

# WIPO Lex-Judgments

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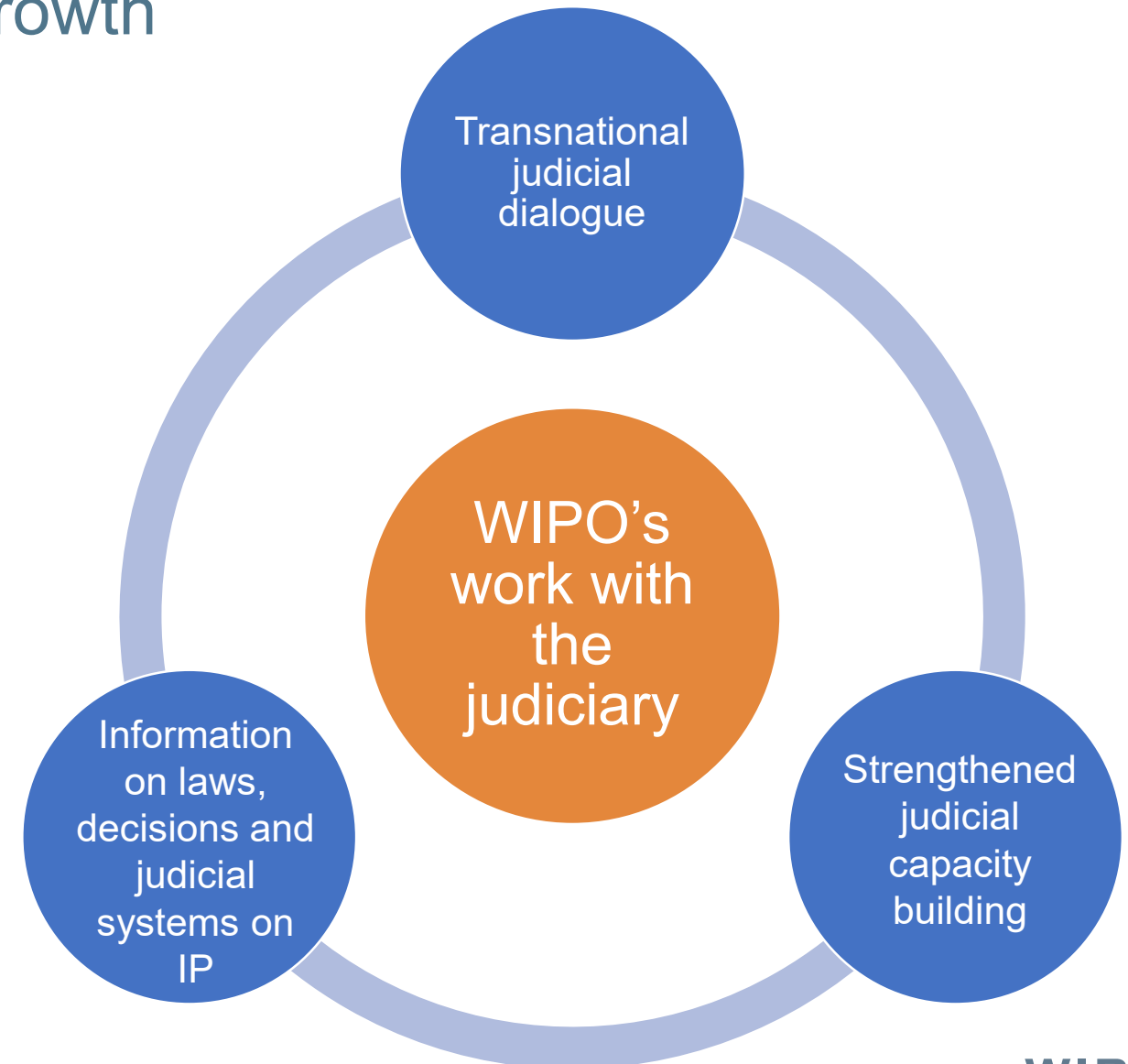
Consultant, WIPO Judicial Institute



# WIPO helps Member States develop their IP and innovation ecosystems to drive enterprise and economic growth

## WIPO's work with the judiciary:

- Empowers judiciaries to fulfill their vital role in ensuring that IP, innovation and creative ecosystems are balanced and effective
- Contributes to providing IP-related knowledge and data to a wider, general audience



# Pillar 3: Information on laws, decisions and judicial systems on IP

- WIPO Lex
- **WIPO Lex-Judgments**
- WIPO Collection of Leading Judgments on Intellectual Property Rights

[WIPO Lex Home Page](#) | [WIPO Lex Database Search](#) | [Browse WIPO Lex Collections](#)

## WIPO Lex Database Search

WIPO Lex provides free of charge access to legal information on intellectual property from around the world. Use WIPO Lex Database Search to access 48000 legal documents from among our Laws, Treaties, and Judgments collections.

