

IPRIA International Developments in IP

Update June 2007

Welcome to the IPRIA **International Developments in IP Bulletin** for June 2007. The following is a summary of some of the featured updates on the website. The page can be viewed in full at:

http://www.ipria.org/developments_in_ip/intdev/index.html.

If you have any problems with the links please copy and paste the address into your browser.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO reports cybersquatting remains on the rise with further risk to trade marks from new registration practices

On **12 March 2007**, it was reported that the number of cybersquatting disputes filed with WIPO in 2006 increased by 25% as compared to 2005. In a related development, the evolution of the domain name registration system is causing growing concern for trademark owners. Instances include the use of computer software to automatically register expired domain names and their 'parking' on pay-per-click portal sites. According to Mr. Francis Gurry, WIPO Deputy Director General, 'The rate at which domain names change hands and the difficulty to track such mass automated registrations challenge trademark owners in their pursuit of cybersquatters...With domain names becoming moving targets for rights holders, due consideration should be given to concrete policy responses.'

For more information, click here

http://www.wipo.int/pressroom/en/articles/2007/article_0014.html

Record year for international trade mark filings

On **15 March 2007**, WIPO announced that a record 36,471 international trademark applications were received in 2006 under the Madrid system for the international registration of trademarks. This represents an 8.6% increase on figures for 2005. Applicants from Germany, for the 14th consecutive year, led the list of top filers, followed by users in France, and the United States of America. China was the most designated country in international trademark applications reflecting increasing levels of trading activity by foreign companies in China. In addition, a number of other countries witnessed significant growth in international trademark filings in 2006, in particular the Republic of Korea with 190 applications (+28.4%), Singapore with 161 applications (+16.7%) and Morocco with 119 applications (+80.3%).

For more information, click here

http://www.wipo.int/pressroom/en/articles/2007/article_0017.html

Global network of IP academies launched to boost IP education

WIPO reports that a global network dedicated to the teaching of IP was launched at the International Symposium on Intellectual Property Academies held in Rio de Janeiro from **21 to 21 March 2007**. The symposium brought together representatives of various IP academies, training centres and research institutions including IPRIA, the National Institute of Industrial Property of Brazil, the State Intellectual Property Office of China, the State Intellectual Property Office of Croatia, the African

Regional Intellectual Property Organization and the European Patent Academy. Participants agreed that the establishment of the global network will enhance international cooperation in the field of IP education and will facilitate the development of effective strategies to address the common challenges and tasks confronting national IP academies. In a joint declaration, the meeting called on others to join in the global effort to promote IP education.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2007/article_0022.html

SCT to intensify work on new types of marks, trade mark opposition procedures and industrial designs

The 17th session of the WIPO Standing Committee on the Law of Trade Marks, Industrial Designs and Geographical Indications (SCT) took place from **7 to 11 May 2007** in Geneva. Discussions focused on four issues:

- 1) The SCT considered member states' legislation and trade mark office practice in relation to the registration of new types of marks – three-dimensional, colour and sound marks. The Committee will further work on this issue during the 18th session, when slogans and other types of marks, such as motion, position, hologram, smell, feel and taste marks will be discussed.
- 2) The SCT reviewed the issue of trade mark registration opposition procedures which offer third parties the opportunity to object to a trademark either before or after it was registered with a trade mark office.
- 3) The Committee gave the go-ahead for a comprehensive survey on various industrial design registration systems, which will be conducted in two stages – design registration formalities first, and then questions of substantive design law will be considered.
- 4) Finally, delegates worked on the enhancement of certain aspects of the procedure for the protection of state emblems and names and abbreviations of international organisations under Article 6*ter* of the Paris Convention for the Protection of Industrial Property.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2007/article_0033.html

EUROPEAN UNION

RESEARCH AND DEVELOPMENT ('R&D')

The European Council Presidency adopts several conclusions related to R&D and IP

The European Council held in Brussels from **8 to 9 March 2007** adopted several Presidency Conclusions related to R&D and IP. Among the Conclusions made, the Council reiterated the importance of spending 3% of GDP on R&D by 2010. The Council invited the Commission to present recommendations for promoting cooperation and technology transfer between public research and industry and to put forward its strategies on intellectual property rights (IPRs). The Commission was also asked to present proposals for Joint Technology Initiatives (JTIs) in selected sectors of strategic importance. In addition, the Council invited the Council and the European Parliament to work on the Commission proposal on a European Institute of

Technology during the first semester of 2007 with a view to taking a decision before the end of this year.

