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**Monthly
Updates on
Intellectual
Property**

知识产权国际动态月刊

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立法动态 Legislation Updates

巴西宣布 PPH 项目第五阶段细则，将于 2025 年 1 月 1 日生效

2024 年 12 月 10 日，巴西专利商标局（BPTO）在《官方公报》第 2814 期中发布了第 48 号法令，将于 2025 年 1 月 1 日起生效。该法令引入了专利审查高速公路（PPH）项目的第五阶段，并概述了自巴西专利商标局加入全球专利审查高速公路（Global PPH）项目以来的相应规定。

与上一阶段相比，此次引入了以下几项修改：

- 优先权来自 PPH 合作伙伴专利局以外的申请现在亦可提交 PPH 请求。
- 扩充了合作伙伴专利局名单，纳入了所有参与 Global PPH 的专利局。
- 将接受来自合作伙伴专利局确定的可专利主题的技术审查结果。
- 已修订“可专利主题”的定义，纳入了经专利合作条约（PCT）审查的主题。
- 对 PPH 请求数量设定了新的限制，每年最多 3200 件，每个国际专利分类（IPC）部分最多 1000 件。
- 取消了先前的基于 PCT 的 PPH 请求限制以及每周每名申请人最多提交一项 PPH 请求的限制。

当前的 PPH 合作伙伴专利局包括澳大利亚、奥地利、加拿大、智利、中国、哥伦比亚、丹麦、多米尼加共和国、厄瓜多尔、萨尔瓦多、爱沙尼亚、欧洲专利局、法国、德国、匈牙利、冰岛、以色列、日本、新西兰、北欧专利研究所、挪威、巴拉圭、秘鲁、波兰、葡萄牙、俄罗斯、新加坡、韩国、西班牙、瑞典、英国、美国、乌拉圭和维谢格拉德专利研究所。

Brazil Announces Phase V of PPH Program, Taking effect from January 1st, 2025

On December 10, 2024, the Brazilian Patent and Trademark Office (BPTO) released Ordinance No. 48 in Official Bulletin No. 2,814, which will take effect from January 1st, 2025. This ordinance introduces Phase V of the Patent Prosecution Highway (PPH) program and outlines corresponding provisions since the BPTO joined the Global PPH.

Compared to the previous phase, several modifications have been introduced:

- PPH requests can now be submitted for applications whose priority does not originate from a PPH partner patent office.
- The list of partner offices has been expanded to include all Global PPH participating patent offices.

- Technical examination results from partner patent offices, which determine patentable subject matter, will be accepted.
- The definition of "patentable subject matter" has been revised to incorporate subject matter examined by the PCT.
- New limits have been set for PPH requests, with a maximum of 3,200 per annual cycle and 1,000 per International Patent Classification (IPC) section.
- The previous limits for PCT-based PPH requests and the weekly cap of one PPH request per applicant have been lifted.

The current PPH partner offices encompass Australia, Austria, Canada, Chile, China, Colombia, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, the European Patent Office, France, Germany, Hungary, Iceland, Israel, Japan, New Zealand, the Nordic Patent Institute, Norway, Paraguay, Peru, Poland, Portugal, Russia, Singapore, South Korea, Spain, Sweden, the United Kingdom, the United States, Uruguay, and the Visegrad Patent Institute.

非洲知识产权组织（OAPI）宣布修订专利立法

非洲知识产权组织（OAPI）官方已宣布对《班吉协定》中关于专利和实用新型（附件 I 和 II）的法规进行修改。修订后的规定将于 2025 年 1 月 1 日生效。

OAPI 是适用于大部分法语非洲国家的地区知识产权体系。OAPI 共有 17 个成员国，包括：贝宁、布基纳法索、喀麦隆、中非共和国、乍得、科摩罗（马约特除外）、刚果、赤道几内亚、加蓬、几内亚、几内亚比绍、科特迪瓦、马里、毛里塔尼亚、尼日尔、塞内加尔和多哥。OAPI 的专利或实用新型申请将自动覆盖所有成员国，且无法指定感兴趣的特定国家。

《班吉协定》的修改仅涉及附件 I 和 II，需特别注意以下几点：

1. 专利和实用新型申请将接受实质审查，根据目前公布的信息推断，实质审查将自动进行，无需主动申请。OAPI 专利审查员一直在喀麦隆和科特迪瓦接受培训。对于 OAPI 的 PCT 区域阶段申请，预计审查员在进行实质审查时将依赖 PCT 国际检索报告和国际初步审查报告（IPRP）。审查指南和额外费用的信息有待公布。
2. 新法生效后，自愿分案申请可最晚在专利或实用新型的授权通知之前提交（根据现行法规，自愿分案申请只能在 PCT 地区阶段 30 个月期限到期之前提交）。
3. 分案申请不仅可在授权前的任何时间提交，也可用于回应实质审查的意见通知。
4. 新法规定了专利和实用新型的异议程序，并将公布申请以供异议。任何利害关系方都可在申请公布后三个月内反对专利或实用新型申请的授权。
5. 关于医药产品的发明：世界贸易组织的《与贸易有关的知识产权协定》（TRIPS）已将最不发达国家（LDCs）的药品排除在专利保护之外，这一规定将延期至 2033 年 1 月 1 日。符合资格的最不发达国家 OAPI 成员国不再需要执行附件 I 中关于药品专利的规定。
6. 专利和实用新型将适用新的官费，但修订后的费用尚未公布。

《班吉协定》附件 I 和 II 的修订内容将仅适用于 2025 年 1 月 1 日或之后提交的专利和实用新型申请。在 2025 年 1 月 1 日之前提交的未决申请仍然适用于现行规定。

Changes to the OAPI System Governing Patents and Utility Models

Authorities in African Intellectual Property Organization (OAPI) have announced changes to OAPI legislation, the Bangui Agreement, relating to Patents and Utility Models (Annexes I and II). These changes will come into effect on 1 January 2025.

OAPI is the regional IP system that applies in much of French-speaking Africa. There are 17 member States of OAPI which include: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros

(except Mayotte), Congo, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Ivory Coast, Mali, Mauritania, Niger, Senegal and Togo. An OAPI patent or utility model application automatically covers all member states and it is not possible to designate the countries of interest.

Changes to the Bangui Agreement relate only to Annexes I and II and significant points to note are:

1. Patent and Utility Model applications will be subject to substantive examination. It appears that this will happen automatically. OAPI Patent Examiners have been undergoing training in Cameroon and Ivory Coast. For OAPI PCT regional phase applications, it is expected that the Examiners will rely on the PCT International Search Report and the International Preliminary Examination Report (IPRP) when conducting substantive examination. The examination guidelines and information on any additional fees haven't revealed yet.
2. It will now be possible to file voluntary divisional applications until notification of grant of a patent or a utility model (under the current law, voluntary divisional applications may only be filed up to expiry of the 30-month PCT regional phase deadline).
3. It will also be possible to file divisional applications at any time before grant as well as in response to a substantive examination Office Action.
4. Patent and Utility Model opposition is now provided for and applications will be published for opposition purposes. Any interested party may oppose the issuance of a patent or a utility model application, within three months of the publication of the application.
5. Pharmaceutical product inventions – The World Trade Organization for TRIPS has extended the exclusion of pharmaceutical products from Patent protection until 1 January 2033 for least developed countries (LDCs). OAPI member states that qualify, as LDCs are no longer required to apply the provisions of Annex I regarding patents relating to a pharmaceutical product.
6. New Official fees for Patents and Utility Models will be applicable, however the amended fees have not yet been published.

The changes to Annexes I and II of the Bangui Agreement will apply only to Patent and Utility Model applications filed on or after 1 January 2025. Currently pending applications filed before 1 January 2025 will be prosecuted according to the current provisions of the Bangui Agreement which applies to Patents and Utility Models.