[Laws](#)   [Treaties](#)   [Judgments](#)   [Full Text Search](#)

WIPO/WTO/UN Members

Subject Matter

Type of Text

Date of Text (Search Date of Adoption, Entry into Force, etc.)

From	To
<input type="text"/>	<input type="text"/>
Format: DDDMMYYYY	Format: DDDMMYYYY

WIPO Lex Publication Date

From	To
<input type="text"/>	<input type="text"/>
Format: DDDMMYYYY	Format: DDDMMYYYY

Search in Title/Notes

Use quotes for phrase match plus AND/OR operators to create complex queries

Include superseded/repealed laws

- + 16,000 legal records
- + 40,000 legal documents
- Legislation of 199 States and entities
- 785 international treaties on IP

# WIPO Lex Collections

- Three Collections: Laws, Treaties, Judgments
- Organized by Member State/Organization
- Flexible Search Options:

<https://wipolex.wipo.int/en>

## Laws



### IP Legislation by Jurisdiction

Collection of IP laws, rules, and regulations of the member states of WIPO, the World Trade Organization (WTO), and the United Nations (UN).

### WIPO-WTO Common Portal

Access point for national IP offices and national trade offices of WIPO, WTO, and UN members for the submission of IP laws, rules, and regulations.

## Treaties



### WIPO-Administered Treaties

WIPO administers 26 treaties at the international level, touching on a wide range of IP-related topics.

### IP-related Treaties Collection

Collection of IP-related treaties involving a variety of international actors.

### Treaty Parties

IP-related treaties organized by Party.

### Treaty Hosts

IP-related treaties organized by Host Institution.

## Judgments



### IP Judgments by Jurisdiction

Leading IP judgments establishing precedent or persuasive interpretations, curated by participating WIPO member states.

### WIPO's Work with Judiciaries

WIPO works with judges from around the world to create a space for dialogue and exchange of information and practices, to deliver capacity building activities, and to increase the availability of information about IP and courts.

# WIPO Lex-Judgments

- WIPO's new database to provide open and free-of-charge online access to judicial decisions on IP from around the world
- **Launched in September 2020**
- 23 Participating jurisdictions: Andean Community, Australia, Benin, Brazil, Burkina Faso, Cameroon, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Gabon, Jamaica, Lithuania, Mexico, Niger, Peru, Philippines, Republic of Korea, Senegal, Spain, Togo, and United States of America

<https://wipolex.wipo.int/en/main/judgments>

# WIPO Lex Database Search

WIPO Lex provides free of charge access to legal information on intellectual property from around the world. Use WIPO Lex Database Search to access 49000 legal documents from among our Laws, Treaties, and Judgments collections.

Laws

Treaties

Judgments

Search by Jurisdiction

Full Text Search

Country/Regional Organization

Select a Member

Subject Matter

Select a Subject Matter

Issuing Authority

Level of the Issuing Authority

Select Level of Issuing Authority

Type of Procedure

Select Type of Procedure

Relevant Legislation

Relevant Treaties

Select Relevant Treaty

Date of Judgment

From

To

Format: DDMMYYYY

Format: DDMMYYYY

Keywords

Use quotes for phrase match plus AND/OR operators to create complex queries

Search

Reset

# Leading judgments **selected by national authority**

- Established precedent or persuasive interpretations
- Cited in other judgments, praised by commentators, academics or the legal community
- Significant impact in area of subject matter in dispute

## WIPO Lex Search

Query:  
Jamaica  
11 Citations.

