

The **i**NTERPATENT newsletter



MARCH 2025

RENEWAL FEES FOR REGISTERED EU (COMMUNITY) DESIGNS DUE TO INCREASE FROM 1 MAY 2025

The EU Design Reform which will enter into force on 1 May 2025 introduces, among others, important changes to the renewal process for Registered EU Designs.

By understanding the new rules and carefully considering the renewal periods, design holders can strategically time their renewals to minimize costs and ensure continued protection of their intellectual property.

One of the most significant changes brought by these new rules is the increase in official fees for the renewal of Registered EU (Community) Designs.

The fee changes will be effective from 1 May 2025 and are as follows:

	Current fee	New fee	Increase
First period of renewal per design	€90	€150	67%
Second period of renewal per design	€120	€250	108%
Third period of renewal per design	€150	€400	167%
Fourth period of renewal per design	€180	€700	289%

While not all designs normally reach their fourth renewal period, it cannot but be noted that the increase for this last renewal period is particularly expensive.

However, the cost of renewing a design will depend on when the renewal request is submitted and whether it falls under the old or new fee scheme, so that:

- **Renewal requests filed before 1 May 2025** will follow the old fee scheme as outlined above
- **Renewal requests filed on or after 1 May 2025** will be subject to the new fees, regardless of the payment method or processing time.

The positive aspect is that for all those cases which are renewed before 1 May 2025, even if their renewal due date would fall later, there is the possibility to still take advantage of the lower fees under the old system and avoid the significantly higher fees that will apply afterwards.

As a matter of fact, considering that you can renew a design starting 6 months prior to the due date,

if you have an EU design due for renewal up to the end of October 2025 you can still take advantage of the lower fees but only on condition that you proceed with renewal before the end of April 2025.

We therefore strongly advise design holders with designs that can be renewed prior to 1 May 2025 to file their renewal applications as soon as possible and by 30 April 2025 at the latest rather than waiting until the end of the renewal period.

If you haven't provided us with your instructions yet, please don't delay!

Of course, we at INTERPATENT would be very happy to help you check your docket for any EU designs that would benefit from this advantageous opportunity and, in general, we would be delighted to assist you for renewal.

Please contact us at email@interpatent.com.

ALCOHOLIC AND NON-ALCOHOLIC BEVERAGES: TWO DIFFERENT WORLDS, A RULING THAT BRINGS THEM CLOSER TOGETHER



Last 10 March **Alberto Furno from our firm** spoke at an event held by “Confagricoltura di Asti” (General Federation of Italian Agriculture – Asti Section) on the topic “*Wine between tradition and new frontiers – Evolution of consumption and markets between culture, brands, labels and alcohol content – Non-Alcoholic Wine and more...*”.

The focus of Alberto's talk was the recent introduction of the possibility for wine producers to produce non-alcoholic wines (which we discussed in the January issue of our newsletter) and its impact on the world of Intellectual Property. In particular, it was suggested to these producers that they also protect - when filing their future trade mark applications - Class 32, which includes beers, but also no-alcohol and low-alcohol wines.

We also drew the audience's attention to the fact that alcoholic beverages and non-alcoholic beverages, though products that are often found on the same table, can hardly be considered similar

when it comes to decisions by trade mark offices. **This has been the situation until now.**

Now, a **recent decision of the Opposition Division of the EUIPO** (European Union Intellectual Property Office) - upheld on appeal - has, in fact, **stated that there is a degree of similarity between alcoholic beverages and non-alcoholic beverages.**

The EUIPO's line of reasoning that led to this decision is outlined below.

In 2021, the Malaysian company Agate Integrated Engineering SDN BHD filed an application for the word mark “KINGSMAN” to distinguish goods in **Class 32: Alcoholic beer, ale, lager, stout and porter; craft beer; dark beer; flavored beers; low-alcohol beer; maize beer; malt beer; preparations for making beer; shandy; light beer; beer-based cocktails; fruit-flavored beer; malt beverages; mineral and aerated waters and other non-alcoholic drinks; non-alcoholic beer, ale, lager, stout and porter; fruit drinks and fruit juices; beer, ale, lager, stout and porter-based alcoholic beverages; non-alcoholic beverages containing beer, ale, lager, stout and porter; syrups and other preparations for making beverages.**

In 2022, the British company Marv Studios Limited filed an opposition with the EUIPO against the trade mark “KINGSMAN”, on the basis of their own identical trade mark “KINGSMAN”, which, however, had been registered for goods in Class 33, including, inter alia, **alcoholic beverages except beers and wine.**

The EUIPO Opposition Division, at first instance, partially upheld the opposition, finding the marks

partially similar in terms of goods.

