

## **IPRIA International Developments in IP**

### **Update May 2008**

Welcome to the IPRIA **International Developments in IP Bulletin** for May 2008. 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](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)**

#### **Australian candidate nominated to become next WIPO Director General**

On **13 May 2008**, it was reported that the Coordination Committee of WIPO nominated Dr Francis Gurry to become the next Director General of WIPO. The candidate will have to be appointed by the WIPO General Assembly at its next meeting scheduled from 22 to 30 September 2008. Dr Gurry was selected from a list which originally included 15 candidates. Dr Gurry joined WIPO in 1985 as a consultant in the Development Cooperation and External Relations Bureau for Asia and the Pacific. He has assumed various posts at WIPO since that time. Prior to joining WIPO, Dr Gurry practiced law in Australia and held a number of academic positions. The Director General-elect will assume his duties on 1 October 2008 following appointment by the General Assembly.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0025.html](http://www.wipo.int/pressroom/en/articles/2008/article_0025.html)

#### **Standing Committee on Copyright and Related Rights (SCCR) meets to discuss protection of broadcasting organisations and limitations to copyright**

Member states of WIPO met from **10 March 2008 to 12 March 2008** to formulate a program of work for the SCCR. It was agreed that the SCCR should continue discussions on the protection of broadcasting organisations with a view to concluding an international instrument. The SCCR also considered a proposal from Brazil, Chile Nicaragua, and Uruguay on limitations and exceptions to copyright. The SCCR has requested that a study be undertaken by the secretariat on exceptions and limitations in relation to educational activities and distance education. Studies have already been undertaken in relation to the visually impaired, the digital environment, and automated rights management systems, with a fourth study on exceptions and limitations in relation to libraries due to be published shortly.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0013.html](http://www.wipo.int/pressroom/en/articles/2008/article_0013.html)

#### **Committee on Development and Intellectual Property (CDIP) holds first meeting**

The CDIP was established by the General Assembly of WIPO in October 2007 to oversee the implementation of recommendations adopted in relation to the WIPO Development Agenda. The Committee's first meeting was held from **3 March 2008 to 7 March 2008**. At the meeting, members adopted a set of rules of procedure and held discussions on creating a work program for implementation of various recommendations to enhance the development dimension in WIPO's work. The draft

report of the meeting will be available on WIPO's website for comments by member states, IGOs and NGOs. Comments are due within three weeks of the report's release. A revised draft report will then be considered for adoption at the beginning of the second session of the CDIP scheduled for July 2008.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0012.html](http://www.wipo.int/pressroom/en/articles/2008/article_0012.html)

### **Intergovernmental Committee on Intellectual Property, Traditional Knowledge, Genetic Resources and Folklore (ICG) meets in Geneva**

The ICG, established by WIPO in 2000, met in Geneva from **25 February 2008 to 29 February 2008**. The Committee, whose mandate was renewed by the WIPO General Assembly in October 2007, discussed practical steps to accelerate its work, with a view to developing concrete outcomes such as international instruments. To further this end, the ICG drew up proposals to analyse gaps in the protection currently available for traditional cultural expressions, traditional knowledge, and genetic resources. These 'gap' analyses will be developed through an open commentary process leading up to the next ICG session.

For more information, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0008.html](http://www.wipo.int/pressroom/en/articles/2008/article_0008.html)

### **Statistics on trade marks and patent filings for 2007 published**

WIPO's statistics on patent filings (under the PCT) and trade marks filings (under the Madrid system) for 2007 were published on **21 February 2008** and **27 February 2008** respectively. Both the Madrid system (which includes the Madrid Agreement and the Madrid Protocol) and the PCT are administered by WIPO, and allow registration of patents or trade marks in multiple countries by the filing of a single application. A record number of international applications was established for both systems. Regarding trade marks, applicants from Germany, France and the United States led the list of top filers, while China was the most designated country. With regards to patents, inventors from the United States, Japan and Germany filed the most applications, followed by Korea, France and the United Kingdom. The largest proportion of patent applications related to the telecommunications, information technology and pharmaceutical sectors, with the fastest growing technology areas being nuclear engineering and telecommunications.

