

# IP Review

Autumn 2011

## IP opportunities and threats in online gaming

IP rights are fast becoming the currency de jour for many corporate deals as other barriers to market entry are removed.

## Outsourcing research - the IP pitfalls

Pharmaceutical companies are choosing to farm out routine research projects. Are they fully aware of the intellectual property risks?



## Tips

## How to keep your web presence "PG" rated

With the release of the new .xxx domains intended to denote a web site with adult content, we investigate how this could affect brand owners and their trade marks.

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## Tips

# How to keep your web presence “PG” rated

Intended to denote a web site with adult content, the new .xxx domain names were released on 7<sup>th</sup> September 2011. Initially, they will be auctioned off to private bidders and from 6<sup>th</sup> December they will be freely available.

**B**rand owners may be concerned that their trade marks could be used in conjunction with the new domains, without their knowledge, potentially bringing their name into disrepute.

The organisation responsible for managing the introduction of the new domain names, ICM Registry, is also marketing a new blocking service, which will only be available from 7<sup>th</sup> September until 28<sup>th</sup> October. If they choose to take advantage of the service, brand owners will be able to exclude permanently their trade marks from being used alongside .xxx in any new domain name registration.

But using the blocking service could end up being seriously expensive for some brand owners, particularly if they are managing a portfolio of multiple trade marks, which many do.

At a fee to ICM of \$200 to \$300 a time, using the blocking service could be a costly option and in many cases, it is likely to be more cost-effective to take appropriate action to protect a brand name in the event of any misuse. For example, brand owners could choose to take action by initiating a domain name

dispute resolution procedure or by pursuing the matter through the courts based upon their trade mark registrations.

Nominet, the internet registry for .uk domain names, has commented: “Given the sensitivities around .xxx, it will be interesting to see how many brands opt for preventative action.”

We are advising brand owners to adopt a wait and see strategy for the time being. There is a lot of sensitivity in this area and while we appreciate that some brands may regard the risk of an abusive domain registration in this context as a risk too far, we believe that existing enforcement strategies will be sufficient in most cases. Using traditional trade mark enforcement action is also likely to be more cost-effective in the long run.

For those who do wish to take advantage of the blocking service, perhaps for key “house” brands, kindly contact your Withers & Rogers Trade Mark Group representative for assistance.

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# Endangered

Helium balloons are a party favourite, but how long

Helium is just one of 16 elements that the UK's Chemistry Innovation Knowledge Transfer Network has identified as being under "serious threat" of becoming unavailable in less than a century. The list also includes the rare earth elements (such as gallium and indium), platinum, magnesium and tungsten.

Helium, of course, is not just used for filling party balloons, but is an important cryogenic used to cool superconducting magnets in, for instance, MRI machines. The rare earth elements are used extensively in the electronics industry and in lasers. So important have the rare earth elements become to modern industry that China, which supplies around 95% of global demand for these materials, has compared its large reserves of rare earth elements to the Middle East oil reserves.

Unfortunately for other countries, the development of infrastructure for an alternative rare earth supply chain is time consuming and arduous.

Many companies are looking to innovate to solve the problem of rare earth elements and the intellectual property (IP) generated will be important; but how will the IP be used?



So important have the rare earth elements become to modern industry that China, has compared its large reserves of rare earth elements to the Middle East oil reserves.

Many of the innovations are likely to be in the chemical field, so we might expect patent filings to rise in this area. It is probable that companies will be seeking to protect inventions in the following areas:

- the identification of alternatives to the elements which are under threat
- new methods of recycling these elements
- improved methods of obtaining the elements, for instance by improving the yield obtained from metal ores

Companies may seek to dominate the market, using their patents to exclude others from the market place. This strategy is likely to be common where a company holds a patent for the use of an alternative to the elements which are under

# elements

## will this popular product remain available?

threat, the company representing the only legitimate source of the improved technology. This allows the company holding the patent to control distribution and pricing.