To access the Presidency Conclusions, click here (for the Conclusions related to R&D, see paragraphs 13 to 17).

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/93135.pdf

Commission presents its vision for the future of the European Research Area

On **4 April 2007**, the European Commission unveiled its proposal for the future of the European Research Area in a Green Paper titled 'The European Research Area: New Perspectives'. The Green Paper focuses on six main issues:

- adequate flow of competent researchers, with high levels of mobility between institutions, disciplines, sectors and countries;
- research infrastructures accessible to research teams from across Europe and the world;
- interdisciplinary research institutions engaged in public-private cooperation and partnerships;
- effective knowledge sharing notably between public research and industry, as well as with the public at large;
- well-coordinated research programmes and priorities; and
- opening the European Research Area to the world with special emphasis on neighbouring countries.

There will be an on-line consultation open to the public on the issues in the Green Paper until August 2007. Contributions will be used in the design of actions for the development of the European Research Area, to be put forward from 2008.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/469&format=HTML&aged=0&language=EN&guiLanguage=en>

For facts and figures of the European Research Area, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/128&format=HTML&aged=0&language=EN&guiLanguage=en>

Commission puts forward its views on improving knowledge transfer between research institutions and industry across Europe

On **4 April 2007**, a Communication from the European Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on 'Improving knowledge transfer between research institutions and industry across Europe: embracing open innovation' was released. Efficient knowledge transfer in European research institutions is hindered by a range of factors, including cultural differences between the business and science communities; lack of incentives; legal barriers; and fragmented markets for knowledge and technology. The Communication sets out ideas on how Member States and the Community can work together to overcome some of the existing obstacles, in particular in terms of promoting the trans-national dimension of knowledge transfer. The Communication is accompanied by a set of 'voluntary guidelines for universities and other research institutions to improve their links with industry across Europe', which are based on the best practices identified in Member States and by various European stakeholder associations.

To access the Communication, click here

http://ec.europa.eu/invest-in-research/pdf/com2007182_en.pdf

Commission, Member States and industry pool investment in strategic research programmes

On **15 May 2007**, the European Commission adopted proposals to launch the first ever Europe-wide public-private R&D partnerships, involving industry, the research community and public authorities. The Commission presented two Joint Technology Initiatives – ARTEMIS, for embedded computing systems and IMI, the Innovative Medicines Initiative. These JTIs will pool industry, Member States and Commission resources into targeted research programmes. JTIs will move away from the traditional case-by-case public funding of projects approach towards large-scale research programmes dedicated to common strategic research targets.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/668&format=HTML&aged=0&language=EN&guiLanguage=en>

For the answers to frequently asked questions on JTIs, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/191&format=HTML&aged=0&language=EN&guiLanguage=en>

Low business R&D a major threat to the European knowledge-based economy

On **11 June 2007**, the European Commission presented a new publication on research and innovation in Europe titled ‘Key figures 2007 on Science, Technology and Innovation’. The publication shows that differences in the industrial structure of the EU compared to countries such as the US are the main cause for a low level of business R&D in Europe, with the EU having a smaller high-tech industrial sector, which usually has much higher levels of R&D spending. The publication also shows that R&D intensity (R&D expenditure as a percentage of GDP) in Europe has stagnated since the mid-nineties, while major competitors such as Japan, China or South Korea have been able to increase substantially their R&D effort. According to the Commission, the new actions taken in Europe since 2005 in the context of the revised Lisbon Strategy need to be implemented if Europe is to successfully face these challenges.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/790&format=HTML&aged=0&language=EN&guiLanguage=en>

