

## **IPRIA International Developments in IP Update August 2008**

**Welcome to the IPRIA International Developments in IP Bulletin for August 2008. All IPRIA Bulletins are available to download on our website at <http://www.ipria.org/>**

### **WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

#### **WIPO to launch pilot training program for indigenous communities**

In **September 2008**, WIPO will launch a pilot program in collaboration with the American Folklife Centre to assist indigenous communities to document their own cultural traditions, archive this heritage for future generations, and safeguard their interest in authorising use of their recordings and traditions by third parties. The pilot program recognises both the utility of technology for indigenous communities and the need for informed decision-making about how to manage IP issues in a way that corresponds with community values and development goals.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0027.html](http://www.wipo.int/pressroom/en/articles/2008/article_0027.html)

#### **2008 WIPO ‘World Patent Report’ confirms growing internationalisation of patent activity**

The 2008 edition of WIPO’s ‘World Patent Report’, published on **31 July 2008**, reveals an increase in worldwide filing of patent applications (particularly in North East Asian countries and the U.S.A.), and an increase in the number of patents granted worldwide. The report, which is based on 2006 figures, also confirms a growing tendency for applicants to file applications in multiple countries, either through the Patent Cooperation Treaty or through non-resident filings.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0042.html](http://www.wipo.int/pressroom/en/articles/2008/article_0042.html)

#### **SCT works towards convergence of member practices for non-traditional marks and trade mark opposition procedures**

The 19<sup>th</sup> session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) was held from **21 to 25 July 2008**. The Committee made progress in discussions regarding possible areas for convergence in practices relating to registration for non-traditional marks (such as three-dimensional, colour and sound marks) and to trade mark opposition practices, including the relation between opposition and examination, grounds for opposition, and the entitlement to file an opposition. Other issues discussed include:

- a proposed electronic communication procedure for protection of state emblems, and names and abbreviations of non-governmental organisations;
- feedback from SCT members and observers in relation to a questionnaire on design law and practice; and
- online publication of new international non-proprietary names for pharmaceutical substances (INN) and a proposed publicly searchable INN database.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0041.html](http://www.wipo.int/pressroom/en/articles/2008/article_0041.html)

### **International conference calls for strengthening of IP management education and research**

Academics, corporate executives and policy makers met for a WIPO-organised conference from **17 to 18 July 2008** to discuss the state of global IP management education and research and to establish a road map for its future development. The Conference noted a scarcity of IP-oriented business education, particularly within developing countries and countries in transition to a market economy, and adopted a declaration emphasising the urgent need to include IP management education programs into the curricula of schools of business, engineering and law.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0040.html](http://www.wipo.int/pressroom/en/articles/2008/article_0040.html)

### **Committee on Development and Intellectual Property (CDIP) makes further progress on implementation of WIPO Development Agenda**

The CDIP held its second meeting from **7 to 11 July 2008** to discuss a work program to implement the WIPO Development Agenda. The Committee agreed on proposed activities to implement adopted recommendations relating to a range of matters, including:

- funding for least developed countries (LDCs) and finance activities in Africa to promote the exploitation of IP in these countries;
- access to specialised patent searching databases for the national offices of developing countries, especially LDCs, and also for regional and sub regional IP organisations; and
- measures to help countries deal with IP related anti-competitive practices.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0039.html](http://www.wipo.int/pressroom/en/articles/2008/article_0039.html)

### **Standing Committee on the Law of Patents (SCP) agrees to future work on review of international patent laws**

Member states and observer delegations met from **23 to 26 June 2008** for the 12<sup>th</sup> session of the SCP to review issues relating to the international patent system. The Committee identified a number of issues for further elaboration and discussion at the next SCP session in 2009, including:

- the economic impact of the patent system;
- competition policy and anti-competitive practices;
- harmonisation of basic notions of substantive patentability requirements;
- a database on search and examination reports;
- patent opposition; and
- exceptions from patentable subject matter.