Judicial Administration Structure for IP Disputes

Date of Judgment	Issuing Authority ↑	Citation	Subject Matter	WIPO Lex No.
December 13, 2019	Court of Appeal of Jamaica	<a href="#">[2013] JMCA App 35</a>	Copyright and Related Rights (Neighboring Rights)	JM016-j
February 19, 2016	Court of Appeal of Jamaica	<a href="#">[2016] JMCA Civ 11</a>	Trademarks	JM009-j
May 30, 2014	Court of Appeal of Jamaica	<a href="#">[2017] JMCA CIV 21</a>	Trademarks	JM001-j
September 20, 2013	Court of Appeal of Jamaica	<a href="#">[2014] JMCA Civ 15</a>	Copyright and Related Rights (Neighboring Rights)	JM015-j
November 9, 2001	Court of Appeal of Jamaica	<a href="#">SUPREME COURT CIVILAPPEAL NO. 133/2001</a>	Trademarks	JM008-j
November 20, 1988	Court of Appeal of Jamaica	<a href="#">SUPREME COURT CIVILAPPEAL NO. 85/97</a>	Trademarks	JM012-j
December 11, 2017	Judicial Committee of the Privy Council	<a href="#">[2017] UKPC 40 Privy Council Appeals No 0067 of 2016 and 0073 of 2016</a>	Copyright and Related Rights (Neighboring Rights)	JM010-j
April 12, 2019	Supreme Court of Judicature of Jamaica	<a href="#">[2019] JMCC COMM.13</a>	Trademarks	JM006-j





# Leading judgments selected by national authority indexed for easy identification and access

- Bibliographic details
- Full text of judgments in original language (and translation where available)
- Summary of judgments (where available)

## Peru

**Sala de Derecho Constitucional Social Permanente de la Corte Suprema de Justicia, Sentencia del 22 de enero de 2009. Casación Número: 3304-2007**

<b>Date of Judgment:</b>	January 22, 2009
<b>Issuing Authority:</b>	Constitutional and Social Sector of the Supreme Court of Peru
<b>Level of the Issuing Authority:</b>	Final Instance
<b>Type of Procedure:</b>	Judicial (Administrative)
<b>Subject Matter:</b>	Trademarks
<b>Plaintiff:</b>	Adidas Salomon AG
<b>Defendant:</b>	Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual- INDECOPI
<b>Keywords:</b>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">Machine translation</div> Riesgo de confusión
<b>Judgment/Decision:</b>	<b>Spanish</b> Sala de Derecho Constitucional Social Permanente de la Corte Suprema de Justicia, Sentencia del 22 de enero de 2009. Casación Número: 3304-2007  (Version with Automatic Translation Tool)
<b>Additional Documents:</b>	<b>Spanish</b> Sala de Derecho Constitucional Social Permanente de la Corte Suprema de Justicia, Sentencia del 22 de enero de 2009. Casación Número: 3304-2007  (Version with Automatic Translation Tool)
<b>Relevant Legislation:</b>	<ul style="list-style-type: none"><li>• Industrial Property Law (Legislative Decree No. 823 of April 23, 1996) (PE008)</li><li>• Law No. 27444 on the General Administrative Procedure (PE031)</li></ul>
<b>WIPO Lex No.</b>	PE063-j

## Peru - Judgment - WIPO Lex No. PE056-j

*Sala de Derecho Constitucional y Social Permanente de la Corte Suprema de Justicia, Sentencia del 03 de agosto de 2017. Casación Número: 3877-2016*

Machine translation

*Corte Suprema de Justicia de la República  
Sala de Derecho Constitucional y Social Permanente*

SENTENCIA  
CASACIÓN N° 3877- 2016  
LIMA

*Sumilla: La interpretación correcta del artículo 135 inciso b) de la Decisión 486 en el caso que se pretenda el registro de un signo figurativo compuesto por combinación de colores, debe contener indefectiblemente una composición de carácter especial, inusual, y claramente diferenciable; con particularidades suficientes del signo a registrar que lo haga identificable y diferenciable; en caso contrario, el signo figurativo se encontraría inmerso en la prohibición por carencia de distintividad; al no ser identificable ni diferenciable.*

Lima, tres de agosto de dos mil diecisiete.-

### LA SALA DE DERECHO CONSTITUCIONAL Y SOCIAL PERMANENTE DE LA CORTE SUPREMA DE JUSTICIA DE LA REPÚBLICA:

I. **VISTA** la causa; con el expediente administrativo; de conformidad con el dictamen del señor Fiscal Supremo en lo Contencioso Administrativo; en Audiencia Pública llevada a cabo en la fecha, con los señores Jueces Supremos: Walde Jáuregui, Presidente, Vinatea Medina, Rueda Fernández, Toledo Toribio y Bustamante Zegarra; luego de verificada la votación con arreglo a ley, se emite la siguiente sentencia:

