



International regulation of intellectual property rights and competition policy

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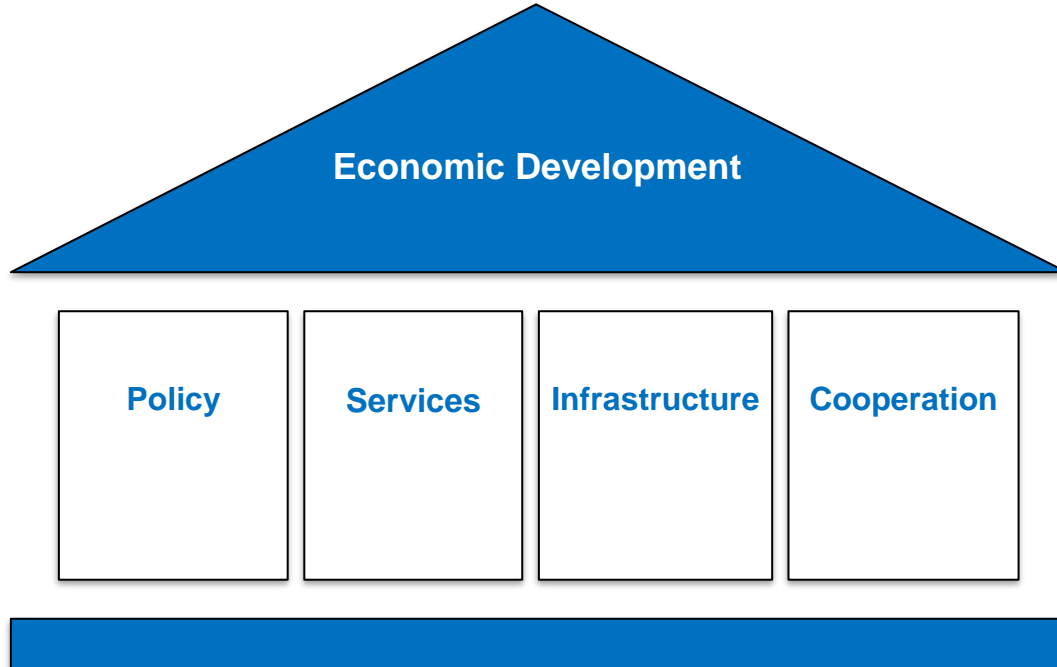
Who we are

- International organization
- Established in 1967
- 193 member states
- 1200 staff from 120 countries
- 26 treaties



We help governments,
businesses and
individuals make
intellectual property
work for **innovation**
and **creativity**