The Committee also called for the establishment of preliminary studies on the following four issues:

- dissemination of patent information;

- exceptions from patentable subject matter and limitations to the rights, inter alia research exemption and compulsory licenses;
- patents and standards; and
- client-attorney privilege.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0033.html](http://www.wipo.int/pressroom/en/articles/2008/article_0033.html)

## EUROPEAN UNION

### ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS (IPRs)

#### **European Commission (EC) launches new IPRs strategy to drive innovation**

On **16 July 2008**, the EC adopted a Communication on a IPRs strategy for Europe. The Communication announces the creation of a Community patent and integrated patent jurisdiction, and outlines a number of actions for the maintenance of a high quality IPRs system for the European Union in the 21st century. For example, the Communication calls for 'robust' enforcement against counterfeiting and piracy, and voices support for inventors in making informed choices on the protection of their IPRs. The Communication also aims to ensure that IPRs in Europe are accessible to all innovators, particularly small and medium enterprises.

For more information, click here:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1157&format=HTML&aged=0&language=EN&guiLanguage=en>

#### **Adoption of the Rome I Regulation on the law applicable to international contracts**

Regulation (EC) No 593/2008 of the European Parliament and of the European Council of **17 June 2008** on the law applicable to contractual obligations (Rome I) has been adopted and published. The Regulation was proposed with a view to harmonise rules on the law applicable to contractual obligations in the European Community, and applies (in situations involving a conflict of laws) to contractual obligations in civil and commercial matters entered into after 17 December 2009. A key principle of the Regulation is that parties to a contract are free to choose the law applicable to their contract, and may incorporate by reference into their contract a non-State body of law or an international convention.

To access the text of the Rome I Regulation, click here

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:177:0006:0016:EN:PDF>

#### **EC publishes 2007 statistics on customs seizures of counterfeit goods**

Statistics published on **19 May 2008** by the European Commission relating to counterfeit and piracy show a significant increase in customs activity last year. Over 43,000 cases of fake goods were seized at the EU's external border in 2007, compared to 37,000 in 2006. This increase in seizures reflects improved cooperation between customs and industry, which has enabled customs to better target suspected shipments and to recognise counterfeit goods. However, seizures in 2007 tended to involve smaller quantities of counterfeit and pirated articles as compared to 2006 seizures,

with the notable exceptions of seizures involving cigarettes and clothing which continue to be faked in large quantities.

For further information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/757&format=HTML&aged=0&language=EN&guiLanguage=en>

## **COPYRIGHT**

### **EC adopts two initiatives on copyright**

On **16 July 2008**, the European Commission adopted two copyright initiatives. The first relates to a proposal to align the copyright term for performers with that applicable to authors, and to harmonise the copyright term that applies to co-written musical compositions. In parallel, the Commission adopted a Green Paper on Copyright in the Knowledge Economy, which focuses on how research, science and educational materials are disseminated to the public and whether knowledge is circulating freely in the internal market.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1156&format=HTML&aged=0&language=EN&guiLanguage=en>

### **EC prohibits anti-competitive practices of European collecting societies**

On **16 July 2008**, the European Commission adopted a decision prohibiting 24 European collecting societies from restricting competition by limiting their ability to offer services to authors and commercial users outside their domestic territory. The decision does not, however, prevent collecting societies from maintaining their current system of bi-lateral agreements or from determining royalty payments due within their domestic territories. This decision will allow authors to choose which collecting society manages their copyright and will 'make it easier' for users to obtain licences for broadcasting music over the internet, by cable and by satellite in several countries from a single collection society of their choice.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1165&format=HTML&aged=0&language=EN&guiLanguage=en>

## **RESEARCH & DEVELOPMENT (R&D)**

### **EC proposes Joint Programming in research**

On **15 July 2008**, the European Commission released a communication proposing Joint Programming in research, emphasising the need for Europe to invest more in research to achieve balanced and sustainable development. Joint Programming involves Member States engaging voluntarily in the development and implementation of strategic research agendas that address major societal challenges, such as the needs of an ageing population and sustainable development. The purpose is to increase the efficiency and impact of national public research funding in strategic areas.