美国专利商标局撤回新增最终放弃声明要求的提案

美国专利商标局 (USPTO) 已撤回其关于最终放弃声明 (Terminal Disclaimer) 要求的拟议规则。

2024 年 12 月 4 日, 美国专利商标局 (USPTO) 发布通知, 宣布撤回其于 2024 年 5 月 10 日在《联邦公报》上公布的《拟议规则制定通知》中提出的关于最终放弃声明要求的拟议规则。根据现已撤回的规则, 最终放弃声明本将新增一项协议, 即相关专利或相关申请所颁发的专利将“仅在以下情况下具有可执行性, 即该专利未通过一项或多项最终放弃声明与另一专利直接或间接关联, 以避免非法定双重授权的情况, 而这些最终放弃声明是为了解决以下情形而提交的: (1) 根据 35 U.S.C. §102 或 §103 的规定, 权利要求在联邦法院的民事诉讼或美国专利商标局中被最终认定为不可授予专利权或无效, 且所有上诉权利均已用尽; 或 (2) 在根据 35 U.S.C. §102 或 §103 对该权利要求提出任何质疑后, 对该权利要求提出法定放弃声明。”

美国专利商标局表示, 撤回拟议规则是出于资源限制的考虑。

USPTO Withdraws Proposal to Add New Terminal Disclaimer Requirements

The U.S. Patent and Trademark Office (USPTO) has withdrawn its proposed rule regarding terminal disclaimer requirements.

On December 4, 2024, the USPTO issued a notice that it has withdrawn its proposed rule relating to terminal disclaimer requirements set forth in the Notice of Proposed Rulemaking published in the Federal Register on May 10, 2024 (89 Fed. Reg. 40439). Under the now-withdrawn rule, terminal disclaimers would have included an agreement that the subject patent or a patent issuing from the subject application would be "enforceable only if the patent is not tied and has never been tied directly or indirectly to a patent by one or more terminal disclaimers filed to obviate non-statutory double patenting in which: (1) any claim has been finally held unpatentable or invalid under 35 U.S.C. 102 or 103 by a Federal court in a civil action or by the USPTO, and all appeal rights have been exhausted; or (2) a statutory disclaimer of a claim is filed after any challenge based on 35 U.S.C. 102 or 103 to that claim has been made." 89 Fed. Reg. at 40449.

The USPTO professed to withdraw its proposed rule in light of resource constraints. 89 FR 96152.

新加坡将推出新的试点计划，加快商标注册前的诉讼程序

2025年1月2日，新加坡知识产权局（IPOS）将启动商标注册前诉讼程序的快速通道试点。这是一个可选通道，只有在各方都同意的情况下才能进行。如果满足全部要求，各方可以在案件进入快速通道大约9个月后收到判决。

具体而言，快速通道的功能主要如下：

1. 与普通案件相比，快速通道案件规定的截止日期更早。
2. 证据和书面文件提交的期限更短。
3. 在2025年1月2日或之后发起诉讼程序的当事人可以申请快速通道。需注意，必须双方都同意进入快速通道，快速通道方可生效；如若只有一方选择进入，那么诉讼程序将不会加速。
4. 如未能在更短的期限内满足要求，可能会导致程序恢复至普通处理速度，违约方需承担潜在的成本损失。
5. 感兴趣的各方有若干申请快速通道的机会。他们可在发起相关程序的申请表格中主动提出快速通道请求（例如，在提交异议通知或撤销/无效/更正申请时提出）。或者，他们可以在递交诉状后，在填写呈交注册官通知表格时一并提出请求。如果以上时机都已错过，他们还可以在证据提交截止日期发布之前进行的案件管理会议上提出请求。
6. 快速通道中的案件默认进行书面裁决，无口头听证会。然而，双方可在达成一致的情况下在庭前审查或更早的时间内提出口头听证会请求，并向注册官说明理由。在特殊情况下，注册官可无需盘问，直接批准口头聆讯。
7. 在计划试行阶段，最多可为2025年提交的8起案件提供快速通道。2026年，IPOS可能会根据试行效果提高上限。

有关快速通道的更多详细信息，请访问 [IPOS 官方页面](#)。

Singapore will Launch a Pilot Initiative to Expedite the Proceedings before the Registrar of Trade Marks

On 2 January 2025, The Intellectual Property Office of Singapore (IPOS) will launch a pilot for an Expedited Track for proceedings before the Registrar of Trade Marks. It is an optional track that can only be activated with the consent of all parties. Parties can expect a decision around 9 months from the time a case is placed on the Expedited Track, if the requirements are met.

In more detail, a summary of the key features of the Expedited Track is set out below:

1. The Expedited Track imposes shorter deadlines compared to standard cases.

2. There are also shorter limits on the length of evidence and written submissions.
 3. Parties to proceedings filed on or after 2 January 2025 can apply for the Expedited Track. Both parties must agree to proceedings being placed on the Expedited Track; if only one party opts in, the proceedings will not be placed on the Expedited Track.
 4. Failure to meet the shorter deadlines may result in the proceedings reverting to the standard track, with potential cost implications for the defaulting party.
 5. Interested parties have several opportunities to request for the Expedited Track. They may make their request for the Expedited Track in its cover letter to the initiating form for commencing proceedings (e.g., when filing their Notice of Opposition or Application for Revocation/Invalidation/Rectification). If not, they may make their request when they complete and return the Notification to Registrar form after the close of pleadings. Otherwise, they may do so at the case management conference if one is conducted before the evidential deadlines are issued.
 6. By default, the case will be decided on the papers, without an oral hearing. Parties may, however, mutually agree to seek a hearing at the pre-hearing review or earlier, with reasons given to the Registrar. The Registrar may allow an oral hearing in exceptional cases, without cross-examination.
 7. During this pilot phase, the Expedited Track will be offered to a maximum of eight cases filed in 2025. Depending on the take up rate, IPOS may increase this number in 2026.
- For more detailed information on the Expedited Track, please visit the [official IPOS page](#).

欧盟外观设计改革新方案正式发布

2024 年 11 月 18 日，欧盟官方公报公布了新的欧盟外观设计立法方案，其中包括《欧盟外观设计条例》的修正案和《关于外观设计法律保护的欧盟指令》的修正指令。《欧盟外观设计条例》的修正案在欧盟官方公报上公布后的第 20 天（即 2024 年 12 月 8 日）生效。然而，修订内容实际将分为两个阶段开始实施。

阶段 1

部分修订内容将从修正案生效之日起四个月后的第一个月的第一天（即 2025 年 5 月 1 日）起开始实施。

阶段 2

另有部分修订内容，由于尚待二级立法（secondary legislation, 主要指的是实施条例和委派条例）做出进一步细化规定，因此将从《欧盟外观设计条例》修正案生效之日起 18 个月后的第一个月的第一天（即 2026 年 7 月 1 日）起开始实施。

修正指令的生效日期与修正案同步。各欧盟成员国有义务在 36 个月内将修正指令转化为国内法，即前述工作的最迟完成时间应不晚于 2027 年 12 月 9 日。

阶段 1 的主要变更内容

● 术语和结构的变更

1. “共同体外观设计”更名为“欧洲联盟外观设计”（简称欧盟外观或 EUD）
2. “共同体外观设计法院”更名为“欧盟外观设计法院”
3. 《共同体外观设计法》更名为《欧盟外观设计法》（EUDR）
4. 《费用条例》已纳入《欧盟外观设计法》的附录 1
5. 部分法规章节被删除或重新分配，以与《欧盟商标法》的结构相对应

● 实质性变更

1. 定义
2. 排他性权利和限制
3. 申请与审查
4. 权利
5. 费用

欧盟外观设计立法的改革标志着外观设计保护框架的重大现代化进程，使其与当前技术和经济现实相契合。改革增强了法律确定性，降低了复杂性，并扩大了外观设计权的可及性，从而将极大

地惠及全欧洲的创作者和企业。

New EU Design Reform was Officially Published

On 18 November 2024, the new EU design legislation package was published in the Official Journal of the European Union, containing *the Amending Regulation (Regulation (EU) 2024/2822 of the European Parliament and of the Council amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002)* and *the Recast Directive (Directive (EU) 2024/2823 of the European Parliament and of the Council of 23 October 2024 on the legal protection of designs (recast))*.

