

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Twenty-Fourth Session
Geneva, November 1 to 4, 2010

TRADEMARKS AND INTERNATIONAL NONPROPRIETARY NAMES FOR PHARMACEUTICAL SUBSTANCES (INNs)

Document prepared by the Secretariat

1. Lists of Proposed and Recommended INNs are published regularly following meetings of the World Health Organization (WHO) INN Expert Group. The INN Expert Group, member of the WHO Expert Panel on International Pharmacopoeia and Pharmaceutical Preparations selects nonproprietary names for pharmaceutical substances. Based on the information provided by applicants (which can be States, designated national pharmacopoeia commissions, companies or individuals), an agreed name is selected and published as a proposed INN. During a four-month period, any person can make comments and lodge a formal objection to the proposed and published INN. If no objection is raised, this agreed name is published as the recommended INN. The published lists are accessible at:
<http://www.who.int/medicines/publications/druginformation/innlists/en/index.html>.
2. In 1993, the World Health Assembly endorsed resolution WHA46.19, which states that trademarks should not be derived from INNs and INN stems should not be used as trademarks. Such a practice could frustrate the rational selection of INNs and ultimately compromise the safety of patients by promoting confusion in drug nomenclature. Above all, use of INNs should remain free and in the public domain (see <http://www.who.int/medicines/services/inn/innguidance/en/>).

3. At its sixteenth session (Geneva, November 13 to 17, 2006), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) approved several proposals to improve the accessibility of the lists of international nonproprietary names for pharmaceutical substances (INNs) by the national and regional industrial property offices of the Member States of the World Intellectual Property Organization (WIPO) (document SCT/16/9, paragraph 87).
4. In accordance with one such proposal, the International Bureau of WIPO was requested to inform, by means of a circular letter, the national and regional industrial property offices of WIPO Member States, of the publication of each new list of proposed and recommended INNs. The International Bureau of WIPO also undertook to circulate among its members the cumulative lists of all proposed and recommended INNs published by WHO in hard carrier (CD ROM) each time that they were made available by WHO.
5. At its nineteenth session (Geneva, July 21 to 25, 2008), the Secretariat suggested that the circular letter concerning new lists of proposed and recommended INNs be replaced by an e-mail alert to all offices that have subscribed to the SCT Electronic Forum, taking into account that the date of publication of the list of proposed INNs constitutes the starting point of the four-month time limit to lodge an objection, and that the rapid accessibility to that list by the interested circles seemed to be crucial (document SCT/19/4, paragraphs 13 and 14).
6. The SCT considered the proposal made by the Secretariat but concluded that the Secretariat would continue to circulate information concerning the publication of new lists of proposed and recommended INNs by way of paper circular and, in addition, by an e-mail alert to all offices of SCT members and to SCT observers that have subscribed to the SCT Electronic Forum (document SCT/19/9, paragraph 285).
7. Two years after the decision of the SCT, it would seem appropriate to assess the cost-effectiveness of the currently applicable procedure, particularly in light of the increasing trend to replace paper by electronic communications. It is therefore proposed that the SCT recommend discontinuing the sending of paper circulars concerning newly available lists of proposed and recommended INNs and, for that purpose, use solely electronic communications under the SCT Electronic Forum. Practical information concerning subscription to the Forum is contained in the Annex to this document. A paper circular would nevertheless be sent to national and regional trademark offices each time that the WHO Secretariat transmits to WIPO a CD-ROM containing the new cumulative list of INNs.

8. The SCT is invited to consider the contents of the document and to indicate whether it wishes to approve the proposal for circulation of updated information on INN through electronic means, as outlined in paragraph 7.

[Annex follows]

ELECTRONIC FORUM OF THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

The SCT Electronic Forum was established pursuant to a decision of the *WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)* at its first session, held in Geneva from July 13 to 17, 1998 (see document SCT/1/6, paragraph 21), in order to accelerate the deliberations and discussions of the SCT.

The SCT Electronic Forum is used for the electronic distribution of information concerning preliminary draft documents and draft reports of the SCT, as well information pertaining to the ongoing work of the Standing Committee.

The SCT Electronic Forum is open for subscription to all States members of the SCT and all interested States, international intergovernmental and non-governmental organizations, which have observer status in the SCT. SCT Forum subscribers receive e-mail warnings each time that a new document or information is posted on the SCT Electronic Forum Website. Please refer to the subscription form reproduced hereunder, which can be accessed online at the following address: <http://www.wipo.int/sct/en/subscription.html>.

The screenshot shows a web browser window titled "Subscribe to the Electronic Forum - Microsoft Internet Explorer". The address bar shows the URL <http://www.wipo.int/sct/en/subscription.html>. The page content includes the WIPO logo and "PROGRAM ACTIVITIES" header. A navigation menu contains "ABOUT WIPO", "IP SERVICES", "PROGRAM ACTIVITIES", "RESOURCES", and "NEWS & EVENTS". The breadcrumb trail is "Home > Program Activities > SCT Electronic Forum".

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