Another route may be to encourage the uptake of the invention in the marketplace by granting licences. In this model, research revenue can be recouped, and profits made through royalty payments. This strategy may be more common where the invention relates to a new method for obtaining or recycling the element. Third parties can be encouraged to switch from the known, less efficient, methods to those covered by the patent.

It may even be the case that the patent holder chooses to adopt an "open source" approach, where licences are granted on a royalty-free basis. Such an approach need

not prevent the patent holder from making money from the invention.

For example a free licence to a patent for an improved refining process could be tied to an exclusive supply agreement for a consumable product used in the process, allowing the patentee to profit from the sales of the consumable. A free licence for a recycling method for rare elements in, say, mobile telephones, could be granted in return for receiving the residual non-recycled materials, allow profit to be gained from retrieving other materials without the cost of acquisition of the scrap.

Those seeking patent protection for their innovations in rare earth element supply, use and reuse make the groundwork for other innovators. Prior published patents are an excellent and well codified

source of technical information which can form a fertile seedbed for subsequent innovation.

However companies innovating in this challenging technical area treat the intellectual property generated, the patents filed will have an effect in disseminating the technology, encouraging onward or alternative innovation and rewarding those that identify solutions to the next resource problem that we face after fossil fuels.

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# Into the Dragons' Den

Robert Lewis, managing director of Rollersigns Limited, recently appeared on BBC TV's *Dragons' Den*, in a bid to raise funds to grow his business. How did he find the experience and how helpful was his IP?

### Why did you decide to take your innovation to *Dragons' Den*?

Rollersigns Limited has developed an innovative advertising banner system, which can be retrofitted to standard posts used in 'café-style' barrier systems – the kind you see at airports and almost anywhere you find a queue. The idea is that companies can promote their brand name using the banner system, gaining exposure to their target market in a unique and eye-catching way. After getting some positive feedback from early customers, we are now ready to scale up the business idea and finance is needed to achieve this. I also hoped that the *Dragons* might give me some valuable business advice.

### What happened?

Peter Jones offered the £100k I was asking for, but in return was looking for a substantial stake in the company. In the end, I decided not to accept his offer. It was a tempting offer but I feel that my business plan is progressing well and I am confident that it will be possible to secure the required finance on more favourable terms by another route.

### What impressed Peter about your business proposition?

He saw the business potential of the idea and he was impressed with the business plan. He also felt that the Intellectual Property rights that I am in the process of securing, with the help of Withers & Rogers, provide good commercial protection.



### Have you filed any patent applications?

We have filed UK and International patent applications covering various aspects of the banner system. The patent offices have carried out some detailed patent searches, which indicate that we should be able to achieve valuable patent protection for our invention. This is critical stuff for any entrepreneur who wants to raise finance to develop their invention and bring it to market.

### What advice would you give to other entrepreneurs thinking about appearing on *Dragons' Den*?

Make sure you are prepared – it is a once in a lifetime opportunity and there is some significant investment on the table. The *Dragons* not only need to see that all the facts and figures add up, they also want to see that you have done your IP homework.

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# Boost for brand owners | EU trade mark reform proposals

Proposals concerning the use of Community Trade Marks could give UK brand owners more power to leverage when protecting their marks in EU member states. In some instances, this could lead to an increase in litigation.

In the first report of its kind, published on 15<sup>th</sup> February 2011, the Max Planck Institute has put a series of recommendations to the European Commission for the reform of the European Trade Mark system. The report was commissioned to examine the system used to acquire Community Trade Marks (CTM) - marks that give the brand owner protection across all EU member states. Specifically, the Institute was tasked to recommend ways to improve the efficiency of the CTM filing process, which is administered by the Office for Harmonisation in the Internal Market (OHIM) in Alicante, and to address divergent practices within OHIM and between OHIM and national Trade Mark offices.

There is certainly plenty of room for improvement. Registering a Community Trade Mark with OHIM currently takes anything from 12 to 18 months, while a national trade mark registration in the UK can usually be completed in just four months.