The Amending Regulation enters into force on the twentieth day following its publication in the Official Journal of the European Union (i.e., 8 December, 2024), but the amendments it contains will start applying in two phases.

Phase 1

Some amendments will apply as from the first day of the month following 4 months after the date of entry into force of the Amending Regulation, which is 1 May, 2025.

Phase 2

Other amendments, including those brought about by the secondary legislation (Implementing and Delegated Regulations) will apply as from the first day of the month following 18 months after the date of entry into force of the Amending Regulation, which is 1 July, 2026.

The Designs Directive will enter into force together with the Amending Regulation. Member States will have 36 months to transpose it into their national laws.

Main areas of change Phase I

Terminology and structural changes

- Community design becomes European Union design (EU design or EUD)
- Community design court becomes EU design court
- The Community Design Regulation becomes The European Union Design Regulation (EUDR)
- The Fees Regulation is incorporated as Annex 1 of the EUDR
- The elimination or redistribution of articles across the Regulation to align with the structure of EU Trade Mark Regulation

Substantive changes

- Definitions
- Exclusive rights and limitations
- Filing and examination
- Entitlement
- Fees

The EU design legislative reform represents a significant modernization of the design protection framework, aligning it with current technologies and economic realities. It enhances legal certainty, reduces complexity, and expands the accessibility of design rights, which will greatly benefit creators and businesses across Europe.

关于欧盟外观设计改革第一阶段的主要变化

● 术语变更

- 修订条例的术语根据《里斯本条约》的措辞进行了调整，所有提及共同体的内容都被替改为“欧洲联盟”相关内容，在某些情况下被替改为“联盟”。
- 《共同体外观设计法》将更名为《欧洲联盟外观设计法》(EUDR)。
- “注册共同体外观设计”和“未注册共同体外观设计”将成为“注册欧盟外观设计”(REUD)和“未注册欧盟外观设计”(UEUD)。
- 现有的“共同体外观设计申请”和“共同体外观设计”将自动变更为“欧洲联盟外观设计申请”和“欧洲联盟外观设计”(“欧盟外观设计”)。
- “共同体外观设计法院”将更名为“欧盟外观设计法院”。
- 主管局名称(“欧洲联盟知识产权局”)早已在商标法改革时实施更改，目前在修订条例中也将得以同步更改。

● 结构变化(修订条例第2条及其他结构变更)

原《费用条例》已被废止，欧盟外观设计的官费费率、结构和缴纳等相关规则被作为附录1纳入新修订后的条例。这意味着，今后如果要对官费做任何变动，都需要遵循常规的欧盟立法程序方可实现。

其他结构性变化包括对条例中部分条款的删减，以及对条例和未来二级立法中条款的重新分配，主要达成与欧盟商标法规结构一致的目的。

● 实质性变更

1. 定义

◇ 外观设计定义（《欧洲联盟外观设计法》修订条例第 3 条第（1）款）

“设计”的定义被拓宽，涵盖至动画范围。动画应被理解为设计特征的一种渐进性变化，无论这种变化是否保持着原有特征的同源性。同时，动画是一个广义术语，既包括运动，也包括过渡。

◇ 产品定义（《欧洲联盟外观设计法》修订条例第 3 条第（2）款）

“产品”的定义被修订后，明确包括非实体物件。修订条例阐明了产品可以是计算机程序以外的任何工业或手工艺品，无论其呈现方式是物理实体还是非物理实体。

此外，对构成产品的要素清单进行了重新排列和扩展。产品的法定定义现在明确涵盖了物品组合、旨在构成室内或室外环境的物品空间布局、旨在组装成复杂产品的部件，以及图形作品或符号、标识、表面图案和图形用户界面。

2. 排他性权利和限制

◇ 3D 打印（《欧洲联盟外观设计法》修订条例第 19 条第（2）款（d）项）

设计权所授予的专有权利范围已调整，涵盖至 3D 打印。如今，任何创作、下载、复制、共享或向他人分发记录有设计的任何媒介或软件的行为，均被视为对该设计权的侵权使用。

◇ 新的限制（《欧洲联盟外观设计法》修订条例第 20 条）

修订条例引入了两种对专有权利的新限制。

a) 识别与引用：为实现产品的互操作性，允许为识别或引用某产品是设计权人所有而进行的行为。

b) 评论、批评或讽刺：为保障言论自由权，允许进行评论、批评或讽刺的行为。

◇ 维修条款（《欧洲联盟外观设计法》修订条例第 20a 条）

过渡性的“维修条款”已成为一项永久条款，并明确了针对用于修理复杂产品（如汽车）零配件的设计保护的例外情况。该条款明确指出，对于构成复杂产品组成部分的设计，如果其目的是为了维修该复杂产品以恢复其原始外观，则该设计不受保护。此例外情况仅适用于维修目的，且替换零件的外观必须与原件相匹配。

本条款针对维修零部件（如保险杠）内部市场的混乱现象，旨在解决以往在零部件设计保护方面的法律分布零散的问题，建立更为协调统一的规则。

该新条款也被纳入修订指令第 19 条中，并设定了八年的过渡期。

◇ 引入设计标识（《欧洲联盟外观设计法》修订条例第 26a 条）

根据修订条例引入的最新修订内容，已实施了一项设计标识制度。该制度允许设计持有人或经其同意的第三方在其产品上展示设计标识，以提高公众对外观设计注册制度的认识。设计标识将由一个圆圈内的字母“D”组成（ $\text{\textcircled{D}}$ ），用以表明该产品受外观设计注册保护。此举旨在促进注册设计的市场推广，并增强设计保护的可见性。

3. 申请与审查

最近的立法改革对设计的申请和审查流程进行了几项重大调整，以提高用户的效率，增强便利性。以下是主要变化的摘要：

◇ 集中申请（《欧洲联盟外观设计法》修订条例第 35 条第（1）款）

如今，欧盟外观设计申请不能再通过各成员的国家局提交，所有申请都必须直接提交给欧盟知识产权局，以简化流程，降低复杂性。

◇ 获得申请日的要求（《欧洲联盟外观设计法》修订条例第 35 条第（4）款和第 38 条）

支付申请费已成为确定申请日的必要条件。申请人必须确保在提交申请后一个月内支付费用，该流程与欧盟商标流程一致。

◇ 样本

已取消提交实体样本的要求。

◇ 一份申请中可包含多件外观设计（《欧洲联盟外观设计法》修订条例第 37 条）

已取消“类别一致”的要求，将允许在单一申请中包含更多样化的设计。同时，为便于管理，引入了每件申请最多包含 50 项设计的限制。对费用结构也加以简化。

◇ 公告延期（《欧洲联盟外观设计法》修订条例第 50 条第 5 款）

公告延期不再取决于公告费的支付时间。换言之，外观设计权利人不能再因为未缴费阻止公告，而是必须明确放弃他们不想公告的设计。公告延期费必须在申请提交时支付，否则会导致申请被拒。

◇ 维持费缴纳期限的新计算方式（《欧洲联盟外观设计法》修订条例第 50d 条）

欧盟外观设计维持费缴纳期限的计算方式与欧盟商标续展期限的计算方式一致，即：欧盟外观设计维持费缴纳的截止日期为注册到期日（而不是保护期限结束当月的最后一天），可缴纳维持费的区间为截止日期前六个月；相应地，宽限期将从注册到期日的次日起算，并在六个月后结束。