For more information on patent filing statistics, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0006.html](http://www.wipo.int/pressroom/en/articles/2008/article_0006.html)

For more information on trade marks filing statistics, click here

[http://www.wipo.int/pressroom/en/articles/2008/article\\_0007.html](http://www.wipo.int/pressroom/en/articles/2008/article_0007.html)

## **EUROPEAN UNION**

### **PATENTS**

**London Agreement regarding translation requirements for European patents enters into force**

On **1 May 2008**, the London Agreement on the application of article 65 of the European Patent Convention entered into force. Previously, enterprises granted a European patent by the European Patent Office (EPO) were obliged to translate the text of the patent into the national language of every country in which they sought to register the patent. Under the London Agreement, this translation requirement is now unnecessary for states having a national language in common with one of the official languages of the EPO – French, German or English. States that do not have a language in common with the EPO only have the right to require a translation of the patent claims. The Agreement implies a significant reduction in translation costs for enterprises wanting to obtain a patent from the EPO that is recognised in several European states.

To access the Agreement, click here

[http://documents.epo.org/projects/babylon/eponet.nsf/0/7FD20618D28E9FBFC125743900678657/\\$File/London\\_Agreement.pdf](http://documents.epo.org/projects/babylon/eponet.nsf/0/7FD20618D28E9FBFC125743900678657/$File/London_Agreement.pdf)

## **COPYRIGHT**

### **Public hearing on private copying levies**

On **27 May 2008**, the European Commission is conducting a public hearing in Brussels on the issue of private copying levies. The hearing, titled ‘Fair Compensation for Acts of Private Copying’, follows a consultation undertaken from 14 February 2008 to 18 April 2008. The hearing will be organised around three issues:

- the role and impact of private copying levies in the digital environment;
- member states' experiences with private copying levies; and
- the direction of future policy with regards to private copying levies.

For more information, click here

[http://ec.europa.eu/internal\\_market/copyright/levy\\_reform/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/levy_reform/index_en.htm)

### **European Parliament votes against proposal to make Internet Service Providers (ISPs) shut off suspected pirates**

On **10 April 2008**, the European Parliament voted against a proposal that would oblige ISPs to shut off internet access in cases of suspected copyright piracy. This follows the institution of a ‘three strikes’ policy in France in November 2007, whereby ISPs are required to notify suspected pirates to stop infringing copyright and then terminate service if they do not. Similar schemes had also been proposed in the UK, and by the EU Information Society and Media Commissioner. The subject of the vote was a report by a French Socialist Parliament Member, which called for the EC to ‘rethink the critical issue of intellectual property from the cultural and economic point of view’.

The vote was adopted via Article 22 of a Resolution passed on the same day. To access the Resolution, click here

<http://www.europarl.europa.eu//sides/getDoc.do?type=TA&reference=P6-TA-2008-0123&language=EN&ring=A6-2008-0063>

### **Commissioner proposes extension of copyright term for performing artists**

In a speech delivered at a Brussels press conference on **14 February 2008**, the European Commissioner for Internal Market and Services announced his intention to

propose that the term of copyright for performing artists be extended from 50 to 95 years. The extension of term was justified, he argued, on the basis that the current term of 50 years pursuant to Article 3(1) of Directive 2006/116/EC often does not last the lifetime of performers and expires during their retirement. The European Commission will examine the formal proposal, to be presented before the end of the year.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/240&format=HTML&aged=0&language=EN&guiLanguage=en>

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

### **European Commission (EC) adopts Recommendation on the management of IP by public research organisations**

On **10 April 2008**, the EC adopted a Recommendation on the ‘Management of intellectual property in knowledge transfer activities by public research organisations’. The Recommendation offers a set of key policy principles for member states to follow when introducing or adapting national guidelines or other measures regarding knowledge transfer, and intends to promote the exploitation of publicly funded research results. Also included in the Recommendation is a ‘Code of Practice’ for public research organisations, establishing principles that they should rely on when developing or reviewing institutional policies.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/555&format=HTML&aged=0&language=EN&guiLanguage=en>

### **EC consults on a guide on funding opportunities for research, development and innovation**

On **1 April 2008**, it was reported that the EC had published a draft ‘Practical Guide to EU funding for research, development and innovation’. EU support for research, technological development and innovation is provided by three main sources:

- the Seventh Research Framework Program (FP7);
- the Competitiveness and Innovation Program (CIP); and
- the Structural Funds.

