

# IN THE NEWS

## Economic Downturn Hits WIPO Registration and Filing Services

International trademark filings under the Madrid System for the International Registration of Marks dropped by 16 percent in 2009 as a result of the global economic downturn, while Patent Cooperation Treaty (PCT) filings fell by 4.5 percent. WIPO received 35,195 international applications under the 84-member Madrid system compared to 42,075 in 2008. Provisional data for the PCT, which has 142 contracting parties, indicates that 155,900 international patent applications were filed in 2009 compared to the nearly 164,000 applications filed in 2008.

International trademark registrations began showing signs of a slowdown in 2008, so the 2009 figures were not wholly unexpected. Trademark registrations reflect the introduction of new products and services to the market and are sensitive to busi-

ness cycles. The comparatively smaller decrease (-1.2%) in the renewal of international trademark registrations, compared to 2008, underscores the value of established brands at a time when consumers opt for goods that are tried and trusted. In 2009, 19,234 international trademark renewals were recorded.

"The decline in PCT filings is not as sharp as originally anticipated – last year's results bring us back to just under 2007 levels, when 159,886 international applications were filed," said WIPO Director General Francis Gurry. "Interestingly, the rate of decline in international filings is lower than that experienced in some national contexts. This is an indication of a broad recognition that it makes good business sense, whatever the economic conditions, to continue to protect commercially valuable technologies internationally."

International patent filings in a number of East Asian countries continued to see positive growth in spite of challenging global economic conditions. Japan, the second largest user of the PCT, experienced a 3.6 percent rate of growth with 29,827 applications; the Republic of Korea, ranked fourth largest user of the system, experienced a 2.1 percent growth with 8,066 applications; and China became the fifth largest PCT user with a strong growth rate of 29.7 percent representing some 7,946 international applications.

The Madrid System also observed increases among some major users, notably the European Union (3.1%) and Japan (2.7%), as well as the Republic of Korea (33.9%), Singapore (20.5%), Croatia (17.5%) and Hungary (14.5%). ■

## Movie Props are Industrial Designs not Art

In December, the English High Court confirmed the decision of a lower court according to which props designed by Mr. Andrew Ainsworth in 1976 for the original Star Wars movies are designs, benefitting from only 15 years of protection in the U.K., rather than artwork that would be protected under copyright for 70 years.

The initial case was filed in 2005 by Lucasfilm after Mr. Ainsworth set up a website selling replicas made from the original molds he had created for props in the first Star Wars movie. Mr. Ainsworth did not challenge Lucasfilm's claim in the U.S., where he had sold only 19 models. By default judgment, a California court granted Lucasfilm

the US\$20 million it claimed in damages. But Mr. Ainsworth could not ignore the Lucasfilm case filed in the U.K., his actual place of business.

On December 16, 2009, English High Court Lord Justices Rix, Jacob and Patten upheld the lower court decision that the models were not sculptures and therefore could not benefit from copyright protection – which extends 70 years beyond the death of the creator – but industrial designs. Lucasfilm's appeal was dismissed.

Lucasfilm plans to take the case to U.K.'s Supreme Court. ■