

For regular jurisdictional updates, see *WTR Daily*. Delivered straight to your inbox, WTR's regular email news service provides legal updates, industry analysis and the editor's pick of the best trademark content from around the globe.

Canada

The Federal Court has issued the highest award of damages and costs against purveyors of counterfeit goods in Canadian history. In *Louis Vuitton Malletier SA v Singga Enterprises* (2011 FC 776, June 27 2011), the Federal Court granted a total of C\$2.48 million in damages, including punitive and exemplary damages, excluding legal fees, which was awarded on a solicitor and client basis against each of the defendants. Previously, the record level of damages stood at C\$980,000 (in another case involving Louis Vuitton Malletier SA).

Mexico

Amendments to the Regulations on the Industrial Property Law, designed to speed up the prosecution process for trademark applications (including applications to register slogans), have been published in the *Official Gazette*.

Venezuela

The Administrative Litigation Chamber of the Supreme Court has confirmed, through several decisions, that the Andean legislation on industrial property is no longer applicable in Venezuela.

France

New rules on the allocation and management of domain names under the '.fr' extension have entered into force. Under the new rules, any name which is unlikely to infringe public order, public morality or rights guaranteed by the French Constitution can be registered by any eligible entity, provided that the registrant has a legitimate interest in doing so and acts in good faith.

Global view

European Union

The European Commission has issued a blueprint for IP rights, designed to boost creativity and innovation in Europe. Among other things, the communication (entitled *A Single Market for Intellectual Property Rights*) notes that the trademark registration system needs to be more effective, consistent and streamlined. Robert Lundie Smith of McDermott Will &

Emery UK comments: "A review of the proposal shows that the commission sees the fragmentation of IP rights across the Community as having negative implications for Europe's growth, job creation and competitiveness and, therefore, is likely to press for an ever more harmonised rights system within Europe." For in-depth analysis of the blueprint, see page 71.

China

The Supreme People's Court has published *Several Opinions of the Supreme People's Court on Legally Punishing Acts of Evading Enforcement*, addressing the difficulties in executing IP judgments. The opinion provides for the establishment of a property reporting system; introduces the rights of subrogation and revocation to punish acts of enforcement avoidance; and allows for the alteration of, or addition to, the party against

which the judgment is to be enforced or, where there is sufficient evidence to demonstrate that property has been maliciously transferred, the filing of new proceedings. However, George Chan of Rouse points out the lack of statistical evidence of the number of successfully executed judgments in China: "No explanation is provided for the omission, and the fact that it exists leaves the merits of civil litigation in China open to speculation."

Italy

The Italian legislature has introduced an administrative trademark opposition procedure. Under the new rules, owners of prior registered marks can challenge the validity of a trademark application directly before the Italian Patent and Trademark Office, provided that they can demonstrate either that the application is similar to their earlier registered trademark and there is a risk of confusion between the two signs, or that the applicant has not been authorised to register a portrait, name or notorious registered trademark.

Philippines

The House of Representatives has passed a bill containing amendments to the Intellectual Property Code. If passed, the bill would provide the Intellectual Property Office with additional powers of entry and enforcement in relation to infringers and establish a Copyright Bureau. Secondary liability would also be imposed on entities that benefit financially from the infringing activity of others, provided that they have been given notice of the infringement and have the right and ability to control the activities of the infringer.

Korea

The Framework Act on Intellectual Property has come into force, clarifying the basic principles on the creation, protection and use of IP rights. The act outlines methods to improve examinations and the court review systems, as well as regulating the abuse of IP rights.