新的维持费费用结构鼓励维持活跃且与市场相关的外观设计，确保注册簿与时代接轨。这一做法使设计保护的生态系统更为健康，同时简化了知识产权管理。此外，设计的维持流程与欧盟商标法规保持一致，为企业提供了便利，还可能节约成本。重要的是，欧盟知识产权局将以用户提交维持请求的日期为基准日期来计算维持费用。对于在新法适用日期前收到的维持请求，适用旧的费用

标准；对于在新法适用日期后收到的请求，则适用新的费用标准。

4. 权利（《欧洲联盟外观设计法》修订条例第 15 条和第 16 条）

关于所有权的变更，明确了处理相关事务的机构，并明确指出权利人可以通过相关程序提出所有权变更请求。

这些修改确保合法权利人可直接请求更改所有权，而不必先无效其设计。

5. 费用（《欧洲联盟外观设计法》修订条例附录 1）

新的法律体系将注册费和公告费统一为申请费，对于包含多项设计的申请，则对每项额外的外观设计收取固定附加费。

修订条例将产生新的维持费，费项为提起继续处理程序的请求费和已注册欧盟外观设计的修改费。

另外，在新的费用结构中，对于包含多项设计的申请，单项附加费在一定程度上有所减少，无效宣告费和申诉费也有所减少。

此外，还免除了以下费用：逾期缴纳注册费或逾期缴纳公告延期费的滞纳金；记录和登记转让的费用；注销许可或其他权利的费用；文件检查费；文件信息沟通费；以及官方文件副本请求费。

以下是部分费用的主要变更：

申请	旧法	新法	
注册费	230 欧元	申请费	350 欧元
公布费	120 欧元		
包含多项设计的申请	旧法	新法	
注册费			
第 2 至第 10 项设计	115 欧元	包含多项设计的申请中，附加申请费（从第 2 项开始，每项）	125 欧元
第 11 项设计开始	50 欧元		
公告费			

包含多项设计的申请	旧法	新法	
第 2 至第 10 项设计	60 欧元	取消	
第 11 项设计开始	30 欧元		
公告延期附加费			
第 2 至第 10 项设计	20 欧元	公告延期附加费（从第二项设计开始，每项）	20 欧元
第 11 项设计开始	10 欧元		
公告延期费	40 欧元	公告延期费	40 欧元

每项外观设计的维持费，无论是否在包含多项设计的申请中	当前费用	提议的新费用	
第一次维持费	90 欧元	150 欧元	
第二次维持费	120 欧元	250 欧元	
第三次维持费	150 欧元	400 欧元	
第四次维持费	180 欧元	700 欧元	
逾期缴纳维持费或逾期提交维持申请的滞纳金	应缴维持费的 25%	逾期缴纳维持费的滞纳金	应缴维持费的 25%

Main Changes of Phase I Regarding New EU Design Reform

● **Change of Terminology**

- The terminology of the Amending Regulation is adapted to the wording of the Lisbon Treaty, with all references to the Community being substituted by references to the European Union or, in some instances, the Union.
- The Community Design Regulation will become the European Union Design Regulation ('EUDR').
- The Registered Community Design and Unregistered Community Design will become the Registered EU Design (REUD) and the Unregistered EU Design (UEUD).
- Existing Community design applications and Community designs will automatically become European Union design applications and European Union designs ('EU designs').
- The Community Design Court will become the EU Design Court.
- The change of name of the Office (to 'European Union Intellectual Property Office') had already been implemented as a result of the trade mark legal reform. It is now implemented into the Amending Regulation as well.

● **Structural changes (Article 2 of the Amending Regulation and other structural changes)**

The Fees Regulation is repealed and the rules applicable to the level, structure and payment of fees are now incorporated into the Amending Regulation as Annex I. This implies that any future changes in the amounts will have to follow the ordinary legislative procedure.

Other structural changes, involving either the elimination or redistribution of articles across the Regulation and the future secondary legislation, were primarily done to align with the structure of EU Trade Mark Regulations.

● **Substantive changes**

1. Definitions

✧ **Design Definition (Article 3(1) EUDR, as modified by the Amending Regulation)**

The definition of 'design' has been broadened to encompass animation. Animation is to be understood as a progressive change of the design feature(s), with or without retaining their identity. Animation is a broad term and includes both movement and transition.

✧ **Product Definition (Article 3(2) EUDR, as modified by the Amending Regulation)**

The definition of ‘product’ has been revised to explicitly include non-physical items. It clarifies that a product can be any industrial or handicraft item other than computer programs regardless of whether it is embodied in a physical object or materializes in a non-physical form.

Additionally, the list illustrating what constitutes a product is re-arranged and broadened. The statutory definition now expressly encompasses sets of articles, spatial arrangements of items intended to form an interior or exterior environment, and parts intended to be assembled into a complex product, as well as graphic works or symbols, logos, surface patterns and graphical user interfaces.

2. Exclusive rights and limitations

✧ **3D printing (Article 19(2)(d) EUDR, as modified by the Amending Regulation)**

The scope of the exclusive rights conferred by a design has been adjusted to extend to 3D printing. Now also creating, downloading, copying and sharing or distributing to others any medium or software which records the design represent infringing uses of a design.

✧ **New limitations (Article 20 EUDR, as modified by the Amending Regulation)**

Two new limitations to the exclusive rights are introduced.

Identification and Referencing: acts carried out to identify or refer to a product as that of the design right holder are permitted. This aims to enable product interoperability.

Comment, critique or parody: actions for commenting, critiquing or making parody are permitted to safeguard the right to freedom of speech.

✧ **Repair clause (Article 20a EUDR, as introduced by the Amending Regulation)**

The transitional ‘repair clause’ becomes a permanent provision and clarifies the exception to design protection for spare parts used in the repair of complex products (e.g. cars). This clause clarifies that there is no protection for a design which constitutes a component part of a complex product for the purpose of the repair of that complex product so as to restore its original appearance. This exception applies exclusively to repair purposes and the replacement part must match the appearance of the original piece.

This clause addresses disruptions in the internal market for repair spare parts, such as bumpers. It counters the previous legal fragmentation in design protection for spare parts, creating a more harmonized approach.

The new clause has been included in Article 19 Recast Directive, with a transitional period of eight

years.

✧ **Introduction of Design Notice (Article 26a EUDR, as introduced by the Amending Regulation)**

As part of the recent amendments introduced by the Amending Regulation, a design notice system has been implemented. This system allows design holders, or third parties with their consent, to display a design notice on their products to raise awareness about the design registration regime. The design notice will consist of a letter 'D' enclosed within a circle (D), which can be used to indicate that the product is protected by design registration. This measure is intended to facilitate the marketing of registered designs and enhance the visibility of design protection.

3. Filing and Examination

The recent reform introduces several significant changes to the filing and examination process to improve efficiency and accessibility for users. Below is a summary of the primary changes:

✧ **Centralized Filing (Article 35(1) EUDR, as modified by the Amending Regulation)**

EU design applications can no longer be filed through national offices. All applications must now be submitted directly to the EUIPO, streamlining the process and reducing complexity.

✧ **Filing Date Requirements (Articles 35(4) and 38 EUDR, as modified by the Amending Regulation)**

The payment of the application fee has become a requirement for establishing a filing date. Applicants must ensure that the fees are paid within one month of filing, aligning the process with that of EU trade marks.

✧ **Specimens**

The submission of physical specimens has been abolished.

✧ **Multiple design applications (Article 37 EUDR, as modified by the Amending Regulation)**

The “unity of class” requirement has been removed which shall allow a wider variety of designs in a single application. At the same time, a limit of 50 designs per application is introduced to keep it manageable. The fee structure is also simplified.

