以日文提交的国际申请或根据 PCT 细则 12.31 提供日文译本的国际申请) 和 946 瑞士法郎 (适用于以英文提交的国际申请或根据 PCT 细则 12.3 提供英文译本的国际申请)。

## Changes on PCT Fees Concerning Brazil and Japan, Effective from 1

### September 2024

- Brazil

In accordance with PCT Rule 16.1(d), new equivalent amounts of the search fee in Swiss francs (CHF) have been established for an international search carried out by the National Institute of Industrial Property (Brazil). These amounts, applicable from 1 September 2024, are CHF 272 for international applications filed online and CHF 407 for international applications filed on paper.

- Japan

New equivalent amounts in Japanese yen (JPY) have been established for the international filing fee and the fee per sheet in excess of 30 (pursuant to PCT Rule 15.2(d)), for reductions under item 4 of the PCT

Schedule of Fees, as well as for the handling fee (pursuant to PCT Rule 57.2(d)). These new amounts, applicable from 1 September 2024, are as follows:

International filing fee:	JPY 237,500
Fee per sheet in excess of 30:	JPY 2,700
Reduction (under PCT Schedule of Fees, item 4):	
Electronic filing (the request, description, claims and abstract being in character coded format):	JPY 53,600
Handling fee:	JPY 35,700

Furthermore, pursuant to PCT Rule 16.1(d), new equivalent amounts of the search fee in Swiss francs (CHF) have been established for an international search carried out by the Japan Patent Office (JPO). These amounts, also applicable from 1 September 2024, are CHF 801 for international applications filed in Japanese or for which a translation into Japanese has been furnished under PCT Rule 12.31 and CHF 946 for international applications filed in English or for which a translation into English has been furnished under PCT Rule 12.3.

## 巴拉圭国家知识产权局（DINAPI）采用工业品外观设计洛迦诺分类第 14 版

根据 2024 年 6 月 18 日第 317/2024 号决议，巴拉圭国家知识产权局（DINAPI）通过了由世界知识产权组织（WIPO）管理的第 14 版《工业品外观设计国际分类》（《洛迦诺分类》）。决议规定，该国际分类法将于今年 7 月 22 日生效。

新版工业品外观设计分类法向前迈进了一步，这不仅是因为增加了一个新的类别，还因为大多数类别都增加了新产品，以应对工业领域的技术进步和创新。

在这一版的主要新内容中，电子香烟和其他电子吸烟用品被列入第 27 类 07 子类，新的第 32 类涵盖“图形符号和徽标、表面图案、装饰、内部和外部布置”。

《工业品外观设计国际分类》（《洛迦诺分类》）具有显著的优势，它为《洛迦诺协定》所有缔约国的工业品外观设计申请建立了一个统一的体系，大大简化了申请程序——所有参与国都使用相同的标准和术语，便于对现有外观设计进行比较和检索，以验证新申请的新颖性和创造性。

这一新版本是在落实战略承诺和改进工业产权局服务的框架内通过的，其具体内容可在 DINAPI 网站查看。

### Paraguay DINAPI Adopts the Fourteenth Edition of the Locarno Classification for Industrial Designs

By Resolution 317/2024 of June 18, 2024, the Paraguay National Directorate of Intellectual Property (DINAPI) adopts the “Fourteenth Edition of the Locarno Classification for Industrial Designs”, administered by the World Intellectual Property Organization (WIPO). Said resolution establishes that the international classifier will enter into force as from July 22 of the current year.

This new edition represents an advance, not only because of the inclusion of a new class, but also because new products are added in most of the classes, in response to the advances in technology and innovation in industrial matters.

Among the main novelties in this version, electronic cigarettes and other electronic smoking articles are included in class 27, subclass 07, and the new class 32 covers “graphic symbols and logos, surface patterns, ornamentation, interior and exterior arrangement”.

The Locarno Classification for Industrial Designs offers significant advantages because it establishes a unified system for industrial design applications in all countries that are part of the Locarno Agreement,

which considerably simplifies the process since all participating states use the same criteria and terminologies, facilitating the comparison and search of existing designs, to verify the novelty and inventive step of new applications.

