

IPRIA International Developments in IP Update June 2006

Welcome to the IPRIA International Developments in IP Bulletin for June 2006. The following updates are placed on the IPRIA International Developments website, which can be viewed in full at <http://www.ipria.org/developments_in_ip/intdev/index.html>.

IPRIA is engaging in an assessment of our Australian and International Developments Bulletins to ensure that they offer benefits to the many professionals who receive them. We would value your input into the process through the completion of a short survey. The questionnaire should take no more than five minutes of your time.

Please disregard this request if you took the time to complete the survey with the May Australian Developments Bulletin.

Please click here to access the survey: <http://www.ipria.org/survey/>

The responses to the questionnaire will remain confidential.

WORLD INTELLECTUAL PROPERTY ORGANISATION (WIPO)

WIPO to introduce program for business managers

On 8 June 2006 WIPO announced that, due to public demand, it will introduce a new study program for business managers. The Executive Program, which supplements a number of programs that focus on human capital development, will offer business-oriented IP education and foster interdisciplinary teaching and research in business and management areas of IP. The first open enrolment program – ‘Strategic Intellectual Property Management’ – will be held at WIPO’s headquarters in Geneva on **18 and 19 September 2006**.

For more information, click here

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_448.html

IP AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

Launch of new funding mechanism for indigenous and local communities

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge (TK) and Folklore (IGC) announced at its meeting from **24 to 28 April 2006** that it will enhance and facilitate the participation of indigenous people in its work. The IGC appointed a nine-person advisory board for the administration of the Voluntary Fund for Indigenous and Local Communities established by WIPO member states in autumn 2005. The Board will support participation of indigenous and local communities in the IGC and enhance the work of that Committee. The Swedish International Biodiversity Programme and the Government of France announced contributions of 500,000 Swedish Krona and 20,000 Euros respectively.

For more information, click here

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_446.html

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Move to update rights of broadcasting organisations

On **5 May 2006**, it was announced that WIPO member states had agreed on a way forward in addressing questions relating to updating the rights of broadcasting organisations. The member states will follow a parallel process in dealing with questions relating to traditional broadcasting and cablecasting organisations and the issues of webcasting and simulcasting. At the end of a week long meeting in Geneva, member states agreed to hold an additional meeting of the Standing Committee on Copyright and Related Rights (SCCR) before the annual meeting of the WIPO General Assembly (which will be held from 25 September to 3 October 2006) to further strengthen consensus regarding questions relating to the rights of traditional broadcasters and cablecasters. Member states agreed that the questions of webcasting and simulcasting would continue to be examined by a meeting of the SCCR after the General Assembly.

For more information, click here

http://www.wipo.int/edocs/prdocs/en/2006/wipo_upd_2006_274.html

EUROPEAN UNION (EU)

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European Charter for Film Online endorsed by major industry players

At the Cannes Film Festival on **23 May 2006**, a variety of broadcasters, telecom operators and film studios from the European Union and the United States, including the BBC, France Telecom and Time Warner, endorsed a charter to substantially broaden access to film online. Launched by the EU Commissioner for Information Society and Media last year at Cannes, the “European Charter for the Development and the Take-Up of Film Online” is open for endorsement by all interested parties and is expected to attract more signatories in the coming months. The Charter promotes examples of ‘commendable practices’ in three main areas. These include improving the availability of Film Online Services on a mutually profitable basis, education regarding copyright in order to secure the sustainable availability of content, and co-operation to combat piracy. For the Commission, the Charter is also seen as the first step towards developing a broader Content Online Policy for the European Union. The Commission will present a Communication of this subject in autumn 2006.

For more information, click here

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/672&format=HTML&aged=0&language=EN&guiLanguage=en>

European Commission launches a consultation on copyright levy reform

In June 2006, the European Commission launched a public consultation on copyright levy systems in the form of a questionnaire, entitled “Copyright levies in a converging world”. An initiative on copyright levies is in the Commission Work Program for 2006. The consultation arises in the context of the ongoing review of Directive

2001/29 of the European Parliament and of the Council of 22 May 2001 on the harmonisation of copyright and related rights in the Internal Market. Member states have already been consulted regarding the scope of the private copying exception and existing systems of remuneration. The most prevalent system of remuneration is that of copyright levies. According to the Commission, the questionnaire will act as an additional follow-up consultation, intended to “further improve the quality of the policy outcome and at the same time enhancing the involvement of interested parties and the public at large.” The consultation process will run from **6 June to 14 July 2006**.

