The INTERPATENT newsletter



OCTOBER 2026

INTERPATENT SPEAKERS AT THE WEBINAR: PROTECTING IP IN THE AGE OF DUPES

On 12 October 2026, INTERPATENT took part in the webinar "*Protecting Trade Marks and Other Intellectual Property Rights in the Age of Dupes*", organised by the Turin Provincial Committee for the Fight Against Counterfeiting as part of the "*PI Smart – IP Protection Strategies in the Digital Marketplace*" series.

Our colleagues **Manuela Bruscolini, Italian and European Trade Mark Attorney, and Stefano Baldi, Italian and European Patent Attorney**, participated as speakers, sharing their expertise on the legal and practical challenges that the growing dupe phenomenon poses for businesses and intellectual property professionals.

The webinar was particularly timely, taking place just days before the 11th edition of the Italian Anti-Counterfeiting Week that took place from 19 to 23 October 2026, also featured in this issue of our newsletter, further highlighting the importance of effective IP protection in today's increasingly digital marketplace.

Understanding the Challenges Posed by Dupes

The term *dupe*, short for *duplicate*, generally refers to a more affordable product that takes inspiration from the appearance, features or appeal of a well-known product without necessarily reproducing its brand name or logo. Unlike conventional counterfeits, dupes are often openly presented as alternatives to the original, and consumers may knowingly choose them for their lower price.

This creates a different challenge for IP owners. Rather than necessarily misleading consumers about a product's commercial origin, dupe marketing may encourage consumers to feel that they are obtaining similar quality or aesthetics without paying the premium associated with an established brand.

Yet the development of an original product involves much more than its name or logo. Businesses invest in research and development, product design, technical improvements, marketing and brand recognition. When competitors capitalise on the results of these investments, questions arise about the limits of legitimate competition and the legal tools available to protect the value created by the original producer.

As discussed during the webinar, the absence of a copied brand name does not automatically rule out an infringement. The assessment depends on the elements reproduced, the intellectual property

rights available and the way the competing product is presented and marketed. Equally, similarity alone does not necessarily establish unlawful conduct.

Beyond Likelihood of Confusion: The Role of Reputed Trade Marks

A key focus of Manuela Bruscolini's presentation was trade mark protection, including the enhanced protection available to marks with a reputation. While the likelihood of confusion remains an important criterion in trade mark infringement cases, it is not the only relevant consideration.

Under the applicable legal conditions, the owner of a reputed trade mark may also be able to oppose uses that take unfair advantage of, or are detrimental to, the mark's distinctive character or reputation, even where consumers are not confused about the commercial origin of the products.

Two significant cases illustrate these issues.

In **L'Oréal v Bellure (Court of Justice of the European Union, Case C-487/07, 2009)**, the Court examined the marketing of imitation perfumes including packaging and comparative lists referring to well-known fragrances. The judgment clarified the relevance of taking unfair advantage of a trade mark's reputation, demonstrating that such protection is not limited to cases involving consumer confusion. The judgment clarified that taking unfair advantage of the distinctive character or reputation of a trade mark does not require a likelihood of confusion or damage to the mark itself. It may arise where a third party seeks to benefit from the attraction, reputation and marketing investment associated with a reputed mark. The decision remains an important reference point in assessing so-called free-riding, although it does not mean that every imitation is unlawful.

More recently, in **Thatchers Cider Company Ltd v Aldi Stores Ltd ([2025] EWCA Civ 5, Court of Appeal of England and Wales, 20 January 2025)**, the court considered the packaging of Aldi's lemon cider in relation to Thatchers' registered figurative trade mark, which protected the graphic presentation associated with its product. The court of Appeal found that Aldi had taken unfair advantage of the reputation of the Thatchers mark, even though consumers were not likely to be confused about the commercial origin of the two products. The court considered, among other factors, the link created in consumers' minds and the commercial benefit Aldi obtained from Thatchers' investment in developing and promoting its product.

The case illustrates how the overall presentation of a product may become legally significant when it evokes a well-known brand and benefits from its appeal. Although the UK decision must be considered within its own legal framework, it provides a useful example of the challenges raised by look-alike products and the importance of assessing the specific circumstances of each case.