This new edition is adopted within the framework of the implementation of the strategic commitments and the improvement of the services provided by the Directorate General of Industrial Property.

The fourteenth edition of the Locarno Classification for Industrial Designs” is published in the digital page of DINAPI.

## 海牙协定缔约方即将迎来第 80 位成员：圣基茨和尼维斯

2024 年 7 月 8 日，圣基茨和尼维斯政府向世界知识产权组织（WIPO）总干事交存了其加入《海牙协定关于工业设计的国际注册日内瓦文本》（“1999 年文本”）的加入书。

随加入书一同提交的还有根据 1999 年文本及其与 1999 年文本和 1960 年文本《海牙协定》的《共同实施细则》（简称“《共同实施细则》”）所作的以下声明：

- 1999 年文本第 4 条(1)(b)款中提到的声明，即不得通过其主管局提交国际申请；
- 1999 年文本第 17 条(3)(c)款中要求的声明，指出圣基茨和尼维斯法律对工业设计提供的最长保护期限为 25 年；
- 《共同实施细则》第 12 条(1)(c)(i)款中提到的声明，指出应适用标准指定费第二档。

根据 1999 年文本第 28 条(3)(b)款的规定，该文本及所作声明将于 2024 年 10 月 8 日对圣基茨和尼维斯生效。

圣基茨和尼维斯加入 1999 年文本后，该文本的缔约方总数增至 74 个，海牙协定的缔约方总数增至 80 个。海牙协定缔约方名单可在 WIPO 网站上查阅。

## Saint Kitts and Nevis is Going to Be the 80th Contracting Party of Hague Agreement

On July 8, 2024, the Government of Saint Kitts and Nevis deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (“1999 Act”).

The instrument of accession was accompanied by the following declarations under the 1999 Act and the Common Regulations Under the 1999 Act and the 1960 Act of the Hague Agreement (“Common Regulations”):

- the declaration referred to in Article 4(1)(b) of the 1999 Act, whereby international applications may not be filed through its Office;
- the declaration as required under Article 17(3)(c) of the 1999 Act, specifying that the maximum duration of protection provided for by the law of Saint Kitts and Nevis in respect of industrial designs is 25 years; and
- the declaration referred to in Rule 12(1)(c)(i) of the Common Regulations, specifying that level two of the standard designation fee applies.

In accordance with Article 28(3)(b) of the 1999 Act, the 1999 Act and the declarations made will enter

into force with respect to Saint Kitts and Nevis on October 8, 2024.

The accession of Saint Kitts and Nevis to the 1999 Act brings the number of Contracting Parties to this Act to 74 and the total number of Contracting Parties to the Hague Agreement to 80. A list of the Contracting Parties to the Hague Agreement is available on the WIPO website.



# 商标篇 Trademark

## 菲律宾发布最新商标修订条例，2024年7月25日生效

2024年7月3日，菲律宾知识产权局发文，在商业相关交易自动化的推动下，为更好地服务于公众利益并简化工作流程，有必要进一步修订《商标条例（2023）》，让商标续展注册相关流程更便捷。其修订内容如下：

### 第一节. 条例 1200，续展请求。

注册有效期届满时可续展 10 年，续展需提交申请并按规定缴纳续展费（包括续展注册的签发费和公布费）。请求书应载有下列说明和/或证明文件：

- a) 续展请求说明；
- b) 注册人或利益继承人（以下统称“权利人”）的姓名、地址和其他联系方式；
- c) 注册号；
- d) 续展申请提交日期；
- e) 权利人有授权代表或代理人的，该代表或代理的名称和地址；
- f) 请求续展的登记货物或服务（按最新版尼斯分类法分类）；
- g) 权利人或其授权代表或代理人的签名。

商标有实质性变更的，必须提出新的申请。

### 第二节. 条例 1206，续展注册证明书。

知识产权局应在续展请求批准后签发续展证书（原条例为在支付所需费用后签发）。续展证书的签发应在菲律宾知识产权局（IPOPHL）公报上公布，并载入本局记录。续展注册证明书须载有下列事项：