In fact, the Division found that Marv Studios Limited's alcoholic beverages were similar to beers, low-alcohol beers and other non-alcoholic beverages covered by the contested trade mark, as they can be distributed through the same distribution channels and to the same consumer.

The only goods of the contested trade mark for which no similarity was found were the following: *mineral and aerated waters; fruit drinks and fruit juices; preparations for making beer; syrups and other preparations for making beverages.*

In July 2024, the company Agate Integrated Engineering SDN BHD filed an **appeal** with the EUIPO Board of Appeal against the EUIPO Opposition Division's decision.

The Board of Appeal upheld the EUIPO first instance decision on the following grounds.

The Board of Appeal first noted that the goods included in Class 32 are everyday consumer goods, purchased at affordable prices, which are normally distributed on a large scale from various sources (from the food section of a department store to bars and cafeterias) and which appeal to the general public with an average level of attention. Similarly, the opponent's goods in Class 33, which may include goods of relatively affordable prices and/or lower alcohol content, are primarily targeted at the general public, which is likely to show a medium degree of attention.

The relevant public, a factor to be taken into account in the opposition, is - therefore - the same.

In order to make its reasoning more fluent, the Board of Appeal drew a distinction between alcoholic and non-alcoholic beverages subject to opposition.

It therefore first compared the following goods:

Opponent's trade mark (Class 33)

Alcoholic beverages, except beers; spirits and liquors; whisky; bourbon; brandy; rum; vodka; gin; tequila; vermouth; champagne; wine; sparkling wine; cava

Applicant's trade mark (Class 32)

Alcoholic beer, ale, lager, stout and porter; craft beer; dark beer; flavored beers; low-alcohol beer; maize beer; malt beer; preparations for making beer; shandy; light beer; beer-based cocktails; fruit-flavored beer; **low-alcohol beer**

The Board of Appeal took the view that the alcoholic beer and alcoholic goods of the Applicant's trade mark – including low-alcohol beers – should be considered similar to the alcoholic beverages of the Opponent's trade mark. The decision states, in fact, that *'those beverages have a very similar degree of alcohol, are interchangeable and have the same distribution outlets as beer'*.

Alcoholic beverages and beers were therefore considered similar.

The Board of Appeal did not, however, wish to establish a general rule that a similarity must be found whenever the beverage, whether included in Class 32 or 33, has an alcohol component. Such reasoning would, in fact, be hazardous because in the absence of alcohol, no similarity would be found.

The Board of Appeal kept this logic in mind when comparing the remaining goods under opposition:

Opponent's trade mark (Class 33)

Alcoholic beverages except beers; spirits and liquors; whisky; bourbon; brandy; rum; vodka; gin; tequila; vermouth; champagne; wine; sparkling wine; cava

Applicant's trade mark (Class 32)

Non-alcoholic beer, ale, lager, stout and porter; non-alcoholic beverages containing beer, ale, lager, stout and porter and malt beverages; **other non-alcoholic beverages**

The Board of Appeal submits that, theoretically, given the absence of alcohol in their composition, those goods in Class 32 should be considered different from the goods covered by the earlier mark in Class 33 for the following reasons: *'The presence or absence of alcohol in a beverage is perceived as a significant difference as regards the nature of the beverages in question by the general public of the European Union as a whole. Members of the general public of the European Union are observant and differentiate between alcoholic and non-alcoholic beverages even when they choose a beverage on impulse'*.

However, as mentioned earlier, the presence or absence of alcohol in the beverage cannot be the only determining factor.

In fact, the Board of Appeal maintains that non-alcoholic beers or non-alcoholic beverages - on the one hand - and alcoholic beverages - on the other hand - **can be consumed on the same occasions.**

Although alcoholic beverages are generally intended to be savoured or tasted and are not intended to quench the consumer's thirst, it is not unusual for there to be diners who cannot or choose not to consume alcohol. Consequently, it must be held that, in the present case, all the goods covered by the trade marks in question can be consumed in the same circumstances.

Furthermore, it is stated that such products may also be marketed in the same outlets (supermarkets, specialised shops), in the same areas of the supermarket, in the same restaurants and in the same bars.