The report's findings are comprehensive and helpful, however we will have to wait and see to what degree OHIM is prepared to change its practices ahead of any requirement to do so, which could take months.

There will be considerable relief among brand owners and their lawyers that, according to the report, an OHIM rule allowing a brand owner to resist a challenge for non-use of their trade mark after five years, as long as it can prove use in at least one EU member state, is likely to remain unchanged. A case brought in Benelux, which has since escalated to the European Court of Justice and is awaiting a final decision, had threatened to overturn this rule – arguing that demonstrating use in just one country is insufficient. The report's findings on this matter make it less likely that the Court will want to change the existing rule.

The report's findings also bring greater clarity to the issue of counterfeit goods and confirm the rights of national customs officials to confiscate them even when they are in transit and destined for sale outside the EU. In the UK there was a controversial case last year where HMRC officials refused to confiscate a consignment of fake Nokia handsets because they were just passing through. The study makes it clear that customs officials should have the power to confiscate counterfeit goods, regardless of whether they are intended for sale in Europe or not. The Court of Justice is currently considering the Nokia case, following a referral made by a UK Court of Appeal judge, and is expected to take the report's findings into account when giving its judgement later this year.

Additionally, the report clarifies that unregistered, well-known trade marks should have the same rights of protection in terms of their access to the EU judicial system as registered trade marks with a reputation. This could potentially lead to an increase in litigation.

A number of common sense proposals are also included in the report. For example, if a brand owner is required to show use of a shape or colour, the report concludes that it should not be necessary to do this in all 27 member states, just a few will do. Also in the case of unusual trade marks, such as sound marks, the report recommended that it be possible to file in more suitable formats, such as CD Rom.

The detailed and comprehensive nature of the report reflects the growing importance of Community Trade Marks for brand owners around the world.

Brand owners should take note of these changes which, if adopted by OHIM, will result in more efficient processing of CTMs by OHIM and make CTMs less vulnerable to "non-use" challenges.

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# Boost for brand owners II

## Brand owners win latest battle in war of roses

The Advocate General Opinion (AGO) in the case of *Interflora vs Marks and Spencer (M&S)* is a welcome boost for brand owners seeking to protect their brand online.

In 2009, global flower retailer, Interflora, brought a trade mark infringement action to prevent M&S from bidding on its brand name as a Google Adword. In their view, M&S should not have been permitted to pay Google to promote the M&S flower business by advertising alongside search results for the word 'Interflora'. If allowed to proceed with the Adword purchase, the M&S link would appear directly below Interflora's in Google's "sponsored links" section.

The decision is the latest in a series of cases seeking to clarify whether it is legal for companies to use the trade marks of leading brands in keyword advertising in order to drive sales of their own products and services.

The Advocate General has advised that the trade mark owner is entitled to prohibit third parties from using protected terms as advertising keywords if there is a risk that internet users could be left uncertain about whom they are buying from. Additionally, in particular to this case, there was a concern that the internet user may assume a link between M&S and Interflora on the basis that M&S were offering the same flower delivery service and could be assumed to be an approved member of Interflora's network.

Interflora argued that M&S took unfair advantage of their reputation which amounted to dilution of its trade mark, and the AGO upheld this principle.

If the Court of Justice of the European Union (CJEU) follow the Advocate General's opinion, then this will form the basis of the first major step towards clarifying, for both brand owners and competitors, the rules surrounding the use of brands as keywords for online marketing.

Concerned brand owners will welcome the Advocate General's view that the principles for establishing infringement should be expanded, to allow for infringement to be found where the purchaser of an Adword has intended to benefit from the reputation of the earlier mark.

Additionally, where a brand has become particularly successful and well known in a certain field, the brand owner will be able to prevent competitors from purchasing similar or identical AdWords if there is a risk that the public may believe that the company in the advert may be part of the same 'commercial network'.