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

European Parliament adopts, upon first reading, the proposal for a Directive on criminal measures for the infringement of IPRs

On **25 April 2007**, the European Parliament approved a first reading of the Zingaretti Report on the European Commission proposal for a Directive imposing criminal sanctions for the infringement of IPRs. The Parliament endorsed the overall aim of the Commission proposal, while amending some of its provisions. The Parliament excluded patent rights from the scope of the Directive and decided that criminal sanctions should apply only to infringements deliberately carried out to obtain a

commercial advantage. Piracy committed by private users for personal, non-profit purposes is therefore excluded. The proposed Directive aims to ensure that national judicial authorities will be able to impose sufficiently serious penalties for counterfeiting and piracy by setting out minimum levels for the upper limits on punishments imposed by national law. The deterrent measures being proposed range from fines to imprisonment, according to the gravity of the crime. The text adopted by the Parliament has been sent to the European Council for discussion by national governments.

For more information, click here

http://www.europarl.europa.eu/news/expert/infopress_page/057-5723-113-04-17-909-20070420IPR05539-23-04-2007-2007-false/default_en.htm

Commission publishes 2006 customs statistics on seizures of counterfeit goods

Statistics published by the European Commission in **May 2007** show a significant increase in the amount of counterfeit and pirated goods seized at the EU's external borders in 2006. Customs officials seized more than 250 million of such articles in 2006 compared with 75 million in 2005, an overall increase of 230%. Seizures made by customs increased in almost all EU Member States, in particular Germany where 15.5 million articles were seized there in 2005, compared to over 140 million articles in 2006. Although more than 60% of the articles seized in 2006 were counterfeit cigarettes, counterfeit medicines have shown a dramatic increase in seizures – 2.5 million items compared to 500,000 items in 2005. India is the number one source, followed by the United Arab Emirates and China. In terms of overall quantities seized, China remains the main source for counterfeit goods, with over 80% of all seized articles coming from there.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/735&format=HTML&aged=0&language=EN&guiLanguage=en>

COPYRIGHT

Parliament releases report on Commission's Recommendation for online music services

On the **5 March 2007**, the European Parliament released a report on the European Commission's Recommendation of 18 October 2005 on collective cross-border management of copyright and related rights for legitimate online music services (2005/737/EC). Among the main conclusions, the Parliament invites the Commission to clarify that the Recommendation applies exclusively to online sales of music recordings. The report states that the interests of IPR holders and of cultural diversity in Europe will be best served by 'the introduction of a fair and transparent competitive system that avoids downward pressure on authors' revenues'. According to the report, the proposed directive should 'guarantee right-holders a high degree of protection and equal treatment' but also 'promote creativity and cultural diversity'.

To access the report, click here

<http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2007-0053&language=EN&mode=XML#title2>

Europe's Digital Library experts focus on copyright

On **18 April 2007**, the i2010 Digital Libraries High Level Expert Group – Copyright Subgroup, which includes members from the British Library and the Federation of European Publishers, presented an advisory report on copyright issues to the European Commission. The report is on issues of digital preservation and discusses orphan and out-of-print works. The group also discussed how to ensure more open access to scientific research and how to improve public-private cooperation. The work of the group is part of the European Commission's efforts to make Europe's cultural and scientific heritage available online.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/508&format=HTML&aged=0&language=EN&guiLanguage=en>

DOMAIN NAMES

Over 2.5 million domain names within the first year of the existence of '.eu'

In **April 2007**, the European Commission reported that Europe's internet domain .eu celebrated its first year of being open to the public. Over 2.5 million domain names have been registered, making .eu Europe's third most popular top level domain and the seventh most popular worldwide. Citizens and companies from all 27 EU Member States have applied for an .eu domain name during its first year of existence, but the strongest demand for .eu has come from Germany (31%), the UK (17%) and The Netherlands (12%). There has also been an increase in demand for national domain names in most Member States. The Netherlands (.nl) experienced the highest growth rate – 10% over the same period. The popularity of .eu with the public also encouraged France to open its national domain name .fr – previously reserved only for professionals, associations or public bodies – to the public, using rules and practices similar to .eu's introduction.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/483&format=HTML&aged=0&language=EN&guiLanguage=en>

