

## **IPRIA International Developments in IP Update December 2005**

Welcome to the IPRIA **International Developments in IP Bulletin for December 2005**. 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/intdev/index-new.html>>.

### **COPYRIGHT**

#### **More work needed to protect broadcasting organisations**

The WIPO General Assembly, meeting in Geneva from **September 26 to October 5, 2005**, has agreed to accelerate its work relating to the protection of broadcasting organisations to update IP standards for broadcasting in the information age, with a view to adopting an international treaty by 2007. Member states agreed to hold two further meetings of the Standing Committee on Copyright and Related Rights, which is overseeing the negotiations. This would pave the way for the General Assembly in autumn 2006 to recommend the convening of a diplomatic conference to conclude a treaty.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#morework](http://www.ipria.org/developments_in_ip/intdev/wipo.html#morework)

#### **Easier access to educational materials**

At the thirteenth session of the Standing Committee on Copyright and Related Rights (SCCR), held in Geneva from **November 21-23, 2005**, WIPO member states examined the impact of the copyright system on the use of protected works for educational purposes in both the analogue and digital environments, particularly in developing countries. Copyright law, like other forms of IP law, recognizes that restrictions or limitations in the rights granted to authors and holders of other related rights are justified in certain cases that do not conflict with the normal exploitation of the protected material, and do not unreasonably prejudice the legitimate interests of copyright owners.

In relation to education, certain permitted uses are defined which remove the liability that would otherwise arise. Digital technology has revolutionized the way in which creative works, including educational materials, are made, delivered and used, with important implications for copyright.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#education](http://www.ipria.org/developments_in_ip/intdev/wipo.html#education)

### **TRADEMARKS**

#### **Developments in trademarks and industrial designs**

At the 15<sup>th</sup> session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from November 28-December 2, 2005, member states identified a number of topics for more consideration. These included:

- Non-traditional trademarks, such as single colour marks, sound, movement or shape marks, and how these are registered and published;
- The relationship, and potential overlap, between trademarks, industrial designs and copyright;
- Trademark opposition procedures;
- Industrial designs registration procedures

[http://www.wipo.int/edocs/prdocs/en/2005/wipo\\_upd\\_2005\\_263.html](http://www.wipo.int/edocs/prdocs/en/2005/wipo_upd_2005_263.html)

## **TRADITIONAL KNOWLEDGE**

### **New voluntary fund for indigenous and local communities**

The WIPO General Assembly has agreed to establish a Voluntary Fund for Indigenous and Local Communities. This Fund will directly support the participation of representatives of these communities in the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). This outcome follows past steps to promote the participation of indigenous and local communities in WIPO's work, and is expected to strengthen their role further. The lack of a specific funding mechanism has been a key concern of indigenous and local community representatives in past IGC sessions.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#voluntary](http://www.ipria.org/developments_in_ip/intdev/wipo.html#voluntary)

## **DEVELOPING COUNTRIES**

### **Reduced fees for LCDs**

WIPO member states attending the annual WIPO Assemblies have approved a proposal to reduce the costs for applicants from Least Developed Countries (LDCs) to file applications for international trademark protection, making the fee ten percent of that normally charged. The Madrid Union decided on the fee reduction to promote greater use of the international trademark system by LDCs. This fee reduction will take effect from January 1, 2006.

(Cross-reference this under **Madrid System**)

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#fees](http://www.ipria.org/developments_in_ip/intdev/wipo.html#fees)

### **IP used to support health research institutions in developing countries**

A project, coordinated by WIPO and the Geneva International Academic Network (RUIGGIAN), aimed at supporting developing country health research institutions in protecting their research results, has reached its half-way point. The aim of the project, which was launched in September 2004, is to create networks of research institutions and develop local expertise to protect and commercialize research results through the use of patents and other types of IP.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#health](http://www.ipria.org/developments_in_ip/intdev/wipo.html#health)

## **SMEs**

### **National Workshop on Management of Intellectual Property for Photographers**

WIPO and the China Artistic Photography Society (CAPS) held a joint workshop on the management of IP by photographers, in Beijing from December 8-9, 2005. The main objective of the workshop was to enhance the awareness of participants on the interface between photography and intellectual property, and how such tools can positively contribute to the business strategies of photographers.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wipo.html#photographers](http://www.ipria.org/developments_in_ip/intdev/wipo.html#photographers)

## TRIPS

### **Poorest countries given more time to apply intellectual property rules**

Least-developed countries have been given an extension until 1 July 2013 to provide protection for trademarks, copyright, patents and other intellectual property under the WTO's agreement, following a decision reached by member governments on 29 November 2005. The decision does not affect the transition period for patents for pharmaceutical products, which was agreed in 2002; least-developed countries will not have to protect these patents until 2016.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wto.html#moretime](http://www.ipria.org/developments_in_ip/intdev/wto.html#moretime)

### **Members agree on amendment to make health flexibility permanent**

WTO members on 6 December 2005 approved changes to the intellectual property agreement making permanent a decision on patents and public health originally adopted in 2003. This General Council decision means that for the first time a core WTO agreement will be amended.

The decision directly transforms the 30 August 2003 "waiver" into a permanent amendment of the WTO TRIPS Agreement. That waiver made it easier for poorer countries to obtain cheaper generic versions of patented medicines by setting aside a provision of the TRIPS Agreement that could hinder exports of pharmaceuticals manufactured under compulsory licences to countries that are unable to produce them.

[http://www.ipria.org/developments\\_in\\_ip/intdev/wto.html#flexibility](http://www.ipria.org/developments_in_ip/intdev/wto.html#flexibility)

## OECD

### **OECD Conference on Pharmacogenetics and Drug Research**

There are growing concerns around the safety and efficacy of new and existing drugs, and the falling productivity of the pharmaceutical R&D process. The objectives of this conference, held in Rome from the 17-19 October, 2005, were to consider how to best capture these opportunities. Pharmacogenetics poses a number of challenges for both the industries that develop drugs and associated pharmacogenetic tests and regulatory authorities. The conference aimed to identify what it takes to get the enabling environment right and will discuss current policies and practices.

[http://www.ipria.org/developments\\_in\\_ip/intdev/oecd.html#Conference](http://www.ipria.org/developments_in_ip/intdev/oecd.html#Conference)