If the decision is followed by the CJEU, it is likely to deter competitors from purchasing AdWords which are similar or identical to existing trade marks, and will force them back to using generic and general terms in a bid to compete more fairly with other traders. Until such time, brand owners will need to remain extra vigilant and be prepared to take on the fight themselves, albeit at a risk while the law remains unclear.

## STOP PRESS

On the 22<sup>nd</sup> September 2011, The Advocate General Opinion was taken a step further by the Court of Justice of the European Union (CJEU). It was held that:

- Brand owners have the right to prevent use of their trade mark as a keyword in advertising by a third party where the use affects one of the key functions of a trade mark, or where internet users may be left uncertain as to whom they are buying from;
- This includes use which takes advantage of or dilutes the reputation of the trade mark, or is detrimental to maintaining a reputation which attracts and retains customer loyalty;
- Despite this, advertisers may be able to avoid those legal remedies being awarded against them if it can be shown that the use simply draws the attention of the internet user to a competitors product. Such use was held to 'fall within the ambit of fair competition' unless the goods or services are imitations of those of the brand owners.

The CJEU decision will now be interpreted by the UK High Court in relation to the *Interflora vs Marks and Spencer* dispute, and a final ruling on the matter is expected in 2012.

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# Outsourcing research - the IP pitfalls

As the pharmaceutical industry takes stock of the recession, more companies are choosing to farm out routine research projects and clinical trials to specialist laboratories and other organisations in a bid to improve throughputs and drive efficiency. But are they fully aware of the intellectual property (IP) risks involved in outsourcing more of this work?

The outsourcing trend has been apparent in the pharmaceutical sector since well before the onset of the credit crunch. Companies are well aware of the potential gains which can be achieved by utilising the highly-skilled synthesis and analytical services of specialist laboratories in places like China and India, as well as the growing number of clinical research organisations (CROs) around the world.

The latest market information seems to indicate that this outsourcing trend has accelerated since the onset of the economic downturn. A recently published market report, entitled 'Booming Pharma Sector in India', reveals that India's pharmaceutical industry achieved growth of 9% in 2009, despite the global recession, and is forecast to continue to grow, both due to the expansion of India's generics industry and to the sustained rise in outsourcing and market consolidation.

In recent years, leading pharma companies have seen their investment in research expand dramatically in a bid to find new drugs to replace those with patents that are soon to expire. They have also been exploring ways to bring new drugs to market as cost-efficiently as possible.

“”

The latest market information seems to indicate that this outsourcing trend has accelerated since the onset of the economic downturn.



As a result, more companies are choosing to outsource routine research activity - such as synthesising and screening molecules, or even toxicology testing - to well-equipped domestic and overseas laboratories which can deliver the project more quickly and cost-effectively than in-house research teams. Clinical trials are also increasingly outsourced in recognition of the fact that specialist CROs are already well established and in a position to recruit patients and complete lengthy trials potentially more quickly.

When outsourcing research work or trials it is crucial that pharmaceutical companies adequately protect their IP rights. If they fail to do so, the commercial and legal fall-out can be extremely damaging. To assist companies in avoiding the common IP pitfalls when outsourcing, Withers & Rogers recommends considering the following six-point guide:

## 1. Clear contractual arrangements

It is important that all outsourced activity is subject to detailed contractual arrangements, making it clear that the contracting company's IP can only be used for the purposes of the contracted research and confirming the ownership of any inventions arising from the work. The pharmaceutical company should also ensure they have a

clearly defined right to redress if the terms of the contract are breached. When outsourcing work overseas, it is also important for the pharmaceutical company to know which country's laws apply to the contract and take specialist local advice where necessary. Provisions should be included to ensure that employees of the outsourcing provider will be willing to cooperate with patent application processes whenever these take place.

## 2. Be aware of security restrictions

Even where the contract makes it clear that any inventions will be owned by the contracting company, the patent laws of most countries include provisions to prevent inventions created in one country from being included in patent applications overseas without a licence.

