

INTELLECTUAL PROPERTY

About Petter Rindforth

Petter Rindforth, Senior Partner of Fenix Legal, has a Master of law from the University of Stockholm. He is a Registered European trade mark and design attorney, Registered Legal Practitioner of the European Patent Office, and former president of the Association of Swedish Patent Attorneys. Petter is a trained mediator, an expert in cyberlaw and serves as arbitrator/panellist for WIPO, US-based FORUM, the Swedish IIS, and the Czech Arbitration Court.

Firm Profile

Fenix Legal, with its head office in Stockholm, Sweden, is an International Patent and Law firm specialised in intellectual property in Scandinavia, Sweden and Europe. Our consultants are well known and experienced lawyers, European patent, trademark and design attorneys, business consultants, authorized mediators and branding experts. Fenix Legal offers all services in the IP field including trademarks, domain name registration and dispute resolution, copyrights, patents, design, media and competition law, business agreements and business intelligence investigations.

World Intellectual Property Organisation has circulated a new draft text on definitions in the global broadcasting copyright treaty; can you share your thoughts on this?

There is indeed a need to decide on an up-to-date global solution, as basically the rules to protect television broadcasts from piracy have not been updated since the 1961 Rome Treaty. The term of protection has been discussed for some time and is now suggested to be granted "at least" until the end of a period of 50 years computed from the end of the year in which the programme-carrying signal was transmitted. It is of course better than the alternative 20-year term as in the Rome Convention and the WTO's Agreement on Trade-Related Aspects of Intellectual Property, but the longer period may on the other hand be more difficult to be accepted by the general public / end users. It remains to see how this will work in practice.

What is the best approach to protect domain names and copyright on the internet?

Make sure you register any trademarks or company names as domain names before you file a trademark application or before you publish a press release on your new marks and products. Also, to actively follow discussions and recommendations regarding your trademarks on social networks, is a perfect way to find sources of misuse, get an idea of which legally perfect but competitive trademarked products customers refers to, as well as to find links to

and recommendations of pirate copies and other misuse of your trademarks.

Your copyrighted text, pictures, movies, etc can also be continuously searched on the global network. Use a search specialist company to monitor what's coming up on internet and contact the search engine provider in order to quickly block all fake and infringing sites.

How effective is mediation during disputes involving copyright infringement?

As a mediator, I of course generally support mediation as the initial way to solve a dispute. However, in order to receive a good result, that both parties can accept, you also need to have parties on both sides that are honest and business minded. If the "infringing" party has only made a mistake, or believes that the copyrighted content is free to use for some reasons (such as used only as a reference, or as a satire), then mediation may well solve the problem and even end up in business agreements for the benefit of both parties. However, if the user is just an infringer, with full knowledge of the infringement, mediation will give no result.

As an expert in cyberlaw, how do you see the world of IP changing in the next few years, regarding the development of the internet and technology? Are there any changes you hope WIPO will address?

I hope that all will realise the need to continuously update license



Petter Rindforth
Managing Partner
at Fenix Legal KB
Stureplan 4C 4 tr,
Stockholm 11435, Sweden
E: info@fenixlegal.eu
W: www.fenixlegal.eu

fenixlegal
INTERNATIONAL PATENT AND LAW FIRM

agreements, user manuals and other documentation referring to their IP rights, in order to clearly cover new technique and avoid any "grey zones" in relation to others use of their material online.

Another aspect of IP on the Internet is domain name disputes. A working group (WG) within the Internet Corporation for Assigned Names and Numbers (ICANN) is currently making a review of all rights protection mechanisms in all generic top-level domain name systems. At the moment, this WG is dealing with an overview of the Uniform Rapid Suspension System (URS), and the next step will be an overview of the traditional Uniform Domain-Name Dispute-Resolution policy (UDRP). It is important for trademark owners to follow this work and give inputs to the WG on what may be needed to improve these fast and cost effective ways to stop trademark infringement online. One possible change is to introduce a fast track part of the UDRP, to be used on all cases where the domain holder does not respond. Such fast-track is used in a number of similar ccTLD dispute resolution systems with a very good result. It was in fact also suggested by WIPO already at the end of 2009. **LM**