For more information, click here

<http://www.ipr-helpdesk.org/controlador/noticia?seccion=noticia&tipoListado=all&id=0000005942&len=en>

PATENTS

European Commission confirms that computer programs will not be patentable under proposed patent regulation

On **18 May 2006**, the European Commission stated that computer programs will be excluded from patentability in the upcoming Community Patent Regulation. The Commission also confirmed that the European Patent Office's case law is not binding for member states, nor (under the proposed Community Patent Regulation) for the European Court of Justice. The announcement was made in response to a question posed by a Polish Minister of European Parliament, Adam Gierek. The Commission also stated that the Directorate-General for the Internal Market and Services has launched a broad consultation on the structure of the European patent system and the Community Patent. According to the Commission, preliminary findings will be discussed with stakeholders at a hearing in Brussels that will ‘most probably’ take place in June 2006. The European Parliament will then be informed of the results of this consultation.

To access the statement of the European Commission, click here http://www.europarl.europa.eu/omk/sipade3?L=EN&OBJID=116106&LEVEL=4&S_AME_LEVEL=1&NAV=S&LSTDOC=Y

European Commission calls on member states to support patent use

On **22 May 2006**, the European Commission called on greater efforts by national governments and EU institutions to help businesses obtain the benefits of the current patent systems in Europe. The latest Community Innovation Survey has revealed that European businesses, mainly small and medium sized enterprises (SMEs), are still reluctant to use patents and prefer to rely on secrecy. Issues discouraging SMEs from using the patent system include differences in the cost of patenting and lengthy litigation procedures. Director of Innovation Policy at the European Commission’s Enterprise DG, David White, urged representatives from participating national patent information centres to understand companies’ concerns and share examples of how patents are used. Mr White also said that the Commission would look to reinforce its cooperation with National Patent Offices, and encourage the development of a network of National Patent Offices, in order to create a ‘one-stop-shop’ for European enterprises in their own language.

For more information, click here
<http://cordis.europa.eu/innovation-smes/src/cis.htm>

COMMUNITY DESIGNS

European Commission welcomes Parliament support on proposals to link the EU Community Design system with WIPO's international system

On **18 May 2006**, the European Commission welcomed the European Parliament's vote supporting the Commission's proposals to link the Community Design system, which protects designs within the EU, with the international design registration system of WIPO. The proposals would allow companies, with a single application, to obtain protection of a design throughout the EU with the Community Design and also in the countries which are members of the Geneva Act of the Hague Agreement regarding the international registration of industrial designs. It is hoped that the 'simplified procedure' would lead to a saving of costs. According to the Commission, there would be no need to provide translations of documents, to keep watch on the different deadlines for renewal of various national registrations, or to pay a series of national fees and agent fees in different countries.

For more information, click here
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/650&format=HTML&aged=0&language=EN&guiLanguage=en>

WORLD HEALTH ORGANISATION (WHO)

Report released on biomedical innovation, patents and public health

On **4 May 2006**, a report commissioned by WHO titled "Public Health, Innovation and Intellectual Property Rights" was released. The report examines the relationship between intellectual property rights and research and development into diseases disproportionately affecting developing countries. A key issue in the report is 'how the patent system is relevant to encouraging innovation in the biotechnology and pharmaceutical industries'. The 228 page report makes several recommendations to governments, governments of developing countries, WHO and other international agencies, and to companies. According to the report, governments should make available reliable information on the patents they have granted, and amend their laws to allow compulsory licensing for export consistent with the TRIPS Agreement. Governments of developing countries should promote the use of a research exemption as part of their patent law and invest appropriately in health delivery infrastructure. WHO and other international agencies should encourage the creation of 'patent pools' (agreements between two or more patent owners to licence their patents to one another or third parties) to facilitate product development. Lastly, companies should adopt transparent and consistent pricing policies, and avoid filing patents in low-income developing countries in ways that would inhibit access to products.

To access the report, click here
<http://www.who.int/intellectualproperty/documents/thereport/en/index.html>