

The **I** NTERPATENT newsletter



APRIL 2026

LET'S MEET IN LONDON!

We are delighted to announce that Manuela Bruscolini will represent INTERPATENT at the upcoming INTA Annual Meeting in London from 2 to 6 May 2026.

As known, the INTA Annual Meeting is a unique opportunity to connect with the most influential brand professionals and industries from across the globe.

The INTA 2026 Annual Meeting will be held in the iconic city of London and is expecting to see the participation of more than 10,000 colleagues from around the world, by far the largest gathering in the IP sector.

This year's annual meeting will focus on agile brand protection in the era of AI, with a heavy emphasis on digital transformation, AI integration, and evolving intellectual property strategies. Key discussions will be centred on navigating AI-driven IP management, combatting digital fraud, and strengthening brand enforcement.

In the course of the week Manuela will moderate a table topic at lunchtime on

“Mastering Trademark Oppositions: Strategies and Best Practices for Brand Protection and a Valuable Opportunity of Cooperation Between Foreign Counsels”

 Sunday, 3 May |  12:30 – 14:00

The session will concentrate on practical approaches to trademark oppositions, sharing best practices and fostering collaboration between foreign associates—an increasingly important aspect in today's global IP landscape.

Manuela will be happy to discuss this and other issues as well as latest developments in Intellectual Property in Italy and in Europe as well as explore ways to build or consolidate cooperation with colleagues and associates from all over the world and very much looks forward to connecting with old and new IP friends.

For a possible meeting please contact Manuela at m.bruscolini@interpatent.com

In the meantime, safe travels to you all!

MADE IN ITALY DAY 2026: OUR CONTRIBUTIONS TO THE CELEBRATION OF ITALIAN HERITAGE



On 15 April Italy celebrated the **National Made in Italy Day**, established by Law No. 206 of 27 December 2023 (Framework Law on the Protection of Made in Italy), with the aim of promoting and enhancing the country's **industrial, cultural and creative excellence**.

The choice of date is symbolic: it coincides with **the birth anniversary of Leonardo da Vinci** (15 April 1452), an enduring icon of Italian genius, embodying the unique combination of art, science and innovation that still defines Italy's identity and craftsmanship today.

This national day was introduced to recognise the strategic role of **Italian excellence in economic and cultural development**, to promote the protection of quality productions, and to raise awareness—particularly among younger generations—of the value of artisanal and creative professions.

On the occasion of **Made in Italy Day 2026**, two members of our newsletter Editorial Committee actively contributed to initiatives **included in the official calendar promoted by the Italian Ministry of Enterprises and Made in Italy**.

Nicole Gorlier participated as a speaker in the webinar **“The Importance of Historical Trademarks”**, presenting a contribution

entitled **“The Historical Identity of ‘Cuneesi al Rhum’: the Case of Arione Pastry Shop.”** Her presentation highlighted the role of historical trademarks as authentic expressions of local identity and entrepreneurial tradition, emphasizing how they represent not only distinctive signs but also true cultural and economic assets.

The webinar also saw the contribution of **Alfonso Piantedosi, Director General of the Directorate for Industrial Property - Italian Patent and Trademark Office**, confirming the institutional relevance of the topic.

In this context, **Made in Italy** is not merely synonymous with manufacturing excellence, but represents a broader identity rooted in history, territories and local traditions. The ‘Cuneesi al Rhum’ are a meaning example of such heritage, a traditional confectionery specialty originating in the 1930s in the town of Cuneo in our region, Piemonte. Over time, it has become a symbol of quality and artisanal savoir-faire, combining selected ingredients, inherited techniques and a strong territorial identity—ultimately evolving into a distinctive and protectable sign.

Manuela Bruscolini, too, took part as a speaker in the event **“The Importance of Protecting Made in Italy through Industrial Property Tools”**, held at the Istituto di Istruzione Superiore J.B. Beccari in Turin, in collaboration with the **International Trademark Association (INTA)** and its **Unreal Campaign** Committee, of which she is a member.

This initiative forms part of broader awareness activities targeting young people aged 14 to 23, with the goal of fostering a deeper understanding of trademarks and other distinctive signs, as well as the risks associated with counterfeit products.