- a) 商标注册号；
- b) 商标性质；
- c) 续展注册的商标主题；
- d) 原注册及续展注册的日期；
- e) 续展注册的期限；
- h) 本商标条例所规定的注册证明书须载有的所有资料，包括局长批准续展注册命令所载的任何限制。

### 第三节. 废除条款。

凡与本规例不一致的规例、命令、通告及备忘录或其部分，现予废止或作相应修订。

#### 第四节. 可分性条款。

本条例的规定或者其适用无效的，不影响本条例的其他规定。

#### 第五节. 效力。

本条例在大众发行的报纸上公布并在 IPOPHL 网站上公布后，自 2024 年 7 月 25 日生效。

## **Intellectual Property Office of the Philippines (IPOPHL) Issued Amendments to Trademark Regulations of 2023, Taking Effect on 25 July 2024**

On 3 July 2024, IPOPHL issued the announcement that to best serve public interest and to streamline work processes in view of the thrust to automate business-related transactions, there is a need to further amend the Trademark Regulations of 2023 to facilitate and expedite the relevant practices pertaining to the renewal of trademark registrations.

The Trademark Regulations of 2023 is amended, as follows:

#### **SECTION 1.** Rule 1200 is amended as follows:

**RULE 1200. Request for Renewal.** -A registration may be renewed for periods of ten (10) years at its expiration upon filing of a request and payment of the prescribed **renewal** fee **including the issuance and publication fees for the Renewal of Registration**. The request shall contain the following indications and/or supporting documents:

- a) An indication that renewal is sought;
- b) The name, address and other contact details of the registrant or successor-in-interest, hereafter referred to as the “right holder”;
- c) The registration number;
- d) The filing date of the application which resulted in the registration to be renewed;
- e) Where the right holder has an authorized representative or agent, the name and address of that representative or agent;
- f) The recorded goods or services for which the renewal is requested, grouped according to the classes of the latest version of the Nice Classification; and
- g) A signature by the right holder or the right holder's authorized representative or agent.

In case of material variations of the mark, a new application must be filed.

**SECTION 2.** Rule 1206 is amended as follows:

RULE 1206. Certificate of Renewal of Registration. - The Office shall issue a certificate of renewal upon ~~payment of the required fee for the issuance thereof~~ approval of the renewal request. The issuance of the certificate of renewal shall be published in the IPOPHL eGazette and shall be entered in the records of this Office.

The certificate of renewal of registration shall contain the following:

- a) ~~The~~ registration number;
- b) The nature of the mark;
- c) The mark subject of the renewal;
- d) The date of original registration and renewal registration;
- e) The duration of the renewal registration;
- f) All the data required to be contained in a certificate of registration provided in these Regulations including any limitation contained in the order of the Director approving the renewal of the registration.

**SECTION 3.** Repealing Clause. - All rules and regulations, orders, circulars, and memoranda or parts thereof that are inconsistent with these Regulations are hereby repealed or modified accordingly.

**SECTION 4.** Separability Clause. If any provision in these Regulations or application of such provision to any circumstance is held invalid, the remainder of these Regulations shall not be affected thereby.

**SECTION 5.** Effectivity. - These Regulations shall take effect on 25 July 2024, after publication in a newspaper of general circulation and posting on the IPOPHL website.

## 马德里指定土耳其单独规费调整

自 2024 年 7 月 26 日起，马德里协定下国际商标注册指定土耳其的，应向土耳其支付的单独规费数额如下：

条目		数额 (瑞士法郎)	
		直至2024.7.25日	自2024.7.26日起
新申请或后续 指定	— 首类产品或服务	76	<b>160</b>
	— 第二类产品或服务	21	<b>46</b>
	— 类别附加费	24	<b>46</b>
续展	— 不计类别数量	69	<b>141</b>
	<i>宽限期内付款</i>		
	— 不计类别数量	<b>128</b>	<b>248</b>

## Madrid Protocol Concerning the International Registration of Marks

### Change in the Amounts of the Individual Fee: Türkiye

1. The Government of Türkiye has notified to the Director General of the World Intellectual Property Organization (WIPO) a declaration modifying the amounts of the individual fee payable with respect to Türkiye under Article 8(7) of the Madrid Protocol.