THE OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

The OHIM Annual Report for 2006 published

In **March 2007**, OHIM released its Annual Report for 2006. The report includes updated information about the Office's reorganisation of its trade mark operations, as well as statistical data regarding its procedures, fees, performance and accountability. According to the report, in 2006 OHIM received close to 20% more Community Trade Mark (CTM) applications than in 2005. Also, over 60% of CTMs filed in 1996/97 were renewed for the subsequent 10-year period. In addition, the number of CTM applications filed topped 70,000 for the first time. The amount of Community Design applications filed also experienced an upward turn – reaching nearly 18,000.

To access the Annual Report, click here

http://oami.europa.eu/en/office/diff/pdf/Informe_Anuar_2006_en.pdf

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

OECD 'Principles and Guidelines for Access to Research Data from Public Funding' published

In **May 2007**, the OECD published a set of 'Principles and Guidelines for Access to Research Data from Public Funding'. The document is intended to assist governments, research support and funding organisations, research institutions and researchers when trying to improve the international sharing of, and access, to research data. At present, there are major issues inherent in providing international data access, ranging from institutional and managerial issues to legal and policy issues such as the enforcement of IPRs and the protection of privacy. In light of these issues, the Guidelines deal with topics such as legal conformity, protection of intellectual property, interoperability, quality, security, and accountability.

To access the Guidelines, click here

<http://www.oecd.org/dataoecd/9/61/38500813.pdf>

Globalisation and innovation in the business services sector

The OECD has released to the public the 'Summary Report of the Study on Globalisation and Innovation in the Business Services Sector'. Recently presented to the OECD's 2007 Ministerial Council Meeting from **15 to 16 May 2007**, the report looks at globalisation and innovation in the business services sector. It identifies factors, institutions and policies that affect the delivery of business support services and that could enhance growth prospects more broadly. The report focuses mainly on issues related to productivity, standardisation and regulation, and trade. It also discusses the growing importance of IPRs in the business services sector and states that IPR regimes should 'provide increased access to knowledge and enable more open forms of innovation'.

To access the Summary Report, click here

<http://www.oecd.org/dataoecd/18/55/38619867.pdf>

OECD calls on governments to clamp down on counterfeiting

Governments should work more closely with companies and strengthen enforcement of IPRs to fight the rising global trade in counterfeit and pirated goods, according to a new OECD report. Based on data from customs seizures in OECD countries, the report titled 'The Economic Impact of Counterfeiting and Piracy' estimates that trade in counterfeit and pirated goods across national borders may have totalled around USD 200 billion in 2005. The report makes a number of recommendations to address these issues including:

- increase enforcement of existing IP laws;
- further strengthen co-operation between governments and industry to make current policies more effective and help identify new strategies to fight piracy;
- strengthen criminal penalties to deter criminals and toughen sanctions to more effectively redress the harm caused to IPR holders; and
- educate consumers to raise public awareness of the growing threat to health and safety of substandard counterfeited products.

The report will be released in **late June 2007**.

For more information, click here

http://www.oecd.org/document/35/0,3343,en_2649_37461_38702947_1_1_1_37461,00.html

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions enters into force

The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions entered into force on **18 March 2007**, three months after the thirtieth instrument of ratification was deposited. To date, 62 States have ratified the Convention and the European Union has adhered to the convention as a regional organisation of economic integration. The Convention intends ‘to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner’ and calls for the creation of a voluntary International Fund for Cultural Diversity. It establishes the sovereign right of Member States to develop cultural policies with a view ‘to protect and promote the diversity of cultural expressions’ and recognises cultural goods and services as ‘vehicles of identity, values and meaning’.

For more information, click here

http://portal.unesco.org/culture/en/file_download.php/90c56007e6197a16735bf05832cff07adiversite_culturelle_en.pdf