#### 1. De la sentencia materia de casación.

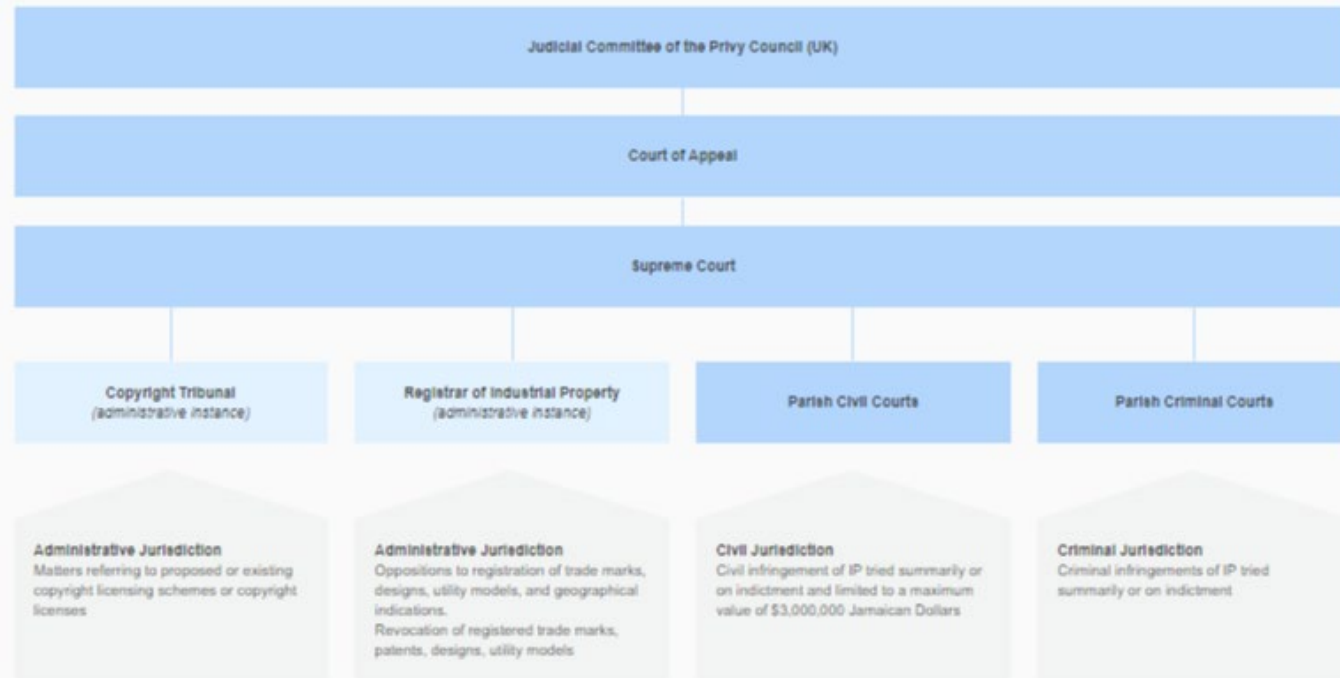
Es objeto de casación la sentencia de vista contenida en la resolución número ocho, de fecha seis de enero del dos mil dieciséis, obrante a fojas doscientos treinta y cinco del expediente principal, por la cual, la Quinta Sala Especializada en lo Contencioso Administrativo con Sub Especialidad en Temas de Mercado de la Corte Superior de Justicia de Lima, **revoca** la sentencia apelada contenida en la resolución número diez, de fecha veintiuno de mayo de dos mil catorce, obrante a fojas ciento treinta y dos, que declaró **infundada** la demanda; y **reformándola** la declaró **fundada**; en consecuencia **nula** la Resolución N° 2403-2011/TPI-INDECOPI, de fecha veintiocho de octubre de dos mil once, debiendo la entidad demandada expedir nuevo acto administrativo; en los seguidos por Productos Paraíso del Perú Sociedad Anónima Cerrada contra el Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual – Indecopi, sobre Impugnación de resolución administrativa.

