

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

**Thirty-Ninth Session  
Geneva, April 23 to 26, 2018**

### **TRADEMARKS AND INTERNATIONAL NONPROPRIETARY NAMES FOR PHARMACEUTICAL SUBSTANCES (INNS)**

#### Background

1. At its thirty seventh session (March 27 to 30, 2017), the SCT considered document SCT/37/4, which recalled the following:

“[L]ists 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>.

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/>).

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).

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.

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.”

### Discussions at SCT/37

2. In light of certain recent technological developments at the WHO, the WIPO Secretariat proposed to discontinue its existing practice of issuing e-mail circulars concerning newly available lists of proposed and recommended INNs through the SCT Electronic Forum (document SCT/37/4, paragraph (8)). At the same session and as a complement to this document, the WHO presented its new information service called the “INN Global Data Hub”. The WHO explained that this Internet-based mechanism enables parties with appropriate credentials to access INN data directly online.

3. The SCT took note of the presentation by the WHO and considered the proposal contained in document SCT/37/4. After discussions, the Chair requested the Secretariat:

- to liaise with the WHO to explore whether, and how, national and regional industrial property offices of WIPO Member States could make use of the above-mentioned mechanisms, and to report back to the SCT on this matter at SCT/39; and
- in the meantime, to continue its existing practice of informing offices of lists of proposed and recommended INNs.

### Secretariat Follow-Up After SCT/37

4. In accordance with the decision taken by the SCT at its thirty-seventh session, the Secretariat has continued its existing practice of informing offices of lists of proposed and recommended INNs, as specified in paragraph 1, above. Since the thirty-seventh session, a number of e-mail circulars to that effect were issued through the SCT Electronic Forum.

5. Also in accordance with the decision taken by the SCT at its thirty-seventh session, the Secretariat has liaised with the WHO in order to determine how access to INN data could be modernized and improved, including whether and how, national and regional industrial property offices of WIPO Member States could make use of the INN Global Data Hub. The remainder of this document reports on the results of the discussions with the WHO Secretariat.

## Options for Accessing INN Data

### *Existing Practice*

6. The existing practice of the WIPO Secretariat, which consists of informing IP offices each time there is an INN update by means of a circular, as specified in paragraph 1, above, presents two disadvantages:

- Delays in the communication of information: Under the existing practice, when the WIPO Secretariat is informed of updates to the lists of approved and recommended INNs, it prepares a circular containing the relevant information which is communicated electronically to industrial property offices that have provided contact details to the SCT Electronic Forum. A certain delay is therefore caused between the date on which WHO updates the INN lists and their communication by WIPO, and this delay may negatively impact on the trademark examination process. The WIPO communication of the CD containing the cumulative INN lists through a circular is affected by similar delays.
- Less than optimal efficiency: The need for the WIPO Secretariat to track the publication of new INN data by the WHO and to prepare the circulars for the distribution of the INN lists to offices is unnecessarily time-consuming and cumbersome taking into account existing alternative technological possibilities.

7. The consultations between the WHO and WIPO Secretariats have shown that there are two options for overcoming these disadvantages, namely (1) the establishment of a direct connection between offices and the WHO INN Data Hub and (2) the integration of the INN Data into the WIPO Global Brand Database.

### *Direct Connection with INN Data Hub*

8. As part of its presentation at the thirty-seventh session of the SCT, the WHO highlighted that there was a possibility for offices to connect their trademark examination platforms to the INN Data Hub. A major advantage of this approach is that it allows a seamless and (near) real-time integration of INN data into the interfaces used by trademark examiners for the performance of their work, greatly facilitating their verification of the relationship between trademark applications and INNs.

9. The disadvantage of the approach is that it requires some degree of technical work on the part of the offices to connect their platforms to the INN Data Hub. The WHO Secretariat has informed the WIPO Secretariat that it stands ready to support offices in the establishment of the above-mentioned technical connection. Offices wishing to avail themselves of this option are encouraged to reach out directly to the WHO for this purpose, by contacting the following designated WHO technical focal point:

Dr. Raffaella Balocco  
Group Lead INN  
INN Programme  
[innprogramme@who.int](mailto:innprogramme@who.int)

### *Integration of INN Data into Global Brand Database*

10. One important outcome of the consultations between the WHO and WIPO Secretariat is the agreement in principle reached between both Organizations to make the INN data available for integration into the Global Brand Database. Apart from ensuring a better dissemination of INN data among the broader public, including intellectual property circles, such integration will allow for the automation of the WIPO notification of INN updates to offices.

11. It is foreseen that the Information Technology (IT) systems will be set up in a manner to ensure that any update by WHO to its INN data are reflected in the Global Brand Database, automatically triggering a WIPO electronic notification of the update to offices that have opted for this mode of communication. Anyone consulting INN records in the Global Brand Database will be able to access more details regarding these INNs by clicking on a link leading back to the relevant portion of the WHO website. In addition, when accessing INN records and data in the Global Brand Database, users will be notified of the fact that they may only use such records and data for a certain restricted purpose, and no other purpose.

12. The availability of the INN data in the Global Brand Database in combination with such automated notification will obviate the need for the WIPO Secretariat to manually issue the circulars referred to in paragraph 1, above, thus overcoming the inherent inefficiencies of this process.

### *Final Remarks*

13. The WIPO Secretariat intends to continue issuing the circulars referred to in paragraph 1, above to all offices currently receiving them, as long as they have not availed themselves of any of the two other options.

14. The WHO Secretariat has reviewed the present document and has signaled its agreement with its content to the WIPO Secretariat.

15. *The SCT is invited to note the content of the present document.*

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