

IPRIA International Developments in IP

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Welcome to the IPRIA International Developments in IP Bulletin for September 2009. All IPRIA Bulletins are available to download on our website at <http://www.ipria.org/>

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO to host symposium to address operational deficiencies in global IP systems

WIPO will host the 'Global Symposium of Intellectual Property Authorities – Developing Global Intellectual Property Infrastructure for Promoting Science, New Technologies and Innovation Worldwide' in Geneva on **17 and 18 September 2009**. The event aims to strengthen ties between IP service providers (national IP authorities) and their clients (industry), to highlight both the concerns of the user community and the need to re-engineer IP systems to reduce bottlenecks which are perceived to be slowing the pace of innovation and economic growth.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2009/article_0031.html

LDCs reaffirm commitment to integrating IP in national development strategies

Ministers from least-developed countries (LDCs), senior government officials and heads of IP organisations reaffirmed their commitment to integrating IP and innovation strategies into their national development planning during a 'High Level Forum on the Strategic Use of Intellectual Property for Prosperity and Development' organised by WIPO on **23 and 24 July 2009**. WIPO launched at the Forum a new public-private partnership: 'Access to Research for Development and Innovation'. This partnership aims to provide industrial property offices, universities and research institutes in LDCs with free access and industrial property offices in certain developing countries with low cost access to selected online scientific and technical journals. A Ministerial Declaration adopted at the end of the meeting urged WIPO to support LDCs through regular access to new technologies.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2009/article_0026.html

IGC considers future work

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) concluded its 14th session on **3 July 2009**. The session focused mainly on the renewal of the IGC's mandate for the 2010-2011 biennium. The WIPO General Assembly will consider the IGC's mandate at its September 2009 session. The basis of discussions on future work was a proposal by the African Group. Core tenets of this proposal were that the future work of the IGC should comprise 'text-based negotiations', conclude with the adoption of an 'internationally legally binding instrument/s', and be undertaken through a 'defined work program and time frame, including the holding of intersessional work sessions.' While the Committee was unable to reach agreement on a roadmap for

future work, the discussions were said to provide a basis for enhanced understanding of the work under consideration.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2009/article_0019.html

SCT examines trade mark and design law and practice

WIPO's Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT), meeting from **22 to 26 June 2009**, examined areas of possible convergence in industrial design law and practice, as well as questions relating to grounds for refusal of all types of marks and technical and procedural aspects of the registration of certification and collective marks. This work will continue at the next session of the SCT from 23 to 26 November 2009. In discussions relating to the Article 6ter of the Paris Convention for the Protection of Industrial Property, ('the Paris Convention'), SCT members agreed to further examine the protection of state names against registration or use as trade marks. Responses to a proposed questionnaire will serve as the basis of future deliberations on this topic. Article 6ter of the Paris Convention provides for the protection of flags, armorial bearings and other state emblems.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2009/article_0018.html

SCCR to expedite work in favour of reading impaired

Discussions at the Standing Committee on Copyright and Related Rights (SCCR) meeting from **25 to 29 May 2009** focused on a series of practical measures to facilitate access to copyright-protected materials by reading impaired persons. One of these measures is a stakeholders' platform, a key aim of which is to develop solutions to make published works available in accessible formats in a reasonable time frame. All participants supported moving forward with this work. Further, the SCCR called for consultations to assist negotiations on the international protection of performances in audiovisual media. The secretariat will organise a series of national and regional seminars as well as background documentation on the issue.

For more information, click here

http://www.wipo.int/pressroom/en/articles/2009/article_0012.html

EUROPEAN UNION

PATENTS

European Commission releases final report on competition in the pharmaceutical sector

On **8 July 2009**, the European Commission adopted the final report on its competition inquiry into the pharmaceutical sector. According to the report, market entry of generic drugs is delayed and there is a decline in the number of novel medicines reaching the market. The sector inquiry suggests that company practices are among the causes for these events but does not exclude other factors such as shortcomings in the regulatory framework. As a follow up, the Commission intends to intensify its scrutiny of the pharmaceutical sector under European Commission antitrust law,

including continued monitoring of settlements between originator and generic drug companies. The report also calls on Member States to introduce legislation to facilitate the uptake of generic drugs. The report notes near universal support amongst stakeholders for a Community Patent and specialised patent litigation system in Europe.

