

## **IPRIA International Developments in IP**

### **Update September 2007**

Welcome to the IPRIA [International Developments in IP](#) Bulletin for September 2007. The following items are also available on our 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)**

#### **WIPO report reveals changing geography of innovation with highest patenting growth rates in North East Asia**

On **10 August 2007**, the findings of the 'WIPO Patent Report: Statistics on Worldwide Patent Activity (2007 Edition)' were released. The Report shows that worldwide filings of patent applications have grown at an average annual rate of 4.7% with the highest growth rates experienced in North East Asian countries, particularly the Republic of Korea (ROK) and China. The Report is based on 2005 figures, the last year for which complete worldwide statistics are available. The largest recipients of patent filings are the patent offices of Japan, the USA, China, the ROK and the European Patent Office. These five offices account for 77% of all patents filed in 2005, (a 2% increase since 2004), representing 74% of all patents granted. While use of the international patent system remains highly concentrated - 49% of the estimated 5.6 million patents in force are owned by applicants from Japan and the USA - there is evidence of increasing use of the system by newly industrialising nations.

**For more information and to access the WIPO Patent Report, click here**

[http://www.wipo.int/pressroom/en/articles/2007/article\\_0050.html](http://www.wipo.int/pressroom/en/articles/2007/article_0050.html)

#### **WIPO publishes a guide on managing IP for museums**

On **31 July 2007**, WIPO announced that it has published a 'Guide on Managing Intellectual Property for Museums'. The Guide is intended to help museums and the broader cultural heritage community to use the IP system to improve the management of their collections in the digital environment. The first part of the Guide describes IP issues of relevance to museums such as rights in scholarly content, technologies developed in-house, and branding tools that provide recognition and awareness of the museum in a commercial context. The second part reviews existing business models that could provide museums with appropriate opportunities to create sustainable funding, and deliver on their stated objectives.

**For more information and to access the Guide, click here**

[http://www.wipo.int/pressroom/en/articles/2007/article\\_0049.html](http://www.wipo.int/pressroom/en/articles/2007/article_0049.html)

#### **IGC recommends mandate renewal to continue negotiations on the protection of traditional knowledge**

WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) met in Geneva from **3 July to 12 July 2007**. The Committee recommended that the WIPO General Assembly should renew its mandate to continue work on intellectual property and traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources. The session concentrated on core issues for the protection of TK and TCEs, focusing on the policy

challenges that are central for a more effective protection against misuse and misappropriation. These issues cover such questions as definitions of traditional knowledge and traditional cultural expressions, the form and scope of protection, and the nature of the beneficiaries. Subject to the decision of WIPO General Assembly to renew the IGC's mandate (which expires in December 2007), the next session of the IGC is anticipated to take place in February 2008.

**For more information, click here**

[http://www.wipo.int/pressroom/en/articles/2007/article\\_0044.html](http://www.wipo.int/pressroom/en/articles/2007/article_0044.html)

### **WIPO to continue discussions on updating protection of broadcasting organisations**

Member states of WIPO have decided that further discussions are required on various aspects of a treaty on the protection of broadcasting organisations. The decision came at the conclusion of the second special session of the Standing Committee on Copyright and Related Rights (SCCR) from **18 to 22 June 2007** which had been mandated by the WIPO General Assembly. At the close of the June meeting, the SCCR recommended that the WIPO General Assembly take note of the current status of the work; and acknowledged that progress was made towards better understanding of the positions of the various stakeholders. It was proposed that the subject of the broadcasters treaty remain on the agenda of the SCCR, and that a diplomatic conference be convened only after agreement on objectives, specific scope and object of protection has been achieved.

**For more information, click here**

[http://www.wipo.int/pressroom/en/articles/2007/article\\_0039.html](http://www.wipo.int/pressroom/en/articles/2007/article_0039.html)

### **Agreement on proposals for a WIPO Development Agenda**

Negotiators from 93 member states and 40 observers, meeting from **11 to 15 June 2007** in the context of a forum that looked at proposals to enhance the development dimension in WIPO's work, agreed on a final list of proposals to be recommended for action to the WIPO General Assembly in September 2007. The Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) reached agreement on a set of general principles and objectives covering five clusters of activities on the following themes: technical assistance and capacity building; norm-setting, flexibilities, public policy and public domain; technology transfer, information and communication technology, and access to knowledge; assessments, evaluation and impact studies; and institutional matters including mandate and governance. Member states also agreed to establish a Committee on Development and Intellectual Property which will be convened in the first half of 2008 to replace the PCDA. Before this, the PCDA will meet in a resumed session on 4 September 2007 to adopt the report of the June meeting.

**For more information, click here**

[http://www.wipo.int/pressroom/en/articles/2007/article\\_0037.html](http://www.wipo.int/pressroom/en/articles/2007/article_0037.html)

## **EUROPEAN UNION**

**European Commission to link the Community design registration system with the WIPO international system**

On **24 July 2007**, it was announced that the European Commission has adopted two Regulations necessary to link the Community design registration system with the international design registration system administered by WIPO under the Geneva Act of the Hague Agreement. The Regulations will allow EU companies, with a single application, to obtain protection of a design throughout the EU with the Community Design and in countries that are members of the Geneva Act. The Regulations will enter into force once the Geneva Act is applied to the Commission. It is expected that the new system will be available to users from beginning of January 2008.