For these reasons, **the Board of Appeal recognised a degree of similarity, albeit minor, between non-alcoholic beverages and alcoholic beverages.**

It should be noted that the Italian case-law has not

yet adopted this approach, ruling that there exists a dissimilarity between alcoholic beverages (in particular wine) and beverages without alcohol content. It is to be hoped that the EUIPO ruling may be only the first to recognise a similarity between these products.

In any case, the decision of the EUIPO Board of Appeal is a very important milestone for trade mark owners operating in the beverage sector and may come to the rescue of those who - due to the recent introduction of non-alcoholic wines - are going to seek protection for non-alcoholic or partially non-alcoholic wines in Class 32 in the event of a conflict with trade marks that distinguish wine *tout court*.

Our professionals are at your disposal to investigate this issue and assess the existence of potential conflicts between trade marks in Class 32 and trade marks in Class 33.

EPO PATENT APPLICATIONS REMAIN STABLE IN 2024, ITALY RANKS FIFTH IN EUROPE



European Patent application numbers remain stable in 2024, with a **-0,1% as compared with the previous year.**

Data provided by the **Patent Index 2024** of the European Patent Office (EPO) show a slight increase

(+0.3%) in patent applications from the 39 European countries that are members of the EPO and an (equally slight) decrease (-0.4%) in patent applications from non-European countries.

In summary, the distribution of patent applications at the EPO in 2024 has seen the following changes compared to 2023:

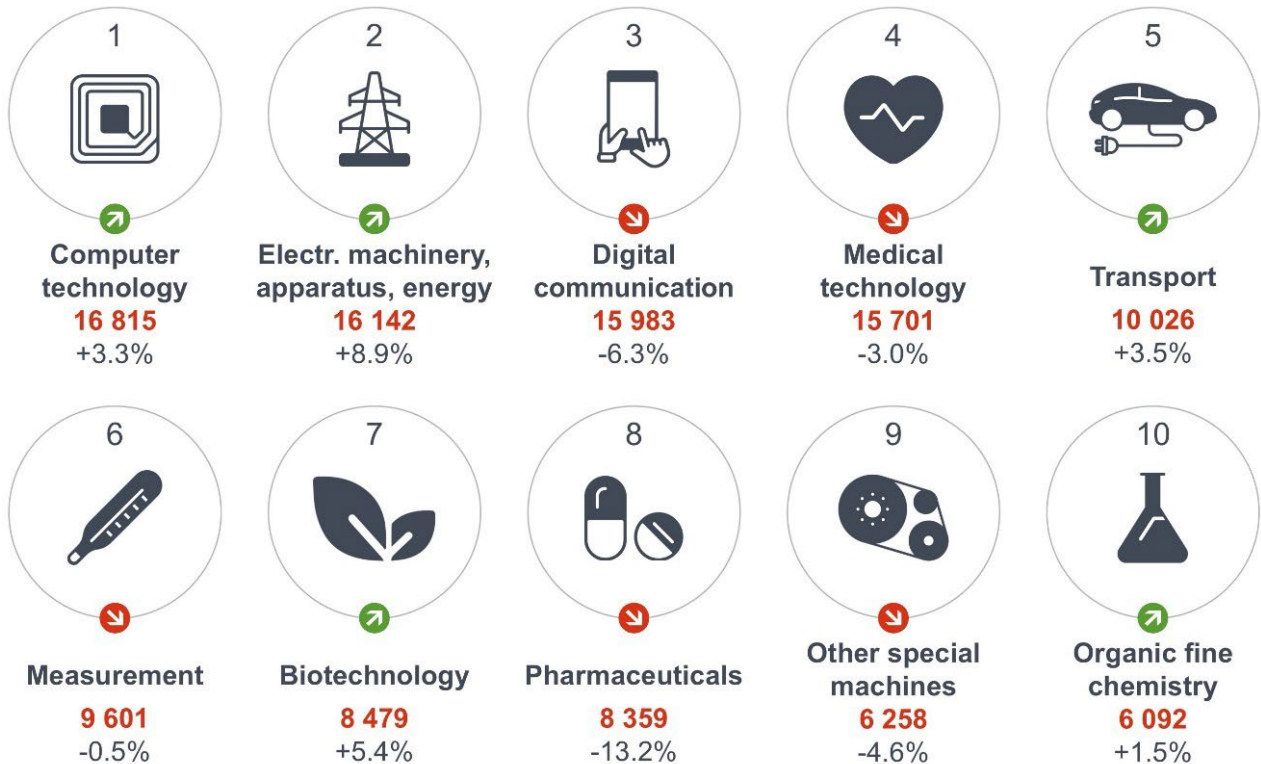
- from EPO member states: +0.3%
- from EU states: -0.4%
- from non-European states: -0.4%

Overall, the number of applications decreased by 0.1% in 2024.

