

United States

Gregg Marrazzo has assumed the role of 2012 president of the International Trademark Association (INTA). Marrazzo is the senior vice president and deputy general counsel at The Estée Lauder Companies and is responsible for the company's entire IP portfolio. Commenting on his appointment, Marrazzo stated: "I am extremely honoured to be leading INTA's efforts to champion trademarks in 2012. As trademark owners face new challenges in the upcoming year, especially with the Internet and the rumblings of anti-IP sentiment, INTA's role as the leading voice for trademarks owners is vital in addressing issues with policy makers and trademark offices."

United States

The US Patent and Trademark Office has revealed that trademark pendency is at historically low levels, with 75% of all applications filed and processed electronically. Debbie Cohn, commissioner for trademarks, adds: "Disposal pendency – the time from when an application is filed until a trademark is registered or abandoned – is the lowest it's ever been, at 10.2 months. In fact, it's been under 11 months for the past seven quarters in a row." Pendency for applications involved in *inter partes* proceedings or appeals has also been reduced to an all-time low of 12.1 months. Assessing the first quarter of fiscal year 2012, she noted that filings have increased 7.8% over the same period last year.

Jamaica

Trademark registration fees at the Jamaica Intellectual Property Office have increased, with the new rates effective March 1 2012. As outlined in the Trademarks (Amendment) Rules 2011, the application and registration fees for a single class have jumped to J\$15,600, with a J\$2,200 charge for each additional class.

France

French legislators have passed a provision that would effectively prohibit drugs manufacturers from enforcing their trademark rights in a tablet once the relevant patent has expired. Law 2011-2012 of December 29 2011 introduced Article L5121-10-3 in the Public Health Code, which states: "The owner of IP rights protecting the appearance and the texture of oral pharmaceutical forms of a reference product... cannot prohibit the oral pharmaceutical forms of a generic drug substitutable to this product... from showing a similar or identical texture and appearance."

Spain

Spain's Patent and Trademark Office has opted out of the Community search system provided for by Article 38 of the EU Community Trademark Regulation. The decision, effective as of January 1 2012, takes the number of national offices participating in the Community search system to 10. As a result, Community trademark applications with national search requests and a receipt date in 2012 will not be sent to the Spanish office.

Global view

Spain

The Office for Harmonisation in the Internal Market (OHIM) has launched the second version of TMView, which offers additional searching and filtering options as well as trademark data from the Lithuanian, Romanian and Swedish national offices. These additions mean that TMView now provides access to almost 7 million trademarks from the 17 participating offices. OHIM has also announced that three national offices (Cyprus, France and Austria) have joined the EuroClass classification project, bringing the total number of participating offices to 23.

Russia

The Council of the Federation has approved the establishment of an IP court within the system of arbitration courts. The specialist court will consider disputes over the establishment of IP rights and IP infringement (excluding disputes involving copyright), and will commence operations no later than February 1 2013.

China

Statistics from the Beijing Number 1 Intermediate People's Court have revealed that since 2002, foreign IP owners have been involved in 50% of its administrative IP cases and 31.5% of all IP cases (including administrative and civil litigation and criminal enforcement cases). For in-depth statistical analysis of the Chinese litigation landscape, turn to page 43.

India

The Indian government has passed legislation to allow 100% foreign direct investment in single-brand retailing. Previously, foreign ownership of single-brand retailing was limited to 51%, meaning that foreign companies wishing to sell one of their brands in the country could not own a retailing business outright. Instead, they were required to work with a local business partner, usually via a joint venture or franchising relationship. The government has also signalled its intention to open multi-brand retail to foreign investment, despite opposition from certain political quarters.

Malaysia

The Malaysian government has introduced a new version of the country's Trade Descriptions Act. The definition of 'trade description' now includes a registered trademark, with a provision stating that an oral statement may amount to use of a trade description. In addition, the new act significantly increases the existing penalties for infringement, charged according to the number of infringing goods found.