The discussion also highlighted the potential relevance of **unfair competition rules**, where the applicable legal requirements are met, particularly when a competitor systematically imitates another business's commercial initiatives.

Registered Designs: Protecting Product Appearance and Packaging

Stefano Baldi's contribution focused on the role of registered designs, patents and utility models in protecting the product itself, beyond its brand identity.

Registered designs can be particularly relevant in addressing dupes, since they protect the appearance of a product or part of a product, including its lines, contours, colours, shape, surface texture and materials, where the relevant requirements are satisfied.

In the European Union, design protection is based on the overall impression produced on the informed user. The scope of protection is therefore not necessarily limited to identical copies: a design may also be infringed by another design that does not produce a different overall impression, subject to the applicable legal requirements.

The webinar explored several ways in which businesses can make more strategic use of design registrations:

- **Protecting individual product features.** Rather than seeking protection only for the product as a whole, businesses may consider registering distinctive parts or visual elements. This can be particularly useful when dupe products reproduce selected features of an original product while changing its overall appearance.

- **Considering multiple design filings.** In jurisdictions where multiple applications are available, businesses may be able to protect several designs through a single application, potentially reducing filing costs and allowing them to cover different product variants.

- **Extending protection to packaging.** Since imitation may concern not only the product but

also its packaging, it can be worth considering separate design protection for distinctive packaging elements and relevant variants.

- **Building a portfolio proactively.** In some jurisdictions, including the EU and Italy, design registrations can be obtained without a full substantive examination of novelty and individual character at the registration stage. This can facilitate relatively rapid and cost-effective protection, although the validity of the registered rights may still be challenged.

These strategies can help businesses develop a broader design portfolio that addresses not only direct copies but also products that reproduce selected visual elements. The appropriate approach will depend on the product, the relevant markets and the specific design rights available.

Patents and Utility Models: Protecting Technical Innovation

While designs primarily address appearance, **patents and utility models can protect technical features** that distinguish a product from competing alternatives.

A patent for an invention may protect a technical solution provided that the applicable requirements, including novelty, inventive step and industrial applicability, are met. The scope of protection is determined by the patent claims, meaning that it can extend to competing products incorporating the protected technical features even where their branding or external appearance differs.

Utility models, where available, can offer protection for certain technical improvements relating to the form or configuration of products, such as features that improve their usefulness or ease of application. Their requirements and procedures vary across jurisdictions.

As discussed during the webinar, patents and utility models may be less central to dupe-related disputes in sectors such as fashion and cosmetics, where imitation often focuses on appearance and brand appeal. However, they can be particularly valuable when a product incorporates genuine technical innovation.

Protecting these features can help businesses defend the technical advantages of their products independently of similarities in branding, shape or packaging. It also reinforces the importance of identifying and protecting innovation early, rather than relying exclusively on trade mark or design rights once imitation appears.

A Broader IP Strategy, Supported by Effective Enforcement

The webinar also considered the potential role of copyright, where the relevant requirements are met, as part of a wider strategy for protecting original product features and creative works.

The central message was that no single intellectual property right can address every form of imitation. Trade marks, registered designs, patents, utility models and copyright protect different aspects of a product and may complement one another. Identifying the appropriate combination requires an assessment of the product's distinctive characteristics, the available rights and the jurisdictions in which protection is needed.

Registration is only part of the process. Effective protection also requires monitoring marketplaces, social media and e-commerce platforms, collecting and preserving evidence, assessing potential infringements and selecting appropriate enforcement measures. Depending on the circumstances, these may include cease-and-desist letters, platform takedown requests or further legal action.

Protecting Innovation and Brand Value in a Digital Marketplace

The growing dupe phenomenon demonstrates that IP protection is not exclusively a concern for major luxury brands. Businesses of all sizes can face imitation when their products gain visibility and commercial traction. A proactive strategy can help identify protectable assets, establish a suitable portfolio of rights and support timely action when potentially infringing products appear on the market.