2. As from July 26, 2024, the amounts of the individual fee payable in respect of Türkiye will be the following:

ITEMS		Amounts (in Swiss francs)	
		until July 25, 2024	as from July 26, 2024
<b>Application or Subsequent Designation</b>	– for the first class of goods or services	76	<b>160</b>
	– for the second class of goods or services	21	<b>46</b>
	– for each additional class	24	<b>51</b>
<b>Renewal</b>	– independent of the number of classes	69	<b>141</b>
	<i>Where payment is received within the</i>		

	<i>period of grace:</i>	
	<b>– independent of the number of classes</b>	<b>128                      248</b>

3. These new amounts will be payable where Türkiye

(a) is designated in an international application which is received by the Office of origin on or after July 26, 2024; or

(b) is the subject of a subsequent designation which is received by the Office of the Contracting Party of the holder or is filed directly with the International Bureau of WIPO on or after that date; or

(c) has been designated in an international registration which is renewed on or after that date.

## 其他 Others

### WIPO 数据显示：中国生成式人工智能（GenAI）专利申请量居世界首位

世界知识产权组织（产权组织）的一份新报告显示，中国发明人申请的生成式人工智能专利数量最多，远远超过五大地区另外的美国、大韩民国、日本和印度的发明人。

《产权组织生成式人工智能专利态势报告》记录了截至 2023 年的十年间 54,000 项生成式人工智能发明，其中超过 25%是在去年一年出现的。

生成式人工智能允许用户创建文本、图像、音乐和计算机代码等内容，为一系列工业和消费产品提供动力，包括 ChatGPT、谷歌 Gemini 或百度 ERNIE 等聊天机器人。

2014-2023 年间，中国的生成式人工智能发明超过 3.8 万项，是排名第二的美国的六倍。印度是第五大生成式人工智能发明地，其年均增长率在前五名中最高，达到 56%。报告显示，生成式人工智能已经遍及生命科学、制造、交通、安全和电信等行业。

“生成式人工智能已经成为一种改变游戏规则的技术，有可能改变我们的工作、生活和娱乐方式。产权组织希望通过分析专利趋势和数据，让大家更好地了解这一快速发展的技术正在何处发展，以及将向何处发展。这将有助于政策制定者为我们的共同利益塑造生成式人工智能的发展，确保我们继续将人置于创新和创意生态系统的中心。我们相信，这份报告将帮助创新者、研究人员和其他人驾驭快速发展的生成式人工智能及其对世界的影响，” 产权组织总干事邓鸿森说。

#### 主要发现

- 2014 年至 2023 年，与生成式人工智能相关的发明（专利族<sup>1</sup>）申请量达 54,000 件，发表的科学文章超过 75,000 篇。
- 自 2017 年推出已成为生成式人工智能代名词的大语言模型背后的神经网络架构以来，生成式人工智能的专利数量增长了八倍。
- 仅 2023 年公布的生成式人工智能专利就超过了全部总数的 25%，发表的生成式人工智能科技论文超过 45%。
- 目前，生成式人工智能专利仍只占全球所有人工智能专利的 6%。

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<sup>1</sup> 分析将简单专利族作为单项发明的代表。简单专利族是指在不同国家或司法管辖区申请的一组与单项发明有关的专利，这组专利的技术内容相同。专利族成员首次公布的专利算作公布年。这份关于生成式人工智能的报告是对产权组织关于人工智能的开创性 2019 年《技术趋势》出版物的补充。

- 排名前十的生成式人工智能专利申请人分别是腾讯（2,074 项发明）、平安保险（1,564 项）、百度（1,234 项）、中国科学院（607 项）、IBM（601 项）、阿里巴巴集团（571 项）、三星电子（468 项）、Alphabet（443 项）、字节跳动（418 项）、微软（377 项）。

- 排名前五位的发明者所在地分别是：中国（38,210 项发明）、美国（6,276 项）、大韩民国（4,155 项）、日本（3,409 项）和印度（1,350 项）。

- 图像和视频数据在生成式人工智能专利中占主导地位（17,996 项发明），其次是文本（13,494 项）和语音/音乐（13,480 项）。使用分子、基因和蛋白质数据的生成式人工智能专利增长迅速（自 2014 年以来有 1,494 项），过去五年的年均增长率为 78%。

