

IPRIA International Developments in IP

Update September 2006

Welcome to the IPRIA **International Developments in IP Bulletin for September 2006**. 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.

WORLD TRADE ORGANIZATION (WTO)

Public forum to focus on WTO's role in the 21st century

The WTO will host its sixth Public Forum on 25-26 September 2006 in Geneva, Switzerland, on the theme "What WTO for the 21st Century?". It is inviting participants from civil society, business, academia, media, parliaments and WTO members. Registration closes **5 September 2006**.

For more information, click here

http://www.wto.org/english/forums_e/public_forum_e/forum06_e.htm

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO Development Agenda referred to General Assembly

At a meeting of the Provisional Committee on Proposals related to a WIPO Development Agenda (PCDA) from **26 to 30 June 2006**, member states decided to refer a decision on the future work of a WIPO Development Agenda to the General Assembly at its next meeting in September 2006.

For more information, click here

http://www.wipo.int/edocs/prdocs/en/2006/wipo_pr_2006_453.html

Draft WIPO Broadcasting Treaty

A study commissioned by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Draft WIPO Treaty on the Protection of Broadcasting Organizations has been released. The study includes the following findings:

- the Draft Treaty would expand, in the international arena, the level of protection granted to broadcasting organisations and the beneficiaries of such protection (adding cablecasters and possibly webcasters);
- the proposed legal framework may prevent access to materials in the public domain; and
- the term of protection would not be in accordance with the underlying rationale of recovering investment.

The study provides recommendations based on these, and other, findings.

To access the study, click here

http://portal.unesco.org/culture/en/file_download.php/5f62dc277348a7f0ab902c88dc55a410study.pdf

UPCOMING WIPO CONFERENCES, MEETINGS AND SEMINARS

Standing Committee on Copyright and Related Rights: Fifteenth Session: 11 to 13 September 2006, Geneva, Switzerland

Among other WIPO documents, the Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations will be discussed.

For more information, click here

http://www.wipo.int/meetings/en/details.jsp?meeting_id=11264

PCT Union - Assembly: Thirty-Fifth (20th Extraordinary) Session: 25 September to 3 October 2006, Geneva, Switzerland

Among other WIPO documents, Reform of the Patent Cooperation Treaty (PCT) and Proposed Amendments of the PCT Regulations will be discussed.

For more information, click here

http://www.wipo.int/meetings/en/details.jsp?meeting_id=11183

Seminar on the Madrid System of International Registration of Marks: 16 to 17 November 2006, Geneva, Switzerland

Each year, increasing numbers of trade mark owners use the Madrid System to protect their trade marks overseas. The Madrid System offers the possibility to obtain trade mark protection in the countries of the Madrid Union by filing a single international application. This seminar will be conducted by WIPO staff and invited speakers. It aims at increasing awareness and practical knowledge of the System among actual and potential users, whether in industry or in private practice. Time will also be allocated for discussion and practical exercises.

For more information, click here

<http://www.wipo.int/madrid/en/meetings/2006/nov06/index.html>

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

Guidelines for the Licensing of Genetic Inventions

Recently, some governments, patient groups and healthcare providers have become concerned about how certain genetic inventions have, in certain circumstances, been licensed and exploited, particularly for diagnostic genetic services in the human health care field. In order to address these concerns, OECD member countries agreed to Guidelines for the Licensing of Genetic Inventions used in health care. The Guidelines set out principles and best practices for those in business, research and health systems who enter into license agreements for genetic inventions used for the purpose of human health care.

For more information and to access the Guidelines, click here

http://www.oecd.org/document/26/0,2340,en_2649_37437_34317658_1_1_1_37437,00.html

STI Working Paper 2006/5: Valuation and Exploitation of Intellectual Property

A Working Paper for the OECD Directorate for Science, Technology and Industry titled 'Valuation and Exploitation of Intellectual Property' dated **30 June 2006** is now

available. The Working Paper examines the broadening set of channels through which firms seek to exploit their IP and review macroeconomic statistics related to the development of technology markets. It also examines approaches to the valuation of patents and the policy initiatives undertaken by OECD countries to foster patent value and exploitation.