Through their contribution to the *PI Smart* initiative, Manuela Bruscolini and Stefano Baldi highlighted the importance of an integrated approach combining legal protection, strategic registrations, market monitoring and enforcement.

For businesses and IP professionals operating across different jurisdictions, understanding how these tools interact is essential to developing strategies tailored to the relevant rights, markets and circumstances.

INTERPATENT remains committed to supporting businesses and fellow IP professionals in protecting intellectual property, safeguarding innovation and addressing the evolving challenges of counterfeiting and imitation in an increasingly digital marketplace.

ITALY'S ANTI-COUNTERFEITING WEEK 2026: STRENGTHENING IP PROTECTION THROUGH INTERNATIONAL COOPERATION



From 19 to 23 October 2026, Italy held the 11th edition of its **Anti-Counterfeiting Week**, an initiative promoted by the Directorate General for Industrial Property – Italian Patent and Trade Mark Office (UIBM), under the Ministry of Enterprises and Made in Italy (MIMIT).

The initiative aims to raise public awareness of the impact of counterfeiting, including its serious economic consequences and the risks that counterfeit products can pose to consumer health and safety. Through a programme of workshops, seminars and institutional meetings, the Week brought together representatives of public authorities, law enforcement agencies, businesses, consumer associations and IP experts to exchange experience and good practices in the fight against counterfeit goods.

INTERPATENT followed the initiative with great interest, recognising the importance of continued dialogue and cooperation among IP professionals, IP rights holders, institutions and enforcement authorities in addressing the evolving challenges of counterfeiting.

A Programme Addressing Key IP Enforcement Challenges

The five-day programme addressed several interconnected aspects of IP protection and enforcement, reflecting the increasingly complex nature of the counterfeit market.

The opening day focused on the role of local communities and territories in combating counterfeiting, followed by the plenary meeting of the **National Council for the Fight Against Counterfeiting and Italian Sounding** (CNALCIS). During the meeting, the third report on the anti-counterfeiting activities carried out by the competent public administrations between July 2025 and June 2026 was presented.

Subsequent sessions examined the economic impact of global counterfeit trade on Italian brands and the strategies adopted by small and medium-sized enterprises to protect their intellectual property. Particular attention was given to the strategic value of patents, trade marks and designs as tools for competitiveness and for safeguarding Italian products and innovation.

The programme also addressed the challenges of protecting innovation in international markets, online reporting and enforcement strategies, and consumer protection. The Week concluded on 23 October with the sixth edition of the **Anti-Counterfeiting Day for Students**, an initiative designed to promote awareness and a culture of legality among younger generations.

International Dialogue and Cooperation in Brand Protection

Alongside its national initiatives, the Week provided opportunities for international exchange, bringing together organisations and professionals working on IP protection across different jurisdictions.

A notable event was the **sixth Policy Dialogue, "The New Frontline of IP: Enforcement, Brands & Digital Markets"**, held in Milan on 22 October and organised by the International Trade Mark Association (INTA) and INDICAM, in collaboration with UIBM, in which INTERPATENT had the pleasure to participate in person.

The meeting focused on the evolving challenges of brand protection in digital markets and the cooperation required among brand owners, service providers, investigators, customs authorities and IP offices. Discussions included initiatives developed by IP offices to support brand protection, as well as strategies for detecting and addressing potentially infringing listings on online marketplaces, both before and after publication.

These discussions highlighted how effective enforcement increasingly depends on coordination among stakeholders, the exchange of expertise and the development of practical approaches to monitoring and responding to online infringements.

Participation in this event provided a valuable opportunity for INTERPATENT to follow current developments in IP enforcement, exchange perspectives with fellow professionals and strengthen connections within the international IP community.

The discussions reinforced a key message: **effective brand protection increasingly relies on collaboration between institutions, businesses and IP professionals**, together with practical and proactive approaches to monitoring and addressing online infringements.

Raising Awareness of the Value of Intellectual Property

Beyond enforcement measures, the Anti-Counterfeiting Week highlighted the importance of prevention and public awareness. Counterfeiting is not merely a commercial issue: it can undermine legitimate businesses, discourage investment in innovation, damage brand reputation and expose consumers to products that may not meet the required safety standards.