- 生成式人工智能的专利涉及多个领域，包括生命科学（5,346 项发明）、文档管理和出版（4,976 项），以及商业解决方案、工业和制造业、交通运输、安全和电信领域的 2,000 多项发明。

- 未来，生成式人工智能可以帮助设计新分子，加快药物开发。它还能实现文档管理和出版任务的自动化，越来越多地应用于零售辅助系统和客户服务聊天机器人，并实现新产品设计和优化，包括公共交通系统和自动驾驶。

## **China-Based Inventors Filing Most GenAI Patents, WIPO Data Shows**

China-based inventors are filing the highest number of generative artificial intelligence (GenAI) patents, far outpacing inventors in the US, Republic of Korea, Japan and India that comprise the rest of the top five locations, a new WIPO report shows.

The “WIPO Patent Landscape Report on Generative AI” documents 54,000 GenAI inventions in the decade through 2023, with more than 25% of them emerging in the last year alone.

GenAI allows users to create content including text, images, music and computer code, powering a range of industrial and consumer products including chatbots such as ChatGPT, Google Gemini or Baidu’s ERNIE.

Between 2014-2023, more than 38,000 GenAI inventions have come out of China, six times more than second-place US. India, which is the fifth-biggest location for GenAI invention, saw the highest average annual growth rate among the top five leaders, at 56%. GenAI is already spreading across industries including the life sciences, manufacturing, transportation, security and telecommunications, the report shows.

“GenAI has emerged as a game-changing technology with the potential to transform the way we work, live and play. Through analyzing patenting trends and data, WIPO hopes to give everyone a better

understanding of where this fast-evolving technology is being developed, and where it is headed. This can help policymakers shape the development of GenAI for our common benefit and to ensure that we continue to put the human being at the center of our innovation and creative ecosystems. We are confident that the report will empower innovators, researchers, and others to navigate the rapidly evolving generative AI landscape and its impact on the world,” said WIPO Director General Daren Tang.

**Key findings:**

- 54,000 GenAI-related inventions (patent families<sup>2</sup>) were filed and more than 75,000 scientific publications published between 2014 and 2023.
- The growth is rapid, with the number of GenAI patents increasing eightfold since the 2017 introduction of the deep neural network architecture behind the Large Language Models that have become synonymous with GenAI.
- In 2023 alone over 25% of all GenAI patents globally were published, and over 45% of all GenAI scientific papers were published.
- GenAI patents still currently only represent 6% of all AI patents globally.
- The top 10 GenAI patent applicants are: Tencent (2,074 inventions), Ping An Insurance (1,564 inventions), Baidu (1,234 inventions), Chinese Academy of Sciences (607), IBM (601), Alibaba Group (571), Samsung Electronics (468), Alphabet (443), ByteDance (418), Microsoft (377).
- The top five inventor locations are China (38,210 inventions), US (6,276 inventions), Republic of Korea (4,155 inventions), Japan (3,409) and India (1,350)
- Image and video data dominate GenAI patents (17,996 inventions), followed by text (13,494 inventions) and speech/music (13,480 inventions). GenAI patents using molecule, gene and protein-based data are growing rapidly (1,494 inventions since 2014) with 78% average annual growth over the past five years.
- GenAI patents span across a diverse range of sectors, including in life sciences (5,346

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<sup>2</sup> The analysis counts simple patent families as a proxy for individual inventions. A simple patent family is a set of patents filed in various countries or jurisdictions that is related to a single invention, and the technical content in this set of patents the same. The first publication by a member of a patent family counts as the publication year. This report on GenAI complements the groundbreaking 2019 WIPO Technology Trends publication on Artificial Intelligence.



inventions), document management and publishing (4,976 inventions) and over 2,000 inventions in each of business solutions, industry and manufacturing, transportation, security, and telecommunications.

- In the future, GenAI can help design new molecules, expediting drug development. It can automate tasks in document management and publishing, be increasingly used in retail assistance systems and customer service chatbots and enable new product design and optimization, including in public transportation systems and autonomous driving.