✧ **Deferred Publication (Article 50(5) EUDR, as modified by the Amending Regulation)**

Deferred publication is no longer subject to the payment of a publication fee. Accordingly, design holders can no longer prevent publication by non-payment but must explicitly surrender the designs that they do not want to be published. The lack of payment of the deferment fee at the moment of filing leads to the

rejection of the application.

✧ **Renewal (Article 50d EUDR, as introduced by the Amending Regulation)**

The calculation of the basic period for renewal for EU designs is aligned with that of EU trade marks. The basic renewal period will now be the six-month period ending on the date of expiry of the registration (and not on the last day of the month on which protection ends).

The updated renewal fee structure encourages the maintenance of only active, market-relevant designs, ensuring the Register remains current. This approach promotes a healthier design ecosystem and simplifies IP management. Additionally, aligning the renewal process with EU trademark regulations offers convenience and potential cost savings for businesses. Importantly, the EUIPO will be using the date of receipt of the user's request for renewal as the pivot date for calculating the renewal fees. For requests received prior to the applicability date, the old fees apply. For request received after the applicability date, the new fees apply.

4. Entitlement (Articles 15 and 16 EUDR, as modified by the Amending Regulation)

The changes regarding ownership provide clarifications on the appropriate authority to handle these matters and clarifies that a request for a change of ownership through entitlement proceedings can be filed by the person who is entitled.

These changes ensure that rightful holders can directly request a change of ownership rather than having first to invalidate the design.

5. Fees (Annex I to the Amending Regulation)

The new regulatory scheme envisages the unification of the registration and publication fees into one single application fee and for multiple applications, a flat fee per additional design is introduced.

The amendments will lead to new renewal fees, introduce a new fee for continuation of proceedings and the alteration of a registered EU design.

On the other hand, the new fee structure includes a reduced single fee for each additional design in a multiple application (to some extent) and a reduction in the fees for application for a declaration of invalidity and appeal.

Furthermore, the following fees are eliminated: late payment of the registration or of deferment of publication fees; fees for recording and registering a transfer; cancellation of the registration of a license or

other right; the inspection of files; communication of information in a file; and fees for the issuance of certified and uncertified copies.

Here are some of the main changes to the fees:

Application	Old fee	New fee	
Registration	€230	Application	€350
Publication	€120		
Multiple applications	Old fee	New fee	
Registration			
2nd to 10th design	€115	Additional application fee in respect of each additional design included in a multiple application	€125
11th design onwards	€50		
Publication			
2nd to 10th design	€60	Deleted	
11th design onwards	€30		
Additional fee for deferment of publication			
2nd to 10th design	€20	Additional fee for deferment of publication	€20
11th design onwards	€10		
Fee for deferment of publication	€40	Fee for deferment of publication	€40

Renewals fee per design, included or not in a multiple registration	Current fee	Proposed new fee	
First renewal	€90	€150	
Second renewal	€120	€250	
Thirds renewal	€150	€400	
Fourth renewal	€180	€700	
Fee for the late payment of the renewal fee or the late submission of the request for renewal	25% of the renewal fees	Fee for the late payment of the renewal fee	25% of the renewal fees

台湾设计专利加速审查试行方案延期两年

为增加设计专利申请审查方式的多元性和灵活性，台湾经济部智慧财产局制订了“设计专利加速审查试行方案”。原方案试行期间为 2023 年 9 月 1 日至 2024 年 12 月 31 日。经评估，台湾当局决定继续试行该方案至 2026 年 12 月 31 日，是否持续实施或修改该方案将据试行情形再评估。

● 方案内容

(一)申请时点

设计专利审查加速申请应在接收初审即将进行实质审查的通知后、第一次审查意见通知接收前提出。

(二)申请方式

申请人应通过电子方式提交申请，并附相关证明文件；**方案试行期间，申请费免除。**

(三)申请事由

事由 1：第三方实施商业活动

申请人依事由 1 申请加速审查者，应附第三方为实施商业活动的相关证明文件（例如产品类型清单、报纸杂志等），并应说明该第三方的信息、活动内容及其起始时间。

事由 2：所申请设计获得国内外著名设计奖项

申请人依事由 2 申请加速审查者，应附与申请人名称相符的奖状，以及所对应获奖设计外观的证明文件。本事由受理的设计奖项如下：

(1)台湾金点设计奖

(2)德国 iF 奖（iF Design Award）

(3)德国红点设计奖（Red Dot Design Award）

(4)日本优良设计奖（Good Design Award）

(5)美国杰出工业设计奖（International Design Excellence Awards, IDEA）

事由 3：初创企业

申请人依事由 3 申请加速审查者，每个初创公司一年内最多提交三件加速申请。

本方案所适用的初创公司，为依据台湾公司法或境外法律组织登记设立未满八年的公司；公司设立年限的计算，自该公司设立之日起，至该设计专利申请日止；前述时间的计算，如有主张优先权，以最早的优先权日为准。

申请人若为境外公司，应附境外公司设立日期的证明文件，并提供中译本；若该证明文件不是原件，应提供宣誓书。

TIPO Announced a Two-Year Extension for the Pilot Program of Accelerated Examination of Design Patent

In order to increase the diversity and flexibility of the examination of design patent applications, the Intellectual Property Office of the Ministry of Economic Affairs of Taiwan, China (TIPO) has formulated the “Pilot Program of Accelerated Design Patent Examination”. The trial period of the original plan was from September 1, 2023 to December 31, 2024. After evaluation, the Taiwan authorities have decided to continue to pilot the program until December 31, 2026, and will re-evaluate whether to continue to implement or modify the program according to the trial situation.

- Specifics

- (1) The timeline of application

- The submission should be made between the notification for substantive examination and prior to receiving the first office action.

- (2) Application method

- The pilot program is applicable only to electronic applications with relevant supporting documents.

During the trial period of the program, the application fee will be waived.

- (3) Eligibility for application and required supporting documents

- Cause 1: Third-party commercial exploitation**

- If the applicant applies for accelerated examination according to Cause 1, it shall attach relevant supporting documents (such as photographs, product catalogs, and public press or magazine features of the claimed design already in production). Applicants should also provide details regarding the third party's information, implementation behavior, and the starting period.

- Cause 2: Receipt of prestigious international or national design awards.**

- If the applicant applies for accelerated examination according to Cause 2, award certificates matching the applicant's name and documents validating the appearance of the corresponding award-winning design shall be attached. Screenshots from the official website of the organizing body may also be provided, featuring information about the awardee, the award-winning design, and hyperlinks. Above-mentioned awards include:

- (1) Golden Pin Design Award (Taiwan)

- (2) iF Design Award (Germany)

- (3) Red Dot Design Award (Germany)
- (4) Good Design Award (Japan)
- (5) International Design Excellence Awards, IDEA (U.S.)

Cause 3: Applications from startups

If the applicant applies for accelerated examination according to Cause 3, each startup is entitled to a maximum of 3 applications per year.

The startup companies to which this program applies are those registered under domestic or international laws that have been established for less than 8 years. The calculation of the period of establishment of the company shall be less than eight years from the date of establishment of the company to the date of application for the design patent. For applicants claiming priority rights, the duration of the company's establishment is calculated to the earliest priority date.

For foreign companies, documents certifying the date of establishment, along with a Chinese translation should be submitted. If the documents are not originals, an affidavit should be provided.