The Guide aims to help potential applicants for EU funding to identify the most suitable choices among these programs at every stage of the development and implementation of a project. It includes a description of each fund, recommendations for policy makers and an ‘innovative Checklist and Scorecard’. Comments and suggestions on the draft were due by the end of April.

To access the draft Guide, click here

[ftp://ftp.cordis.europa.eu/pub/fp7/docs/practical-guide\\_en.pdf](ftp://ftp.cordis.europa.eu/pub/fp7/docs/practical-guide_en.pdf)

### **European Innovation Scoreboard 2007 published**

The European Innovation Scoreboard 2007 was published by the EC on **14 February 2008**. The report analyses the innovation performance of different member states over the last year using 25 indicators in the following five areas of innovation:

- innovation drivers (structural conditions required for innovation potential);

- knowledge creation (investments in R&D activities);
- innovation and entrepreneurship (efforts towards innovation at the firm level);
- applications (performance expressed in terms of labour and business activities);  
and
- intellectual property (achieved results in terms of ‘successful know-how’).

Based on these data, countries were divided into four categories: innovation leaders; innovation followers; moderate innovators; and catch-up countries. Sweden, Japan, Germany, the UK and US were among the innovation leaders, while Lithuania, Poland, Portugal and Hungary were classed as ‘catch-up countries’.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/87&format=HTML&aged=0&language=EN&guiLanguage=en>

## **OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)**

### **National search reports for Community trade marks become optional**

National search reports, to check if Community trade marks applied for are similar or identical to those already registered in individual EU member states, have become optional as of **10 March 2008**. This is in line with the revision of the Community Trade Mark Regulation by Council Regulation (EC) No 422/2004 of 19 February 2004. The reports will now be produced only if requested by the applicant at the time the Community trade mark application is filed. A fee will be charged. Community search reports and warning letters will continue to be sent out as before.

To access the Information Note on the new search system, click here

<http://oami.europa.eu/en/mark/marque/pdf/optionalSearches.pdf>

### **OHIM publishes 2007 Annual Report**

On **6 March 2008** the OHIM published its Annual Report for 2007. A record number of applications for Community trade marks and designs was reported, with a 13% and 10% increase in applications respectively from 2006. The largest number of applications for both trade marks and designs was made by Germany. Online e-filing services are also growing in popularity and now account for three-quarters of all trade marks applications.

To access the Report, click here

<http://oami.europa.eu/en/office/press/pdf/AR2.pdf>

### **OHIM creates new Manual of Trade Mark Practice**

On **20 February 2008**, it was reported that OHIM has created a Manual of Trade Mark Practice to assist in communicating changes in trade mark practice to users of the Community trade mark system. The manual, to be regularly updated, is intended to be ‘the first point of reference’ for users who wish to make sure that they have access to the latest information. It will incorporate the bulk of the existing Guidelines, the content of the current draft Guidelines, and other changes reflecting current Office practice, which would previously have been published as practice notes or communicated through the Alicante Newsletter. The system for the updating of the Guidelines will remain unchanged.

To access the Manual, published under the 'Trade Marks/Practical Aspects' section of the website, click here

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

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

### **Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG) prepares draft strategy paper**

The WHO IGWG met from **28 April 2008 to 3 May 2008** as part of its resumed second session, which began in November 2007. The current round of negotiations is under a mandate to create a consensus document for presentation at the World Health Assembly, to be convened later this month. The 'Draft global strategy on public health, innovation and intellectual property' prepared during the meeting covered the following elements:

- promoting research and development;
- building and improving innovative capacity;
- the transfer of technology; and
- the application and management of intellectual property to contribute to innovation and promote public health.

The fifth element was the most contentious and consensus was unable to be reached on a number of issues. Other key debates centred on the use of open source technologies, the incorporation of research exemptions in legislation of developing countries, and the promotion of traditional knowledge and medicines.

To access the draft Strategy Paper, as of 2 May 2008, click here

[http://ip-watch.org/files/Draft\\_Strategy\\_2\\_May\\_2008.pdf](http://ip-watch.org/files/Draft_Strategy_2_May_2008.pdf)