To access the communication, click here

[http://ec.europa.eu/research/press/2008/pdf/com\\_2008\\_468\\_en.pdf](http://ec.europa.eu/research/press/2008/pdf/com_2008_468_en.pdf)

### **EC invites stakeholders to participate in a study on technology transfer and IP regimes in Europe**

The EC is currently carrying out a study on technology transfer and IP regimes through the use of questionnaires and desk-top research. This study will focus on a number of key issues such as protection of technological know-how, IPRs co-ownership, and the 'professor's privilege' (the concept that the results of publicly-funded research are owned by the researchers who develop it: i.e. 'the professors'). A number of country and topical reports and presentations have now been published, and are available for viewing.

For more information, click here

<http://www.eutechnologytransfer.eu/downloads.php>

### **ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)**

#### **OECD releases working paper on the REGPAT Database**

On **3 June 2008** the OECD released a working paper about the REGPAT Database, which presents patent data that have been linked to regions according to the addresses of the applicants and inventors. REGPAT allows patent data to be used in connection with other regional data such as gross domestic product or labour force statistics, and other patent-based information. By making this data publicly available, the OECD hopes to stimulate research and contribute to a better understanding of the regional dimension of innovation.

To access the working paper, click here

<http://www.oecd.org/dataoecd/22/19/40794372.pdf>

#### **2008/1 edition of Main Science and Technology Indicators (MSTI) released**

The MSTI provides data relating to the efforts undertaken by OECD member countries and nine non-member economies in the field of science and technology. The indicators cover the resources devoted to research and development, patent families, technology balance of payments and international trade in highly R&D-intensive industries.

For more information, click here

[http://www.oecd.org/document/26/0,3343,en\\_2649\\_34451\\_1901082\\_1\\_1\\_1\\_37417,0.html](http://www.oecd.org/document/26/0,3343,en_2649_34451_1901082_1_1_1_37417,0.html)

### **WORLD HEALTH ORGANISATION (WHO)**

#### **WHO working group publishes report on public health, innovation and IP**

On **28 May 2008**, following this year's World Health Assembly, WHO published the Report of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, which details an approved global strategy and (largely) approved plan of action. The global strategy proposes that WHO should play a strategic and central role in the relationship between public health, innovation and IP within its mandate, through promotion of 'needs-driven' rather than 'market-driven' research to target diseases which disproportionately affect people in developing countries.

For more information, click here

[http://www.who.int/mediacentre/events/2008/wha61/issues\\_paper1/en/index.html](http://www.who.int/mediacentre/events/2008/wha61/issues_paper1/en/index.html)

## **WORLD TRADE ORGANISATION (WTO)**

### **Reports on geographical indications and biodiversity consultations circulated**

Two reports on negotiations relating to IP subjects under the Doha Development Agenda were released by the WTO on **9 June 2008**. One report relates to negotiations of the TRIPs Council on the establishment of a multilateral system of notification and registration of geographical indications (GIs) for wines and spirits. This report details three formal proposals and notes fundamental differences between negotiating parties on key issues, such as the merits of GI extension. The second report notes the different views expressed on the merits of GI extension, and discusses the relationship between the TRIPs Agreement and the Convention on Biological Diversity (CBD), noting there is important common ground on key underlying objectives, such as:

- mutually supportive implementation of the TRIPs Agreement and the CBD; and
- securing compliance with national access and benefit-sharing regimes.

The report also highlights ongoing debates as to the need for the disclosure of sources for patentable inventions that involve the use of genetic resources and related traditional knowledge.

For more information and to access the reports, click here

[http://www.wto.org/english/news\\_e/news08\\_e/trips\\_6june08\\_e.htm](http://www.wto.org/english/news_e/news08_e/trips_6june08_e.htm)

## **G8 GROUP (G8)**

### **G8 leaders foreshadow completion of Anti-Counterfeiting Trade Agreement before year's end**

Among other issues, world leaders at the G8 Hokkaido Toyako Summit from **7 to 9 July 2008** emphasised the promotion and protection of IPRs. In a declaration on the 'World Economy', the G8 leaders affirmed their commitment to advancing existing anti-counterfeiting and piracy initiatives, and their intention to seek completion of negotiations leading to the establishment of the Anti-Counterfeiting Trade Agreement by the end of 2008.

To read the declaration, click here:

[http://www.g8summit.go.jp/eng/doc/doc080714\\_en.html](http://www.g8summit.go.jp/eng/doc/doc080714_en.html)