加拿大专利期限可以额外延长？来看看具体条件

2024 年 12 月 18 日，《加拿大公报》第二部分公布了《专利规则》修正案，其主要目的在于阐明加拿大将如何实施和管理额外延长专利期限的立法框架。修正规则将于 **2025 年 1 月 1 日生效**。

作为额外延长专利期限的最后一步，对《专利规则》的修订内容包括：

- 额外期限的确定过程
- 额外期限中需排除天数的计算方法
- 额外期限流程的重审协议
- 与额外期限相关操作的新费用类型

申请额外期限的资格/要求

虽然《专利规则》修正案将于 2025 年 1 月 1 日生效，但请注意，在 **2025 年 12 月 2 日之前**，**任何专利都不符合延长期限的条件**。在此之前收到的任何额外期限申请都将被驳回，并且可能无法获得退款。

专利获得额外期限申请资格的条件如下：

1. 专利颁发的时间必须晚于（以最晚者为准）
 - 申请日起的第五个周年纪念日，申请日包括以下情形：
 - ◆ PCT 进入加拿大国家阶段日
 - ◆ 分案申请递交日
 - ◆ 任何其他申请的提交日期
 - 请求实审日起的第三个周年纪念日
2. 必须是基于申请日在 2020 年 12 月 1 日及之后的加拿大专利申请；
3. 专利权所有人必须提出额外延长期限申请并在专利授权后的三个月内缴费成功。

除此以外，为成功获取额外期限的批准，专利专员确定的额外期限的持续时间必须为正数。

额外期限时长=【符合上述资质描述日期中的最晚日期到专利颁发日的天数】-【规定排除天数】

注：规定排除天数是指依照《专利规则》第 117.03（1）条描述的情形进行排除的天数总和，包括为额外期限指定的日期。需要排除的日期可能出现多种时间段，时间段之间可能存在重合。因此，在确定额外期限时长时，同一个日期不能被重复排除。关于排除日期得到更多信息将公布于 2025 年秋季更新的《专利局实务手册》（MOPOP）中。

Patent Additional Term in Canada

On December 18, 2024, amendments to the *Patent Rules* were published in the Canada Gazette, Part II.

The main goal of these amendments is to set out how the legislative framework for an additional term will be operationalized and administered in Canada. These amendments will come into force on **January 1, 2025**.

As a final step towards the implementation of patent additional term, the amendments to the *Patent Rule* include:

- a determination process for additional term
- a method to calculate the number of days to be subtracted from the duration of additional term
- a protocol for the reconsideration of the additional term process
- new fee types for actions related to additional term

Eligibility requirements for additional term

While the amendments to the *Patent Rules* come into force January 1, 2025, please note that no patents will be eligible for additional term until **December 2, 2025**. Any applications for additional term received before that time will be dismissed, and may not be eligible for refund.

In order to be eligible for additional term:

- The patent must have been issued after the later of:
 - The fifth anniversary of an applicable day, which is:
 - ◆ The national entry date for Patent Cooperation Treaty (PCT) applications
 - ◆ The presentation date for divisional applications
 - ◆ The filing date for any other application
 - The third anniversary of the date of the request for examination
- The patent must be based on a Canadian patent application with a filing date on or after December 1, 2020
- The patentee must apply for additional term and pay a fee within 3 months after the issue date of the patent

Additionally, in order to be granted additional term, the Commissioner must have determined the duration of additional term to be a positive number of days.

Additional term duration= The number of days from the [later of the dates specified in the Eligibility requirements above] to the [issue date of the patent] minus the [number of subtracted days]

Note:

Subtracted days are the number of days determined under the regulations. This is the sum of all the

days in the periods of time defined in the *Patent Rule* under subsection 117.03(1), and include designated days for the purpose of additional term.

There may be multiple applicable periods of time including days to be subtracted and the days in one period may overlap with those in another. In the determination of additional term, a calendar day may be subtracted only once. More information on subtracted days will be provided in a Manual of Patent Office Practice (MOPOP) update in the fall of 2025.

国际合作 International Cooperation

乌兹别克斯坦加入海牙体系

乌兹别克斯坦共和国政府于 2024 年 10 月 10 日交存了《海牙协定》1999 年日内瓦文本的加入书。乌兹别克斯坦是 1999 年文本的第 75 个缔约方，是海牙联盟的第 81 个成员。在地理范围上，世界知识产权组织（WIPO）国际外观设计体系由此扩大到 98 个国家。

乌兹别克斯坦的加入对中亚而言是一个重要里程碑，增强了乌兹别克斯坦在国际贸易和知识产权保护方面的地位。成为海牙体系的成员后，乌兹别克斯坦的公民和企业在国际上获取工业品外观设计保护的流程得以简化，该国能够进一步融入全球经济，且区域经济增长得到促进。

1999 年文本法案将于 2025 年 1 月 10 日在乌兹别克斯坦生效。这意味着，自那以后：

- 国际外观设计申请可指定乌兹别克斯坦，从而促进业务扩展到中亚。
- 乌兹别克斯坦的设计者和企业只需提交一份国际申请，即可在 1999 年文本的 75 个缔约方中的任何一方中寻求对其外观设计的保护。

海牙体系缔约方的完整列表，请参阅以下链接：<https://en.wipo.com/Resources/116>

Uzbekistan Joins the Hague System

Uzbekistan has joined the Hague System, expanding the geographical coverage of WIPO's international design system to 98 countries. This accession marks a significant milestone for Central Asia, enhancing Uzbekistan's position in international trade and intellectual property protection. By becoming a member of the Hague System, Uzbekistan offers its citizens and businesses access to a streamlined process for securing industrial design protection internationally, further integrating the country into the global economy and fostering regional economic growth.

The Government of the Republic of Uzbekistan deposited its instrument of accession to the 1999 Geneva Act of the Hague Agreement on October 10, 2024. Uzbekistan is the 75th Contracting Party to the 1999 Act and the 81st member of the Hague Union.

The 1999 Act will enter into force in Uzbekistan on January 10, 2025. That means:

- It will be possible to designate Uzbekistan in an international design application, facilitating expansion of your business into Central Asia.
- Designers and businesses in Uzbekistan will be able to seek protection of their designs in any of the 75 Contracting Parties to the 1999 Act, by filing just one international application.

For the full list of Hague System contracting parties, please refer to the following link:

<https://en.wipo.int/patents/ia/ia-116>

多国调整马德里单独规费，含美国、冰岛、希腊、赞比亚

近日，世界知识产权组织公布多项通知，公告马德里指定特定国家的单独规费有所调整。详情如下：

● 美国

自 2025 年 2 月 18 日起，马德里指定美国的，应付单独规费如下：

费项		金额（瑞士法郎）	
		至 2025 年 2 月 17 日	2025 年 2 月 18 日起
新申请或后续指定	每类商品或服务	460	530
续展	每类商品或服务	276	287

● 冰岛

自 2025 年 2 月 16 日起，马德里指定冰岛的，应付单独规费如下：

费项		金额（瑞士法郎）		
		至 2025 年 2 月 15 日	2025 年 2 月 16 日起	
新申请或后续指定 或续展	第一类商品或服务	247	257	
	每增加一类	53	56	
	若为集体商标			
	第一类商品或服务	247	257	
	每增加一类	53	56	

● 希腊

自 2024 年 12 月 28 日起，马德里指定希腊的，应付单独规费如下：

费项		金额（瑞士法郎）		
		至 2024 年 12 月 27 日	2024 年 12 月 28 日起	
新申请或后续指定	第一类商品或服务	127	112	
	每增加一类	21	19	
	若为集体商标或证明商标			
	第一类商品或服务	634	562	
	每增加一类	106	94	
续展	第一类商品或服务	116	103	
	每增加一类	21	19	
	若为集体商标或证明商标			
	第一类商品或服务	581	515	
	每增加一类	106	94	

● 赞比亚

自 2024 年 12 月 21 日起，马德里指定赞比亚的，应付单独规费如下：

费项		金额（瑞士法郎）	
		至 2024 年 12 月 20 日	2024 年 12 月 21 日起
新申请或后续指定	第一类商品或服务	57	49
	每增加一类	45	39
续展	第一类商品或服务	189	162
	每增加一类	152	130

Change in the Amounts of the Individual Fee under Madrid Protocol, Concerning U.S., Iceland, Greece, and Zambia

Recently, the World Intellectual Property Organization (WIPO) has published a number of notifications announcing adjustments to the individual fees for the designation of certain countries under Madrid Protocol.

