



Intellectual Property implementation aims in Italy

ARBO Intellectual Property - Italy

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Industrial property is a vital component of any economy. It provides legal protection for the inventions, trademarks, and designs that drive innovation and business growth.

Italy has a robust system of industrial property rights that provides legal protection for inventions, trademarks, and designs.

In recent years, Italy has made significant changes to its industrial property laws to bring them in line with international standards. For example, **Italy ratified the Unified Patent Court (UPC) Agreement, which provides a single, unified court system for patent disputes in Europe and will enter into force in June 2023.**

Additionally, Italy has updated its trademark laws to provide greater protection for non-traditional marks (such as sounds and smells) and to introduce administrative proceedings for revoking or cancelling invalid or non-used trademarks in many circumstances.

Moreover, protection for Protected Designation of Origin (PDO) and Geographical Indications (GI) in general has strongly improved in the past years.

Guidelines for the period 2021-2023 include, together with long-term and more general aims, substantial amendments to the Industrial Property Code primarily referred to the Patent system for obtaining the following implementation of the whole legal framework, that are currently discussed and that could potentially be a part of a substantia reform of the patent system in Italy.

- ✓ **Ensure more rigorous respect for industrial property**
- ✓ **Improving guarantees for Industrial Property Rights' owners**
- ✓ **Encouraging the use of industrial property by SMEs**

One of the most sensitive aspect of the guidelines issued by the Italian government refers to the protection of intellectual property. It strongly affirms the willingness to strengthen the commitment against counterfeiting, implementing various measures, among which the adequate knowledge of



the phenomenon, the adoption of a more up-to-date and effective specific legislation and a policy of support for companies in the fight against counterfeiting.

In consistency with the aforesaid principle, more “substantial” concrete improvements have been put in place amending the Italian Industrial Property Code to provide the IP right’s owner with further guarantees: to this extent, **for example the applicant may pay the patent filing fees within a defined period, subsequent to the filing of the patent application** (and no longer at the time of filing the application as it happens today).

The temporary protection of designs and models presented at fairs and exhibitions will be regulated as well as the innovation in the university and public research sector where **ownership will no longer be recognized to the researchers who developed them, but to their respective institutions in which they operate** and, only in case of inertia of the respective institution, it will be attributed to the researcher.

Moreover, the guidelines include the implementation of a centralized online database for industrial property rights helping searching and obtaining information on IP rights.

Another fundamental aim of the guidelines is to guarantee financial support to tools for the valorization of industrial property titles by promoting measures of economic evaluation of industrial property titles and support to SME for protecting their rights.

The ongoing reform of the Italian Industrial Property Code is the final stage, after the harmonization of the trademark law following the EU directive 2015/2436, for modernizing the intellectual property framework and instrument to the actual needs of SMEs and IP rights owners.

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