Launched in 2012, the Unreal Campaign is a global educational initiative aimed at

empowering young consumers to make informed purchasing decisions. It highlights not only the economic impact of counterfeiting, but also its social and safety implications. Through **school programs, events and digital engagement**, the campaign has reached more than **100,000 students across over 60 jurisdictions, promoting a culture of legality and respect for intellectual property**.

The Turin event was also attended by representatives of the **Ministry of Enterprises and Made in Italy**, as well as officers of the

Italian Financial Police (Guardia di Finanza), demonstrating the joint commitment of institutions and practitioners in protecting the national production system.

We are proud of these contributions, which reflect **INTERPATENT's ongoing commitment** to promoting and safeguarding Made in Italy through the effective use of industrial property tools and by fostering a culture of IP awareness—especially among younger generations.

ARTIFICIAL INTELLIGENCE ENTERS THE COURTROOM (BUT STAYS OUT OF EVIDENCE): THE CASE OF THE TURIN COURT OF APPEAL

In the field of Intellectual Property, we are accustomed to seeing world-renowned experts clash over minute technical details. However, recent **judgment No. 570/2026** of the **Turin Court of Appeal**, published on 19 March 2026, has introduced a new technological “third party” into the debate on patent validity: **Artificial Intelligence (AI)**.

This case offers a fundamental lesson on the legal limits of tools such as **ChatGPT** and search engines when used as “expert witnesses.”

The Heart of the Dispute: Between Strength and Lightness

The dispute concerned the validity of the Italian portion of European patent **EP 1 951 483**. The invention describes a cutting machine with an outwardly **bulged depression box**.

The technical advantage? A combination as simple as it is difficult to be achieved: increasing structural resistance to pressure (necessary for cutting) while simultaneously reducing the machine's weight by **30%**.

The appellant argued that this solution was “obvious.” To demonstrate this, in addition to citing prior art from distant sectors such as insulated containers, they decided to play the modernity card: they queried **ChatGPT** and **Google**, claiming that these tools—by scanning global knowledge—confirmed that the principle of curved walls to withstand pressure has been known for centuries (as in submarines or dams).

The Court's Position: Why AI Does Not Constitute Evidence

The Turin Court of Appeal firmly rejected the use of AI-generated responses as technical



evidence of the obviousness of an invention. The judges' reasoning touched on key issues for the future of IP litigation:

- **Procedural inadmissibility:** AI queries submitted late in the proceedings were declared inadmissible, effectively constituting “new documents.”
- **Lack of reliability:** The Court noted that no proof was provided regarding the robustness of the applications used. The scope and quality of the datasets on which the AI was trained are unknown, as is its capacity for technical discernment.
- **The risk of “hallucinations”:** The judges expressed concrete concern about the ability of such applications to avoid so-called “hallucinations,” i.e., the generation of technically incorrect answers presented in an authoritative tone.
- **Statistics vs. technique:** The ruling emphasised that AI does not “invent” or “understand,” but provides responses based on the **statistical probability** of word sequences. This process is worlds apart from the rigor required to assess inventive step in relation to the state of the art.

The key point: “No evidentiary value can be attributed to the answers produced by the appellant” through AI, since the quality and depth of the underlying data cannot be verified.

An Invention Is Not Just a Physical Principle

The appellant attempted to reduce the invention to a trivial application of a basic physical law. However, the Court clarified that patentability lies precisely in the **original technical implementation** of those principles to solve a specific problem in a non-obvious way for a person skilled in the art.

Using a striking comparison, the judges observed that if the argument of obviousness based on known physical laws were accepted, we would have to invalidate all patents on smartphone accelerometers simply because they are based on the “well-known law of gravity.”

Avoiding “Hindsight Bias”

Another pillar of the judgment concerns the so-called **Problem-Solution Approach**. The appellant had attempted to combine a patent for a flat cutting machine with that of a double-walled insulated container (document D2).