As regards the main technical fields, **Information technology** (including artificial intelligence, machine learning and pattern recognition) leads the EPO patent rankings for the first time with 16,815 applications filed in 2024, 3.3% more than the previous year. In second place **Electrical machinery, apparatus and energy** (+8.9%), in third place **Digital communication (including mobile networks)**, down more than 6 percentage points.

The following image shows the first 10 fields in the number of European patent applications (2024):

TECHNICAL FIELDS WITH MOST PATENT APPLICATIONS 2024 ^{TOP 10}



European Patent Office 2025

Of the total applications, 43.3% came from European EPO member states.

In first place is the United States with 47,787 applications, 0.8% less on an annual basis, followed by Germany with 25,033 (+0.4%) and Japan with 21,062 (-2.4%).

Italy is 11th worldwide with 4,853 patent applications filed.

The top applicant countries for the year 2024 are the following (the numbers in brackets indicate the percentage with respect to 2023):

1. USA (-0.8%)
2. Germany (+0.4%)
3. Japan (-2.4%)
4. China (+0.5%)
5. South Korea (+4.2%)
6. France (+1.1%)
7. Switzerland (+3.2%)
8. Netherlands (0.0%)
9. UK (+3.1%)
10. Sweden (-3.7%)

In spite of a slight decrease in the number of patent applications coming from Italian companies, our country remains fifth in Europe and 11th at world level.

• **Main fields of activity of Italian applicants:** transport, handling, motors, pumps and turbines

• **Main Italian applicants:** Coesia, Ferrari, Iveco Group, Leonardo, Pirelli



LEADING COUNTRIES FOR PATENT APPLICATIONS 2024

2024 +/- 2023			
1	United States	47 787	-0.8%
2	Germany	25 033	+0.4%
3	Japan	21 062	-2.4%
4	P.R. China	20 081	+0.5%
5	R. Korea	13 107	+4.2%
6	France	10 980	+1.1%
7	Switzerland	9 966	+3.2%
8	Netherlands	7 054	0.0%
9	United Kingdom	6 076	+3.1%
10	Sweden	4 936	-3.7%
11	Italy	4 853	-4.5%
12	Belgium	2 615	+1.1%
13	Denmark	2 539	-2.2%
14	Finland	2 400	+2.7%
15	Spain	2 192	+3.0%
16	Austria	2 146	-8.0%
17	Canada	2 119	+3.3%
18	Israel	1 715	-0.6%
19	Chinese Taipei	1 499	-3.8%
20	Hong Kong SAR (China)	1 197	+12.2%
21	Ireland	1 118	+4.4%
22	Singapore	1 092	+2.3%
23	Australia	919	-9.7%
24	India	837	-5.5%
25	Norway	817	+16.7%
26	Poland	692	+3.4%
27	Türkiye	542	-12.3%
28	Liechtenstein	361	-19.2%
29	Portugal	347	+4.8%
30	Luxembourg	307	-10.2%
31	Czech Republic	252	+5.4%
32	New Zealand	226	-16.0%
33	Brazil	186	-17.3%
34	Slovenia	156	+2.0%
35	Saudi Arabia	143	-21.0%

European Patent Office 2025

Among the top applicants, the company that filed the most applications in 2024 is Samsung, which with 5,107 patents overtakes Huawei (4,322), now in second place. LG follows with 3,623 applications and Qualcomm with 3,015. The first company from an EPO country is Siemens in sixth place with 1,830 patent applications filed. Among the top five places there is no room for Europe: South Korea occupies the first and third positions, China the second and the United States the fourth and fifth.

According to Antonio Campinos, EPO president, to remain globally competitive, Europe needs to improve its innovation ecosystem and do more to help inventors expand and commercialise their inventions, especially

in critical areas such as green technologies, artificial intelligence, and semiconductors.

Our team includes patent attorneys whose knowledge covers a wide variety of technological fields and who are admitted to practice before both the EPO and the Italian Patent and Trademark Office (UIBM).

With our long and consolidated experience in prosecution of EP applications as well as EP validation, we would be very glad to assist your clients in obtaining patent protection in Europe and Italy.

Please contact us at email@interpatent.com.

The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



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