

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

### **Thirty-Seventh Session**

**Geneva, March 27 to 30, 2017**

### **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 appropriate 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 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 twenty-fourth session (Geneva, October 1 to 4, 2010), the SCT approved the implementation of electronic communications under the SCT Electronic Forum concerning newly available lists of proposed and recommended INNs. Paper circulars continued nevertheless to be sent to national and regional trademark offices each time that the WHO Secretariat transmitted to WIPO a CD ROM containing the new cumulative list of INNs.
6. Six years after the decision of the SCT, it would seem appropriate to assess the cost-effectiveness of the currently applied procedure, particularly in light of the increasing trend to replace paper by electronic communications.
7. In addition, WHO has developed a collaborative information service called the "INN Global Data Hub" (available at [https://extranet.who.int/tools/inn\\_global\\_data\\_hub/](https://extranet.who.int/tools/inn_global_data_hub/)), the details of which will be presented by a Representative from the INN Programme, Technologies Standards and Norms Regulation of Medicines and Other Health Technologies, Essential Medicines and Health Products, WHO.
8. In view of the foregoing paragraphs, it is proposed that the SCT recommend discontinuing the e-mail circulars concerning newly available lists of proposed and recommended INNs that are sent through the SCT Electronic Forum.

9. *The SCT is invited to indicate whether it wishes to approve the proposal outlined in paragraph 8, above.*

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