<https://wipolex.wipo.int/en/text/820>

# Judicial Administration Structure for IP Disputes

## Judicial Administration Structure for IP Disputes: Jamaica

Information provided by:  
The Jamaica Intellectual Property Office

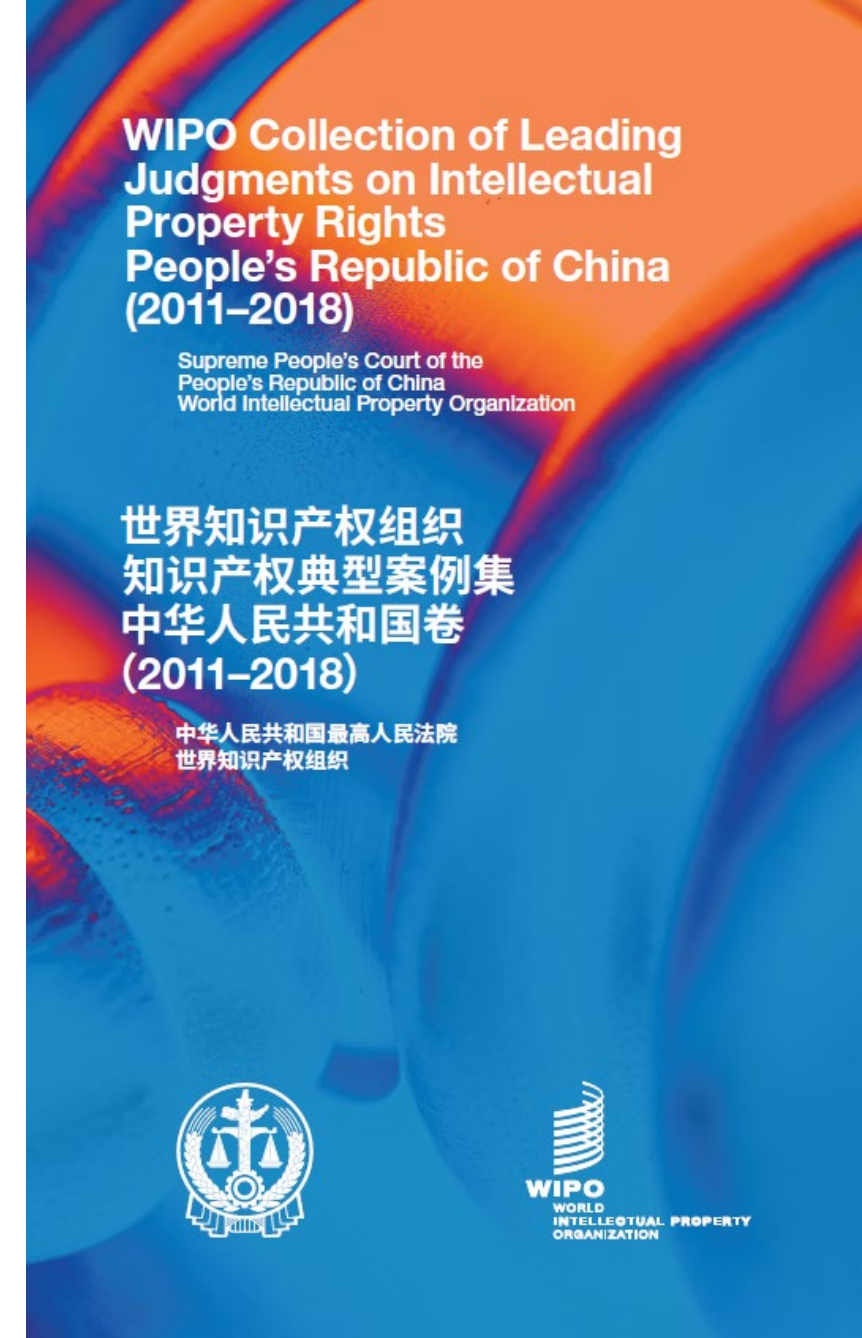


- ▶ [Administrative Procedure](#)
- ▶ [Judicial Procedure](#)
- ▶ [Online Database of Judgments](#)
- ▶ [Related Links](#)

- Administrative procedure
- Judicial procedure
- IP-specific features
- IP case statistics
- Link to national database of judgments

# WIPO Collection of Leading Judgments on IP

- WIPO Collection of Leading Judgments on Intellectual Property Rights: China (2019)
- WIPO Collection of Leading Judgments on Intellectual Property Rights: OAPI countries (soon)
- More editions to come



# WIPO Webinar for Judges

- Webinar for Judges on June 2, 2021: Evaluating Similarity of Trademarks and Likelihood of Confusion in the Caribbean Region
- Webinar for Judges on September 30, 2021: Protection of Works of Applied Art in Copyright

# Thank you!

- **Website:** <https://wipolex.wipo.int/en/main/judgments>
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[judicial.institute@wipo.int](mailto:judicial.institute@wipo.int)

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