For more information, click here

<http://ec.europa.eu/competition/sectors/pharmaceuticals/inquiry/index.html>

COPYRIGHT

Report shows progress for the establishment of pan-European music licensing

In May 2009, the European Commission released a report gathering the conclusions of the Online Commerce Roundtable. The Roundtable is a consumer and industry representatives group that aims to discuss the business opportunities created by the Internet and the existing barriers to increased online retailing in Europe. According to the report, the French collecting society SACEM expressed its willingness, in principle, to entrust other collecting societies with the pan-European licensing of its repertoire and to act as non-exclusive rights manager for publishers and other collecting societies. These statements have been received as progress toward the adoption of pan-European music licensing. Submissions on the report were due by **30 June 2009**.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/832&format=HTML&aged=0&language=EN&guiLanguage=en>

GENERAL IP

Call for tenders for a study on interplay between standards and IPRs

The European Commission Enterprise and Industry recently called for tenders relating to a 'Study on the interplay between standards and intellectual property rights (IPRs)'. According to the Commission, 'Standardisation and the protection of intellectual property rights are important elements of Community policies for the internal market, including competition issues, but also for the promotion of innovation and for trade.' The deadline for the submission of tenders is **25 September 2009**.

For more information, click here

http://ec.europa.eu/enterprise/newsroom/cf/itemlongdetail.cfm?item_id=3396&lang=en

European Commission publishes 2008 statistics of customs actions in enforcing IPRs

On **9 July 2009**, the European Commission published statistics related to customs actions on goods infringing intellectual property rights (IPRs) at the EU external borders. The report shows an increase in the number of cases where goods infringing IPRs have been detained, from 43,000 cases in 2007 to nearly 49,000 in 2008. The types of articles with a significant increase in detention are toys, electrical equipments, medicines and DVDs. The report states that the statistics demonstrate a strong trend of cooperation with industries, where over 80% of customs interventions

in 2008 were initiated at industry's request based on suspicion of IPR-infringing products.

For more information, click here

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1106&format=HTML&aged=0&language=EN&guiLanguage=en>

European Council adopts key conclusions in the fields of research and innovation and IP

On **29 May 2009**, the Competitiveness Council adopted a number of conclusions in the fields of research and innovation. They focused on areas including the evaluation and impact assessment of European research framework programmes and the steps towards the realisation of the European Research Area. The Council also had discussions on, among other items, the establishment of a Community patent and a unified patent litigation system. In this regard, a political agreement was reached for requesting an opinion to the European Court of Justice on whether the envisaged legal instrument to be concluded is compatible with the EC Treaty.

For more information, click here

http://www.ipr-helpdesk.org/news/news_6694.en.xml.html

OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Manual of Trade Mark Practice has been updated

OHIM recently released a new version of its Manual of Trade Mark Practice, available on its website. The Manual will now reflect updates based on current Guidelines and Regulation 207/2009 of 26 February 2009 on the Community trade mark. The new Regulation came into force in the Member States from **13 April 2009**.

For more information, click here

<http://oami.europa.eu/ows/rw/pages/CTM/legalReferences/guidelines/OHIMManual.en.do>

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

OECD releases report on the GFC and investigating innovation

In **June 2009**, OECD released a report titled 'Policy Responses to the Economic Crisis: Investigating Innovation for Long Term Growth'. The report warns that innovation risks being badly affected by the economic crisis. The report urges governments and business to limit cutbacks in spending on R&D and innovation, and mitigate the negative impact of the crisis on innovation. It points to the governments of Finland in the early 1990s and Korea in the early 2000s which both increased investment in R&D during those downturns and the role this played in making their economies more competitive and innovative.

For more information and to access the report, click here

http://www.oecd.org/document/28/0,3343,en_2649_34223_42983708_1_1_1_1,00.html