Promoting a better understanding of intellectual property rights among businesses and consumers is therefore an essential part of a broader anti-counterfeiting strategy. By encouraging informed purchasing decisions and helping businesses recognise the value of protecting their intangible assets, initiatives such as this contribute to a stronger culture of IP protection.

The 2026 edition also reinforced the importance of addressing these challenges from multiple perspectives, combining institutional action, business strategies, technological tools and international cooperation.

INTERPATENT's Continued Commitment to IP Protection

INTERPATENT welcomes initiatives that encourage dialogue between IP offices, international organisations, businesses and professionals involved in the protection and enforcement of intellectual property rights.

The Anti-Counterfeiting Week provided a valuable opportunity to follow current developments, exchange perspectives and reflect on the practical challenges facing IP rights holders in an increasingly digital and interconnected marketplace.

Protecting intellectual property requires more than the registration of rights: it also calls for awareness, effective enforcement and sustained cooperation across jurisdictions. Initiatives such as the Italian Anti-Counterfeiting Week help keep these priorities at the forefront of the international IP community.

Further information: The full programme of Italy's 11th Anti-Counterfeiting Week is available on the official UIBM website https://uibm.mise.gov.it/index.php/it/settimana-anticontraffazione-2026

gTLD REVEAL DAY: KEY IP UPDATES AND UPCOMING DEADLINES



After more than ten years, the opportunity to apply for new generic Top-Level Domain (gTLD) extensions is reopening up worldwide.

ICANN (the Internet Corporation for Assigned Names and Numbers), the international organisation responsible for coordinating the Domain Name System (DNS), has announced the **"2026 Round"** — a designated application window during which companies and organisations may apply to create new generic Top-Level Domain extensions, known as gTLDs (generic Top-Level Domains). This marks only the second opportunity

in the history of the Internet to apply for new extensions of this kind.

Reveal Day represents a crucial milestone for brand owners, as it allows them to check whether third parties have applied for domain extensions (known as “strings”) corresponding to their brand names or registered trade marks. This enables them to prepare any necessary objections or legal safeguards while also providing insight into emerging trends in the future of the web.

However, Reveal Day — which took place on 7 October — is only the beginning. Several key intermediate phases lie ahead before the final list of approved extensions is disclosed:

1. **Replacement Period:** A temporary window during which applicants may convert contested applications into a pre-declared secondary choice.
2. **String Confirmation Day (17 November):** Publication of the definitive list of validated applications.
3. **Objection Period:** A critical timeframe during which legitimate rights holders may file formal objections (Legal Rights Objections) against the allocation of gTLDs that could harm or infringe their trademark rights.

The final list of strings is expected to be available approximately nine weeks after Reveal Day, i.e. around mid-December.

Stay tuned with us to learn which new extensions will successfully pass the ICANN’s evaluation process and what registration opportunities may arise to support your clients’ digital strategies.

A NEW ERA FOR EU DESIGNS: EUIPO WELCOMES FIRST VIDEO AND 3D REGISTRATIONS

Following the final stage of the new EU design regime implemented on **1 July 2026**, the European Union Intellectual Property Office (EUIPO) has officially published its first design registrations utilizing video and 3D file formats.

This update marks a significant shift in how design rights can be presented and protected, allowing rights holders to showcase products exactly as consumers experience them:

- **First Video-Represented Design:** Germany-based *Lessmore GmbH* secured protection for an animated graphical user interface (GUI) for a mobile game, demonstrating how dynamic movement and visual transitions can now form an integral part of a design's scope of protection.
- **First 3D-Represented Design:** Belgium’s *Arranged BV* registered a dice tray integrated with a mobile phone holder, utilizing a 3D file to provide a seamless, multi-angle view of the physical product.

Immediate Uptake & Strategic Value

Rights holders have been quick to embrace these new formats. In the first two weeks of July 2026 alone, the EUIPO received **37 video filings** and **20 3D representation filings**, alongside over 4,300 traditional static applications.