A patent application may need to be filed in the country of invention, or a foreign filing licence may need to be obtained from that country's patent office. In some countries, breach of these security restrictions could constitute a criminal offence.

## 3. Confidentiality clauses

Confidentiality clauses between the contracting company and the outsourcing provider, as well as similar confidentiality terms for employees at the outsourcing provider are essential and these should extend long after the research project has been completed.



**IP right protection should take priority when establishing outsourcing arrangements and this will help those involved to avoid potentially costly and time-consuming disputes.**



## 4. Selecting the outsourcing company

When choosing an outsourcing company to work with, a detailed assessment of the company's processes should ideally be carried out. Consider whether the outsourcing provider may have any conflicts of interest. The contracting pharmaceutical company should, if necessary, make arrangements to visit the business and meet people who will be carrying out the work. They should also check that quality procedures are adhered to and that laboratory notebook keeping meets a high standard. This is particularly important in the US, where patent rights are afforded on a 'first to invent' basis. It is recommended that the frequency and type of reporting is agreed at the outset to ensure that progress is maintained.

## 5. Know how to terminate the contract

Before agreeing contractual terms, it is important for both parties to have a clear understanding about how they might terminate the contract. It is important to consider whether any residual rights would apply.

If proprietary materials have been provided by the contracting company, the outsourcing provider should be obliged to return or destroy these materials at the contracting company's option.

## 6. Negotiate any ongoing rights at the outset

If the contracting company is likely to want to obtain rights to use a specific testing process, for example, which may have been patented by the outsourcing provider, it is important to negotiate this at the outset. This will minimise the risk and impact of disputes arising in the future and could minimise costs too.

In the race to bring new drugs to market as cost-efficiently as possible, companies are increasingly likely to use the services of specialist external laboratories around the world. Multiple outsourcing on this scale brings additional risks, of course, and it is important that the guidance outlined above is considered at every stage.

The outsourcing trend is expected to continue in the future and as long as pharmaceutical companies tread carefully and don't compromise on quality management, the gains are likely to be significant. IP right protection should take priority when establishing outsourcing arrangements and this will help those involved to avoid potentially costly and time-consuming disputes.

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# IP opportunities and threats in online gaming

With increasing globalisation, recognition of the importance of Intellectual Property (IP) in almost every industry has increased dramatically. IP rights are fast becoming the currency de jour for many corporate deals as other barriers to market entry are removed.



**W**hilst the online gaming sector faces regulatory barriers to entry, in the form of the need for gaming licences in many jurisdictions, competition between licensed operators remains fierce, and IP rights provide a legitimate means of differentiation. In addition, IP rights may also provide opportunities for profitable cooperation between operators in different markets, particularly where other regulatory barriers may hinder or prevent operation.

There are various different types of IP rights, and each can bring both opportunities and threats to online gaming operators. IP rights can also be used to open up new revenue streams, particularly from regions where an operator may otherwise be prevented from operating.

## 1. Types of IP and typical usage in the online gaming sector

The set of IP rights available in most countries can usually be split into four groups - tradenames and brand, copyrights, design rights, and patent rights. For all but patents, there are both 'registered' and 'unregistered' rights, and the former refers to the need to make a formal application to a right-granting authority such as a patent office or a trade mark registry. Unregistered rights typically arise automatically, without the owner having to undertake any formal registration process. IP rights apply to individual countries on a national basis, and whilst generally harmonised there will still be some quirks or points of difference.

### Brands and trade marks

Brands are used already by many online gaming companies, for the names of the site, particular games, or other promotions. Such brands are protected by trade mark rights. Weaker unregistered trade mark rights typically start to accrue automatically once a new brand or tradename begins to be used. Infringement of unregistered trademarks can be prevented by legal action for unfair competition, during which it is necessary to prove the existence of the right, usually by

providing evidence of significant goodwill and customer recognition in the unregistered trade mark.