To access the Working Paper, click here

<http://www.oecd.org/dataoecd/62/52/37031481.pdf>

EUROPEAN COMMISSION

Making Europe's online content market more competitive: Commission opens public consultation

A public consultation on ways to stimulate the growth of an EU single market for online digital content, such as films, music and games was launched by the European Commission on 28 July 2006. The content online consultation also aims to identify stakeholder views on self-regulatory initiatives such as the Film Online Charter, to assess whether the initiative could be used as a model for similar initiatives in other online content sectors, and to evaluate whether regulatory measures at EU level are required to ensure the completion of an EU market for online content without borders. Input to this consultation will help shape a Commission Communication on Content Online, due to be adopted at the end of 2006. The deadline for replies to the consultation questionnaire is **13 October 2006**.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1071&format=HTML&aged=0&language=EN&guiLanguage=en>

European companies set to increase their R&D investment over the next three years, Commission survey shows

On **23 August 2006**, it was announced that a recent survey of European companies about their R&D investment shows that these companies expect their global investments in R&D to grow by roughly 5% a year over the next three years. This contrasts with growth of just 0.7% for R&D investment reported in 2005. The European Commission questioned more than 400 companies in ten major industrial sectors about their R&D investment intentions. The survey also gives an insight into other aspects of private companies' decisions about their R&D activities, such as the incentives that lead companies to invest in R&D, the factors that lead to a decision as to where their R&D operations are located and the sources of finance. Companies that do not invest in R&D were also asked about their reasons for not doing so.

For more information, click here

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/1118&format=HTML&aged=0&language=EN&guiLanguage=en>

Public hearing on future patent policy in Europe

On **12 July 2006** in Brussels, the European Commission held a public hearing on future patent policy in Europe. The hearing was based on the preliminary results of 2,515 responses received regarding a consultation launched in January 2006 on the structure of the patent system in Europe. The results from the hearing include:

- there was general consensus that the current patent system should be improved and that a clear IP policy for Europe should be implemented;
- all participants agreed on the importance of a substantive patent law harmonisation and that it is in part achieved at EU level by the European Patent Convention. The importance of a future mutual recognition among trilateral offices (EPO, USPTO and JPO) was highlighted;
- most participants supported the concept of a Community patent, however, “not at any price”;
- most participants favoured changes to the current patent litigation regime to prevent conflicting interpretations in multi-jurisdictional cases. The majority supported the draft European Patent Litigation Agreement; and
- many participants stressed that the daily life of small to medium enterprises (SMEs) should be better taken into account by the patent system, in relation to cost and their ability to understand and use the patent system.

To access the report regarding the public hearing, click here

http://ec.europa.eu/internal_market/indprop/docs/patent/hearing/report_en.pdf

EUROPEAN UNION (EU)

The EU and US join forces to fight against IP crime

At the EU-US Summit in Vienna on **21 June 2006**, a joint strategy was endorsed to tackle the escalating global trade of counterfeiting and IP theft. Among the key proposals in the “EU-US Action Strategy for the Enforcement of Intellectual Property Rights” are commitments to have:

- closer customs co-operation including joint border enforcement actions where EU-US customs officials will co-operate to combat IP piracy;
- joint enforcement in third countries, including the creation of teams of EU and US diplomats in third country embassies specially tasked with data and intelligence sharing and joint surveillance responsibilities; and
- increased collaboration with industry to enhance public awareness of the need to address IP infringement.

Initial efforts will focus on working with China and Russia. The EU and the US also have major concerns in Asia, Latin America and the Middle East. The programme aims to help emerging markets reinforce their own efforts to combat IP infringement.

For more information, click here

http://ec.europa.eu/comm/trade/issues/bilateral/countries/usa/pr200606_en.htm

Revision of Trade Marks and Designs Examination and Opposition Guidelines

The EU's Office for Harmonization of the Internal Market (Trade Marks and Designs) is revising its Guidelines. Comments regarding the Draft Examination and Draft Opposition Guidelines are welcome no later than **30 September 2006**. The process of formal adoption of revisions of the guidelines will be finalised in 2007.

For more information, click here

<http://oami.europa.eu/en/mark/marque/direc.htm>

GROUP OF 8 (G8)

G8 commitment to combat piracy and counterfeiting

At the G8 summit in St Petersburg, Russia on **16 July 2006**, the G8 countries – France, the UK, Russia, the US, Japan, Germany, Canada and Italy – issued a statement titled ‘Combating IPR Piracy and Counterfeiting’. In the statement, ‘concrete measures’ considered necessary to form the basis of a G8 work plan on piracy and counterfeiting, include:

- creating in each G8 country a website providing information on mechanisms available to enforce IP rights in that country;
- engaging the OECD to prepare a report estimating the economic costs of piracy and counterfeiting on national economies and rights holders, and public health and safety;
- improving border enforcement through increased customs co-ordination to better target the trade of counterfeit goods; and
- considering the possibilities of strengthening the international legal framework pertaining to IP rights enforcement.

To access the G8 statement, click here
<http://en.g8russia.ru/docs/15.html>