However, the Court, following the conclusions of the court-appointed technical expert (CTU), established that:

1. The sectors are technically distant (textile machinery vs. thermal insulation).
2. Extracting only the “bulging” from document D2, while ignoring its complex double-wall structure, amounts to an **ex post facto** (“hindsight bias”) analysis. In other words, it is easy to claim something was obvious after already seeing the patented solution.

Conclusions for Companies

This judgment represents an important “stop” to attempts to oversimplify patent validity assessments through generative AI tools.

For companies, the message is clear:

- **AI is a support tool**, not a substitute for technical and legal expertise.
- **Patent validity** must be defended and challenged through rigorous analysis of the state of the art and proper application of legal criteria (novelty and inventive step), not through chatbot screenshots.
- **The quality of technical expertise** (both court-appointed and party-appointed) remains the only real basis for judicial assessment.

In a world racing toward automation, the Turin Court of Appeal reminds us that judgment on human ingenuity still firmly belongs to humans and the law.

Our firm remains at our Clients' disposal to assist them in analyzing specific cases, helping them protect their inventions and defend their patent rights.

“AGRI-FOOD PROTECTION” BILL APPROVED TO ENSURE GREATER TRANSPARENCY AND SAFETY FOR FOOD PRODUCTS



On 15 April the Italian Chamber of Deputies definitively approved the bill entitled **“Sanctioning provisions for the protection of Italian food products”**, which had already passed review by the Italian Senate.

This legislative measure aims to increase the transparency and traceability of products throughout the entire supply chain, recognizing the importance of providing citizens with as complete information as possible, also for the protection of public health.

It also introduces a comprehensive reorganization of criminal protection in the agri-food sector. In fact, the Italian Criminal Code is updated with the introduction of **offences against the agri-food economy** and new criminal categories, such as food fraud and the trade of food products bearing misleading signs, replacing previous offences related to the sale of non-genuine products. The provisions also extend to unlawful conduct carried out through digital tools and online

networks, thereby strengthening consumer protection.

Below are the **new deterrent measures** introduced by the legislation:

- **Food fraud:** penalizes those who sell food or beverages knowing that they are not authentic or that they originate from places different from those declared.
- **Trade of food products with misleading signs:** punishes the use of trademarks or indications capable of misleading consumers as to the quality or quantity of products.
- **Aggravating circumstance of “agro-piracy”:** applies when the unlawful activity is carried out in an organized and continuous manner.
- **Quantity-based aggravating circumstance:** applies where particularly large quantities are involved.
- **Aggravating circumstance of organic fraud:** concerns cases where non-organic products are marketed as organic.

Penalties are also increased for the **offence of counterfeiting geographical indications or designations of origin of agri-food products** (Article 517-quater of the Italian Criminal Code): imprisonment rises from a maximum of 2 years to a range between 1 and 4 years, while fines increase from a maximum of €20,000 to between €10,000 and €50,000. In addition, mandatory confiscation is introduced, providing for the seizure of products, assets involved in or derived from the offence, and the tools used to commit it.

The protection of geographical indications represents a sector of great importance for the

agri-food economy, and its reinforcement was necessary: according to the latest Ismea-Qualivita report, in 2024 the sector generated a turnover of €20.7 billion, of which €12.3 billion came from exports.

Administrative sanctions have also been revised: they will be calibrated according to the seriousness of the violation and the turnover of the companies involved.

To ensure more effective and efficient controls, a **“Steering Committee for Administrative Controls”** is established—chaired by the Italian Minister of Agriculture, Food Sovereignty and Forestry (MASAF)—and supervisory bodies such as the Central Inspectorate for the Protection of Quality and Fraud Repression of Agri-Food Products (ICQRF) are strengthened.

The text of the bill is not yet available; therefore, we will provide a more detailed analysis once it is published. In any case, the reform demonstrates how institutions are increasingly attentive to protecting the agri-food sector, safeguarding consumers, and promoting high-quality production, also through more rigorous and effective regulatory tools.

Francesco Lollobrigida, Minister of MASAF, explained the rationale of the reform as follows: *“defending our agri-food system is fundamental; it means defending Made in Italy, which around the world is a symbol of quality and excellence”*.

Do not hesitate to contact if you wish to understand more of how these developments may affect business and which measures to adopt.



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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