How WIPO does it

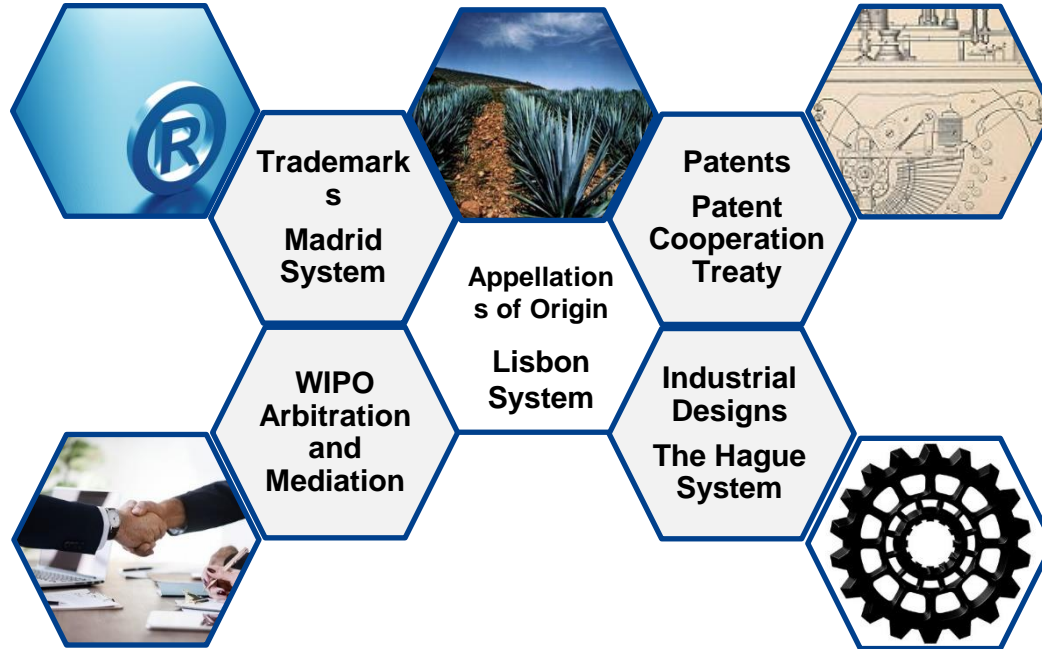


Policy

Marrakesh Treaty for Visually Impaired Persons (2013)



Global IP Services



Global IP Infrastructure



- Standards and classification
- Global databases
- Use of patent information
- Modernization of IP rights administration
- Artificial intelligence and new technologies

Unfair Competition and Intellectual Property Rights

- Article 10bis Paris Convention 1883 (as amended in 1979)
- Unfair competition/consumer protection:
 - deceptive and misleading advertising (causing confusion)
 - damaging another company's reputation
 - disclosure of secret information

Paris Convention (1883) – article 10ter

- (1) The countries of the Union undertake to assure to nationals of the other countries of the Union appropriate legal remedies effectively to repress all the acts referred to in Articles 9 (unlawful trademarks - seizure on importation), 10 (false indication e.g. of the source of the goods – seizure on importation), and 10bis (unfair competition).
- (2) They undertake, further, to provide measures to permit federations and associations representing interested industrialists, producers, or merchants (...) to take action in the courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10, and 10bis, in so far as the law of the country in which protection is claimed allows such action by federations and associations of that country.

Focus on Trademarks

- A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights.
- At the national/regional level, trademark protection can be obtained through registration, by filing an application for registration with the national/regional trademark office and paying the required fees. At the international level, you have two options: either you can file a trademark application with the trademark office of each country in which you are seeking protection, or you can use WIPO's Madrid System.

Focus on Trademarks (continued)

- The term of trademark registration can vary, but is usually ten years. It can be renewed indefinitely on payment of additional fees. Trademark rights are private rights and protection is enforced through court orders.
- A word or a combination of words, letters, and numerals can perfectly constitute a trademark. But trademarks may also consist of drawings, symbols, three-dimensional features such as the shape and packaging of goods, non-visible signs such as sounds or fragrances, or color shades used as distinguishing features – the possibilities are almost limitless.

Case Study on Trademark “Squatting” – IP/Competition Agencies Cooperation

- Registering a trademark that protects a good, service, trading name of another company
- Often negotiating with squatters is cheaper and faster than going to Court
- A squatter may well operate within the law (e.g. foreign trademark is not considered to be well known)

Trademark “Squatting” (cont.)

- A squatter may register a trademark in classes not covered by existing trademark (Chivas Regal tm in China for clothing)
- Squatters may pursue importers/distributors (by having their imports seized at the border) instead of brand owner directly

Trademark “Squatting” – 2013 Antitrust investigation in Chile

- 2013 antitrust case in Chile
 - Compania Cervecerias Unidas (CCU), largest brewery in Chile (80% market share)
 - Registered a large number of trademarks of its mostly foreign competitors
 - Squatted trademarks were enforced against competitors to deter entry
 - CCU eventually settled and withdrew 25 TMs
 - [WIPO Study](#) on trademark squatting in Chile

Conclusions

- International Treaties provide useful tools to protect competition and intellectual property rights
- Intellectual property provides incentives to creators and inventors to support the innovation process
- Competition Authorities and Intellectual Property Agencies should work together to make sure that intellectual property is not misused with negative effects on other businesses and consumers