What This Means for Applicants

The inclusion of dynamic motion and 3D modeling offers greater flexibility for modern designs—particularly in software, digital interfaces, interactive products, and complex physical goods. While static images remain the standard for many applications, strategic use of video or 3D files can provide clearer protection for dynamic or multi-dimensional features.

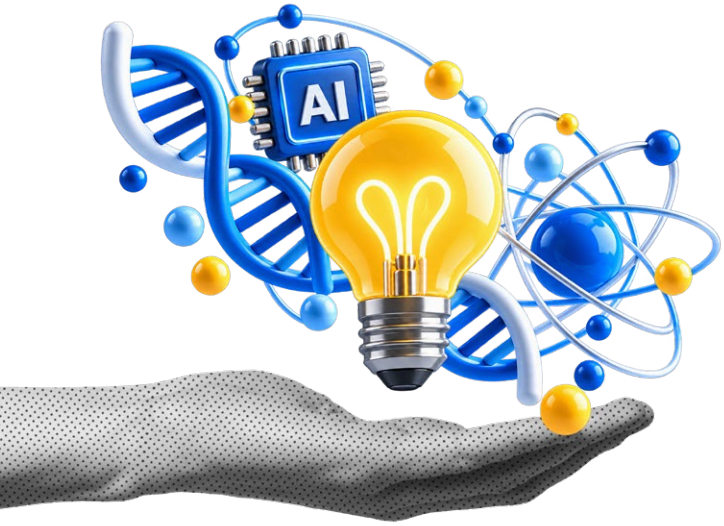
Our Recommendation

When preparing new EU design applications, consider whether video or 3D representations could better capture the unique elements of the product.

Please contact INTERPATENT’s team if you would like to evaluate the optimal filing strategy for design portfolios.



GLOBAL INNOVATION INDEX 2026: THE FUTURE DIRECTIONS OF GLOBAL RESEARCH



What is the Global Innovation Index (GII)?

In today's global economic landscape, tracking the shifting center of gravity in innovation is far more than an academic exercise—it is a strategic imperative for any growth-oriented enterprise. Every year, the World Intellectual Property Organization (WIPO) publishes the **Global Innovation Index (GII)**, a benchmark report evaluating the innovation performance of roughly 140 economies worldwide.

The GII examines a broad spectrum of structural indicators: from public and private R&D investment to university quality, digital infrastructure, financial market dynamism, and the robustness of intellectual property rights. For entrepreneurs, IP professionals, and business leaders, the report provides a comprehensive geographic and thematic roadmap to identify global tech trends, assess market strengths and vulnerabilities, and formulate highly informed investment and IP strategies.

The Central Theme of 2026: *"Powering Entrepreneurs at the Frontier of Science"*

Published this past September, the 2026 edition of the Global Innovation Index focuses on a critical thematic pillar: **"Powering Entrepreneurs at the Frontier of Science."** This year's report spotlights the complex transition required to turn breakthroughs in deep science into scalable startups, spin-offs, and commercial enterprises equipped to navigate global markets.

Unlike purely digital or business-model innovation, **deep science** is rooted in advanced physical, biological, and engineering breakthroughs. The GII 2026 takes an in-depth look at how ecosystems can bridge academic research and commercial industry, highlighting ultra-high-impact sectors such as:

- **Advanced materials and nanotechnology** driving sustainability and the green transition
- **Next-generation life sciences and biotechnology**
- **Quantum computing and advanced AI applications**
- **Space technologies and future mobility systems**

Crucially, the report underlines that the success of these frontier initiatives hinges on seamless synergy between public research institutions, venture capital, and—above all—a robust legal framework for **intellectual property protection starting from the earliest incubation stages**.

Europe and Italy's Standing in the GII 2026

Europe reconfirms its position as the region with the highest density of global innovation leaders, spearheaded consistently by Switzerland, Sweden, the United Kingdom, and the Netherlands. Notably, twelve European economies improved their overall ranking in the 2026 edition.

Against this backdrop, **Italy makes a significant step forward, claiming 27th place worldwide**. An analysis of the GII's structural indicators reveals an Italian economy firmly positioned among high-efficiency innovation nations: its scientific and industrial fabric demonstrates a strong capacity for translating R&D inputs into concrete technological outputs.