Details are as follows:

- **United States**

As of February 18, 2025, the amounts of the individual fee payable in respect of the United States will be the following:

Items		Amounts (CHF)	
		Until February 17, 2025	As from February 18, 2025
Application or Subsequent Designation	- for each class of goods or services	460	530
Renewal	- for each class of goods or services	276	287

- **Iceland**

As of February 16, 2025, the amounts of the individual fee payable in respect of Iceland will be the following:

Items		Amounts (CHF)	
		Until February 15, 2025	As from February 16, 2025
Application or Subsequent Designation or Renewal	- for one class of goods or services	247	257
	- for each additional class	53	56
	<i>Where the mark is a collective mark</i>		
	- for one class of goods or services	247	257
	- for each additional class	53	56

- **Greece**

As of December 28, 2024, the amounts of the individual fee payable in respect of Greece will be the following:

Fees		Amount (CHF)	
		Until December 27, 2024	From December 28, 2024
Application or Subsequent Designation	- for one class of goods or services	127	112
	- for each additional class	21	19
	<i>Where the mark is a collective or certification mark</i>		
	- for one class of goods or services	634	562
	- for each additional class	106	94
Renewal	- for one class of goods or services	116	103
	- for each additional class	21	19
	<i>Where the mark is a collective or certification mark</i>		
	- for one class of goods or services	581	515
	- for each additional class	106	94

- **Zambia**

As of December 21, 2024, the amounts of the individual fee payable in respect of Zambia will be the following:

Fees		Amount (CHF)	
		Until December 20, 2024	From December 21, 2024
Application or Subsequent Designation	- for one class of goods or services	57	49
	- for each additional class	45	39
Renewal	- for one class of goods or services	189	162
	- for each additional class	152	130

哥斯达黎加与欧专局签署历史性生效协议

2024年12月13日，哥斯达黎加与欧洲专利局（欧专局）签署了一项生效协议，此举意义重大。根据该协议，在哥斯达黎加生效的欧洲专利将具有与国家专利相同的效力，受制条件也相同。

协议一旦生效，欧洲专利申请人进入哥斯达黎加市场的过程将大大简化，从而促进贸易发展、技术转让和外国直接投资。

继摩洛哥、摩尔多瓦、突尼斯、柬埔寨、格鲁吉亚和老挝之后，哥斯达黎加是第七个与欧专局签署生效协议的国家，同时也是第一个与欧专局建立此种联系的美洲国家。

Costa Rica Signs Historic Validation Agreement with EPO

On 13th December 2024, a pivotal validation agreement was signed between Costa Rica and EPO. Under the validation agreement, European patents validated in Costa Rica will have the same effect and be subject to the same conditions as national patents.

Once in force, the agreement will streamline access to the Costa Rican market for European patent applicants, thereby encouraging trade, technology transfer and foreign direct investment.

Costa Rica is the seventh country to sign a validation agreement with the EPO, following Morocco, Moldova, Tunisia, Cambodia, Georgia and Laos. It is also the first country in Americas that establishes such connection with EPO.

其他 Others

欧专局发布研究显示：电网技术发明激增

欧洲专利局（EPO）和国际能源署（IEA）发布的一项新研究描绘了电网技术快速增长的态势，而此类技术对脱碳和能源转型至关重要。

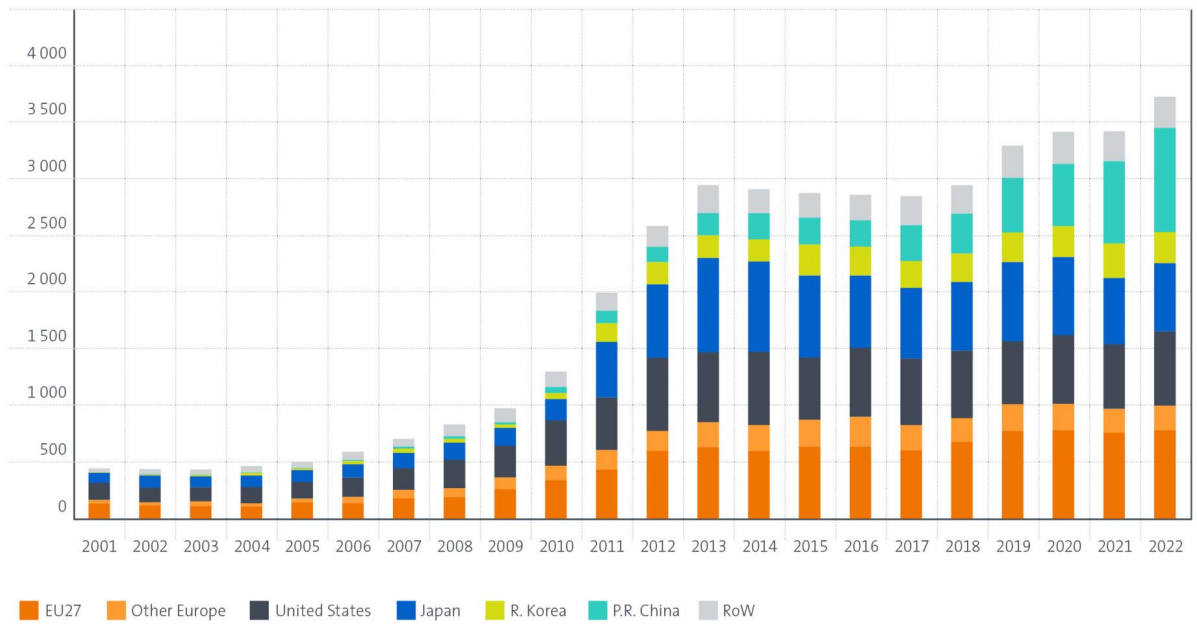
该项“增强电网的专利”研究显示，2009年至2013年左右，电网专利申请活动异常激增，此后一直保持在较高水平。在此期间，国际专利族（IPF）数量的年增长率为30%，远高于低碳能源技术12%的年增长率和所有技术总体4%的年增长率。在报告考察的整个时间段内（2001-2022年），与实体电网和智能电网基础设施相关的国际专利族数量增加了8倍，而所有技术整体的国际专利族数量仅仅勉强翻倍。

自2018年以来，人工智能相关电网技术增长了六倍

实体电网电力基础设施的专利申请仍然强劲，但过去十年的大部分增长来自智能电网技术，这些技术目前在国际专利族中的占比已超过实体电网和存储技术的总和。十多年前，智能电表和电动汽车（EV）充电基础设施的政策驱动型市场和标准的出现，推动了智能电网技术的创新，造就了如今更为灵活和具备双向性的电网技术。最显著的趋势是人工智能相关解决方案的增长——自2018年以来增长了六倍，这些解决方案的应用领域包括故障检测、需求预测（以便优化供应管理）等。

欧洲、日本和美国提交的国际专利族数量最多，中国紧随其后

在研究考察的大部分时期，来自欧洲、日本和美国的公司、大学和研究机构在电网技术的国际专利族数量方面一直处于领先地位。自2019年以来，中国的专利申请量大幅增加，到2022年，该数据与欧洲持平，其中主要的增长力量集中于智能电网和存储相关技术。



主要地区的专利申请趋势 (2001-2022 年;按首次申请年份统计的国际专利族数量)