Registered trade marks can be used to protect a name or any other mark, such as a logo, graphic, or other stylised representation, provided the same mark has not been registered in respect of the same goods and services previously. Registration provides significant benefits in enforcement, and particularly against copycat infringers who try to use an identical mark.

Trade mark registration itself is usually a relatively straightforward and inexpensive process. However, securing protection for a trade mark is only one side of the story. Before adopting a mark it is prudent to check it is not owned by anyone else. Given the amount of advertising spend required to support online gaming sites, choosing a name used by others could be fatal to an online business. Third party trade mark searches should be undertaken early in the development process, before significant investment is made in a particular mark.

It is also wise to look at marks registered by operators in the non-online gaming field, to avoid the sort of problems experienced by online operator PartyGaming, which was sued in 2008 for infringement of the marks "Jackpot Party" and "Super Jackpot Party", held by WMS Gaming, and which had been used on slot machines produced by WMS. The case is ongoing, with WMS claiming damages in the tens of millions of dollars.

### Copyrights

Copyrights arise automatically in many aspects of online gaming systems, particularly

in the back end software code, in the web code, in the graphical layout of the user interface, in sets of user instructions and other provided literature, in any imagery or other graphical elements as well as in audio or other sound-based elements. In addition, copyright can arise in individual elements of an online gaming interface as well as in the interface as a whole, and in individual elements of the back-end systems.

Copyright lasts for a long time, for example the copyright term in Europe is the life of the "author" (the person who created the copyright "work"), plus 70 years. Attention does need to be paid to copyright works that are not created by employees. Copyright in work created by contractors, for example, would belong first to the contractor.

Copyright exists in the specific piece of work that is created, and protects against the copying of that work. In order for there to be infringement, it must be possible to show a chain of copying from the original to the copy, and that a substantial part of the work has been reproduced. Copyright does exactly what its name suggests - it protects against copycats, but very little else. It cannot protect an idea or invention, for example.

### Design rights and registered designs

One group of IP rights that has to date been little used in the online gaming industry but could be used more widely are registered designs (referred to as design patents in the United States). Design registrations cover the outward appearance of an article, and historically have been used to protect the outward appearance of physical products.

However, design registration is not just limited to physical products, and can be obtained in some jurisdictions, particularly in Europe, for visual elements, such as new logos, or other graphics. In the online gaming sector, design registrations could be sought for the visual elements in the user gaming interface, either for the interface as a whole, or for specific elements of it. For example, a different graphical view of a hand of cards

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There are various different types of IP right, and each can bring both opportunities and threats to online gaming operators...



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in an online poker game may be registrable, or a particular arrangement of user interface buttons or other controls. The criteria for registrability in most countries is that the design must be novel, in that it has not been disclosed to the public before an application to register has been made.

One benefit of registered design protection is that it is relatively inexpensive, and very quick to obtain. Filed online, an application for a European Community Registered Design will cost usually less than 1000 euros, and can be granted in about one week.

### Patents

The strongest IP rights, however, are patent rights. Patents are typically granted for improvements in technology, although in some jurisdictions, notably the United States and Australia, a patent can be obtained for new business or gaming methods that make use of technology in their implementation. In the online gaming field, patents should be obtainable in most jurisdictions for technical improvements such as improvements in data networking and storage in back end systems, as well as user interface improvements. For example, any development that addresses timeliness or robustness of data delivery between users' computers and back end servers would likely be patentable subject matter, as well as any development that increases efficiency of data storage or data handling. In general, any technical improvement that causes the gaming system to work better, faster, more reliably, more efficiently, for example, would be a candidate for patent protection.

In the US and Australia, the actual gaming rules may be patentable, in combination with the implementing system. For example, the operation of a back end odds calculation system for in-game betting that acts to

dynamically calculate new odds during a sporting event in accordance with a particular algorithm would likely be patentable.