**For more information, click here**

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1160&format=HTML&aged=0&language=EN&guiLanguage=en>

### **European Parliament adopts a resolution on the TRIPS Agreement and access to medicines**

On **12 July 2007**, the European Parliament adopted a resolution which stresses the importance of the Doha Declaration on the TRIPS Agreement and Public Health. The Doha Declaration allows developing countries to manufacture genetic substitutes for patented medicines and was adopted in November 2001 by the Ministerial Conference of the World Trade Organization. The European Parliament asks the European Council to ‘meet its commitments to the Doha Declaration and to restrict the Commission’s mandate so as to prevent it from negotiating pharmaceutical-related TRIPS-plus provisions affecting public health and access to medicines’. In addition, the Council is called upon to encourage research, technology transfer, capacity strengthening and registration ‘in order to facilitate and increase the production of pharmaceutical products by the developing countries themselves’.

**To access the resolution, click here**

<http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0353&language=EN>

### **Regulation of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II Regulation) published**

Regulation 864/2007 of the European Parliament and of the Council of **11 July 2007** on the law applicable to non-contractual obligations (Rome II Regulation) was recently published in the Official Journal of the European Union. The Regulation establishes uniform conflict of law rules to be applied by the courts of the Member States to determine the law applicable to claims related to acts of unfair competition (Art. 6) and infringements of intellectual property rights (Art. 8). The Regulation does not include non-contractual obligations arising out of violations of privacy and rights relating to personality including defamation but the Commission will submit a study of both legal matters no later than 31 December 2008. The Regulation will not enter into force until January 2009.

**To access the Regulation, click here**

[http://eurlex.europa.eu/LexUriServ/site/en/oj/2007/l\\_199/l\\_19920070731en00400049.pdf](http://eurlex.europa.eu/LexUriServ/site/en/oj/2007/l_199/l_19920070731en00400049.pdf)

### **European Commission releases midterm review of industrial policy**

On **4 July 2007**, the European Commission released a communication titled ‘Mid-term review of industrial policy: A contribution to the EU’s Growth and Jobs Strategy’. According to the communication, industry comprises 81% of private sector R&D expenditure and represents 73% of EU exports. The three most important issues

regarding EU industrial policy are climate change, globalisation and technological development. The communication states that there is still a significant innovation gap between the EU and US or Japan, especially in business R&D. It is recommended that innovating 'may require companies to integrate in clusters where they can collaborate with research institutions, suppliers, customers and competitors.' The communication also recommended that initiatives related to IPRs should be strengthened.

**To access the European Commission communication, click here**

[http://ec.europa.eu/enterprise/enterprise\\_policy/industry/doc/mtr\\_in\\_pol\\_en.pdf](http://ec.europa.eu/enterprise/enterprise_policy/industry/doc/mtr_in_pol_en.pdf)

### **Competitive Council of European Union discusses various IP issues**

The Competitiveness (Internal Market, Industry and Research) Council of the European Union met on **25 June 2007**. The Council reached agreement on a general approach on a draft regulation aimed at establishing a European Institute of Technology. The Council also discussed the Commission's Green Paper 'The European Research Area: new perspectives'. The Council adopted conclusions on knowledge transfer and the use of IP in the European Research Area, as well as on coordination between Community funding programmes for research.

**To access the results of the Council, click here**

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/intm/94967.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/intm/94967.pdf)

## **ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)**

### **OECD publishes report regarding innovation in the global economy**

On **6 June 2007**, the OECD released a report 'Staying Competitive in the Global Economy: Moving Up the Value Chain'. The report brings together OECD data on the globalisation of value chains, including the rise of outsourcing/offshoring. The costs and benefits of globalisation are discussed, with an emphasis on employment and productivity. The report analyses how globalisation impacts the competitiveness of OECD countries, highlighting the need for effective R&D and innovation strategies.

**For more information, click here**

[http://www.oecd.org/document/54/0,3343,en\\_2649\\_37461\\_38726774\\_1\\_1\\_1\\_37461,00.html](http://www.oecd.org/document/54/0,3343,en_2649_37461_38726774_1_1_1_37461,00.html)

## **WORLD HEALTH ORGANIZATION (WHO)**

### **WHO's second public hearing on public health innovation and IP**

Leading up to the second Intergovernmental Working Group on Public Health, Innovation and Intellectual Property on 5-10 November 2007, WHO has set up a second web-based public hearing. The public hearing is divided into two sections. The first section is dedicated to comments regarding the recently released draft Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property. The second section relates specifically to the World Health Assembly WHA60.30, which requested the Director General 'to encourage the development of proposals for health-needs driven research and development'. Contributors are invited to provide submissions to one of the two sections or to both. The deadline for submissions is **30 September 2007**.

**For more information, click here**

[http://www.who.int/phi/public\\_hearings/second/en/index.html](http://www.who.int/phi/public_hearings/second/en/index.html)