初创企业和公共研究机构的作用

在电网技术国际专利族排行榜上，西门子（德国）、ABB（瑞士）和通用电气（美国）位居前列。前十名中还有五家日本公司，它们主要因在智能电网技术方面的领先地位而入选，其中包括丰田公司。丰田、本田和福特汽车公司共同展示了主要汽车公司在电动汽车充电基础设施建设方面的前沿地位。在中国，许多申请来自国家的公共研究机构以及华为等主要行业参与者。电网技术领域的初创企业大多位于欧洲和美国，主要贡献于硬件技术（电网基础设施和计量设备）。在本研究样本组的 1085 家初创企业中，已提交专利申请的超过三分之一（37%），相比之下，欧洲有专利申请的初创企业基线比例仅为 6%。

电网创新何以成为能源转型的核心？

在过去十年中，电能需求的增长速度是全球能源需求总体增长速度的两倍，这愈发凸显了建立电网的紧迫性，以便将通常位于偏远地区的可再生能源与城市和工厂等能源消耗地连接起来。除了这些挑战外，还需要升级现有的电网基础设施。例如，到 2030 年，需要替换的老旧输电线路超过 170 万公里，这一长度足以绕地球 42 圈以上。

研究背景

自 2020 年以来，这是欧洲专利局与国际能源署联合开展的第四次研究，旨在探讨气候变化推动下的全球能源转型的各个方面。本次特别研究还得到了 13 个国家专利局专家的贡献，由欧洲专利局

的专利与技术观察站进行协调。参与贡献的专利局包括：奥地利、波斯尼亚和黑塞哥维那、捷克共和国、芬兰、意大利、立陶宛、拉脱维亚、摩纳哥、荷兰、西班牙、瑞典、土耳其和英国。

每个国际专利族涵盖一项在多个专利局提交并公布专利申请的高价值发明。国际专利族是创新的一个可靠指标，因为它们代表了发明人认为其价值足以寻求国际保护的发明。

EPO Reveals the Surge in Inventions for Electricity Grids

A new study published by the European Patent Office (EPO) and International Energy Agency (IEA) charts the rapid growth of power grid technologies essential for decarbonization and energy transition.

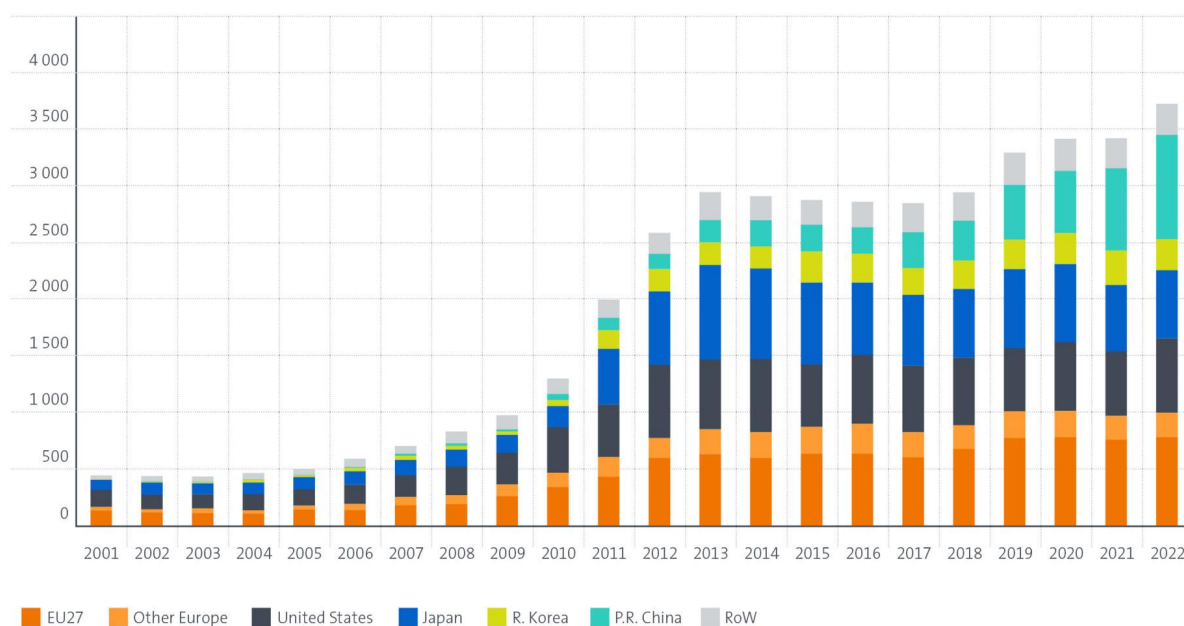
The study –*Patents for enhanced electricity grids*– shows an extraordinary surge in patenting activity around 2009-2013 which has been maintained at a high level ever since. International patent families (IPFs) grew by 30% each year over that period, way ahead of the 12% annual growth for low-carbon energy technologies and 4% annual growth for all technologies overall. Over the whole period examined by the report (2001-2022), the number of IPFs relating to physical and smart grid infrastructure increased eight-fold, whereas they scarcely doubled for all technologies as a whole.

AI-related grid technologies grew sixfold since 2018

Patenting in physical grid electricity infrastructure remains strong, but most growth in the last decade has come from smart grid technologies, which now account for more IPFs than physical grid and storage technologies combined. The emergence of policy-driven markets and standards for smart meters and electric vehicle (EV) charging infrastructure over a decade ago has helped to push innovation in smart grid technology, leading to grids which are more flexible and bi-directional. The most remarkable trend has been the increase in AI-related solutions – growing sixfold since 2018 – which are used for detecting faults, for example, as well as for anticipating demand so as to better manage supply.

Europe, Japan and US filed most IPFs, with China emerging

For much of the period considered by the study, companies, universities and research institutions from Europe, Japan and the US have been leading in the number of IPFs for grid technologies. Since 2019, applicants from P.R. China have dramatically increased their patent filings, bringing them to the same level as Europe by 2022, predominantly by focusing on smart grids and storage-related technologies.



Patenting trends for main regions (2001-2022; IPFs by year of first filing)

Major role for startups and public research organizations

Siemens (DE), ABB (CH) and General Electric (US) top the league table for IPFs in grid technologies. Five Japanese companies also make the Top 10, predominantly for their leading role in smart grid technologies, including Toyota which, along with Honda and the Ford Motor Company, show how major automotive companies are at the forefront for developing EV charging infrastructure. In P.R. China many applications are coming from the country’s public research organizations, as well from major industry players like Huawei. The majority of startups in this sector are located in Europe and the US, mostly contributing to hardware technologies (grid infrastructure and metering equipment). Over a third of the 1 085 startups identified in the cohort for this study have filed a patent application (37%), compared to a baseline of only 6% of European startups with patent applications.

Why innovation in electricity grids is central to the energy transition

In the last decade, demand for electrical energy has increased at twice the pace of global energy demand overall, contributing to an ever more urgent need for grids that connect often remote sources of renewable energy with the cities and factories that consume that energy. In addition to these challenges, existing grid infrastructure needs to be upgraded. For example, by 2030 over 1.7 million kilometers of older transmission lines need to be replaced – enough to wrap around the Earth’s circumference over 42 times.

Background

This is the fourth joint study by the EPO and IEA since 2020 looking at various aspects of the global energy transition driven by climate change. This particular study also includes contributions from experts at 13 national patent offices, coordinated by the EPO's Observatory on Patents and Technology. The contributing patent offices were: Austria, Bosnia & Herzegovina, Czech Republic, Finland, Italy, Lithuania, Latvia, Monaco, the Netherlands, Spain, Sweden, Türkiye and the United Kingdom.

Each international patent family (IPF) covers a single high-value invention covered by patent applications filed and published at several patent offices. IPFs are a reliable proxy for innovation because they represent inventions for which the inventor considers the value sufficient to seek protection internationally.