## 2. The IP opportunity - cooperative market expansion

We have set out traditional uses of IP, namely to try and keep an invention (or brand, or design, etc) to oneself, so that others may not make use of them. However, that is only one side of the exploitation of IP rights. Another side involves using IP rights as technical and commercial currency with third parties to open up new markets, by licensing IP rights for third party use. Such third party licensing can be particularly attractive where there are barriers to entry into the market to be licensed for the IP-owning company.

In the online gaming sector such barriers typically exist in the form of the need to procure gaming licences, and the ability to be granted such a licence, especially if outside the jurisdiction. However, licensing IP to a licensed gaming operator inside the jurisdiction would provide the licensor with a revenue stream that is derived from piggy-backing on the gaming operations of the domestic operators.

## 3. Conclusions

IP rights are becoming increasingly important in all fields, and on-line gaming is no exception. Obtaining IP rights protects investment in development and marketing, but can also provide additional opportunities, for example by allowing otherwise closed markets to be accessed with a local partner in a mutually beneficial manner.

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# America Invents Act signed into law 16/9/11

Speaking at the Intellectual Property Owners Association Conference in Los Angeles on Tuesday 13<sup>th</sup> September 2011, Robert L. Stoll, Commissioner for Patents at the United States Patent And Trade Mark Office, confirmed that President Obama would sign the America Invents Act into law on Friday 16<sup>th</sup> September.

**T**he Act represents the most comprehensive reform of US patent law for a generation. Many of the changes bring US law into greater conformity with the laws in the rest of the industrialised world. Also, changes to the fee structure at the USPTO and to the ability of the USPTO to deploy those funds will enable the USPTO to redouble their efforts to tackle the massive backlog of pending US patent applications (currently over 600,000).

"We are hiring 1,500-2,000 new patent examiners", reported Stoll.

Key changes include:

- **"First-Inventor-To-File"**: Until now, any dispute as to the rightful owner of a patent for an invention was decided in favour of the person able to prove that he/she invented the invention first. This approach led to extremely costly litigation to establish dates of invention. In Europe, the right goes to the first entitled person to file a patent application. The US have amended their law in line with that approach. The provision takes effect in 18 months time.
- **Absolute Novelty**: Previously, in the US, prior disclosures by public use or sale could only be used to attack a US patent if they took place in the US. Now, in line with most other jurisdictions, any prior disclosure anywhere in the world can be used against a US patent.
- **Grace Period**: Any prior disclosures occurring in the 12 months before filing a US patent application were previously disregarded. Now such disclosures will only be disregarded in that period if they were either made by the inventor or made after a disclosure by the inventor.
- **Post Grant Review**: Third parties will be able to oppose the grant of a US patent at the USPTO for nine months after grant, similar in many respects to EPO opposition proceedings.

The changes to the law are being implemented in a staged way over the next 18 months so there will be a period of considerable uncertainty until all of the changes have taken effect.

For more information on the reforms and how they might affect your business, please contact your Withers & Rogers attorney.

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# Withers & Rogers More London...

We are delighted to announce that our London office has relocated from Goldings House in Hays Lane to modern premises in the prestigious More London development, just a few hundred yards away.

**S**ituated next to London's City Hall, 4 More London boasts spectacular views of the Thames, Tower Bridge and the surrounding areas along with a more contemporary office feel and environment.

The More London complex has been designed by the Norman Foster partnership, who are perhaps better known for their involvement in the Swiss Re London headquarters, a building often referred to as "The Gherkin". Our new office will provide a fantastic location in which to host our developing programme of workshops and seminars as well as providing the much needed additional space for our growing team.

Practice Director, Richard Bunn said: "It was important that we remained local as the location is convenient for both clients and staff. We are looking forward to welcoming our clients and contacts at our new home and would encourage people to visit us if they are passing."

Our other offices in Bristol, Leamington Spa and Sheffield remain unaffected.



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### Mixed Sources

Product group from well-managed  
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