However, to consolidate and build upon these gains, the real test for Italian businesses lies in their ability to **monetize and secure their industrial property assets internationally**—transforming inventive excellence into an enforceable, long-term competitive advantage in foreign markets.

The Global Innovation Map and the Rise of Tech Clusters

A defining feature of the Global Innovation Index is its mapping of the world's top science and technology clusters. By tracking regional and cross-border concentrations of inventors and scientific publications, the GII ranks the world's top 100 science and technology hubs.

Top spots continue to be dominated by established ecosystems of exceptional scientific density:

1. **Shenzhen–Hong Kong–Guangzhou** (China) retains 1st place
2. **Tokyo–Yokohama** (Japan) holds 2nd
3. **San Jose–San Francisco / Silicon Valley** (USA) ranks 3rd

These are closely followed by powerhouse hubs like Beijing (4th) and Seoul (5th). In Europe, major centers like London (8th), Paris, and several other metropolitan areas continue to act as primary magnets for capital and talent.

However, the 2026 edition highlights a profound shift: alongside traditional tech giants, **new hubs across emerging markets are surging forward**, propelled by rapid growth in scientific publications and international patent filings under the **PCT International System**. This geographic diversification of innovation demonstrates that technological competition is no longer confined to a handful of industrialized nations, but is played out on a truly global scale.

Corporate & IP Strategy in Light of the GII 2026

The data and insights delivered by WIPO in the Global Innovation Index 2026 provide essential takeaways for corporate leadership and IP advisors. The accelerated pace at which scientific discoveries transition to commercial markets requires companies to continuously monitor competitive landscapes and secure their intangible assets early.

In an environment of rapid technological evolution and blurring market boundaries, relying solely on first-mover advantage is inherently risky. Rigorous, strategic IP planning—combining global trend analysis with solid patent protection and disciplined trade secret management—remains the cornerstone for safeguarding market position and seizing the commercial opportunities of this new frontier in science.

EUIPO DESIGNEUROPA AWARDS 2026: CELEBRATING A DECADE OF DESIGN EXCELLENCE

On 22 September, Ljubljana served as the epicentre of European intellectual property and design, hosting the milestone **10th anniversary edition of the DesignEuropa Awards**. Organized by the European Union Intellectual Property Office (EUIPO), the event brought together IP professionals, creators, and industry leaders to honor designs that successfully bridge aesthetic brilliance, robust technical functionality, environmental sustainability, and commercial viability.

2026 Award Winners & Categories

The competition highlighted the strategic value of the Registered Community Design (RCD) system across multiple key tiers:

- **Entrepreneurs and Small Companies Award: CLF Growth Container** (by Carbon Less Future) — Recognized for pioneering small-business innovation and sustainable structural design, which were combined in a modular system for tree cultivation.
- **Industry Category: NOHRD StepTower** (by WATERROWER | NOHRD) — Awarded for exceptional large-scale industrial design integration, combining high-end utility with ergonomic form in a multifunctional training system.
- **Lifetime Achievement Award: Philippe Starck** — Honored for his legendary, decades-long impact on global industrial design, shaping the landscape of modern aesthetics and

commercial product development.

- **Next Generation Design Award: Maria Gil** — Spotlighting the exceptional promise and visionary talent of this emerging professional in the field of furniture design.

- **Public Choice Award: Showee Smart Wellness** — Making history as the inaugural winner of this category, selected directly by popular acclaim for its breakthrough user-centric wellness innovation.

The recognized entries underscore how comprehensive design protection serves as a vital commercial asset, safeguarding both aesthetic investments and technical market differentiators, and they highlight how modern design evaluation increasingly prioritizes circular economy principles and green engineering, making environmental adaptability a key factor for future-proofing IP portfolios.

The EUIPO announced that **Prague** will serve as the host city for the **DesignEuropa Awards 2027**, continuing its tradition of celebrating creative hubs across Europe.



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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REA (Economic and Administrative Index) Number 963838

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