

Q&A SHEET

Useful links

WIPO GENDER RELATED ACTIVITIES

- Gender Equality, Diversity and Intellectual Property <https://www.wipo.int/women-and-ip/en/>
- Increasing the Role of Women in Innovation and Entrepreneurship: Workshop with Oman, Pakistan and Uganda https://www.wipo.int/sme/en/news/2021/news_0002.html
- Closing the Gender Gap in Intellectual Property (IP) – Women and Tourism https://www.wipo.int/meetings/en/details.jsp?meeting_id=73870
- Indigenous and Local Community Women Entrepreneurship Program https://www.wipo.int/tk/en/women_entrepreneurs/

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- How to Make a Living in the Creative Industries <https://www.wipo.int/publications/en/details.jsp?id=4166>
- Protecting Your Mobile App <https://www.wipo.int/publications/en/details.jsp?id=4569&plang=EN>
- WIPO for Creators <https://www.wipo.int/wipoforcreators/en/>

IP DIAGNOSTIC TOOL

- WIPO IP Diagnostic <https://www.wipo.int/ipdiagnostics/en/>
- Guides: Intellectual Property for Business <https://www.wipo.int/publications/en/series/index.jsp?id=181>

HAGUE, MADRID & LISBON

- The International Design System <https://www.wipo.int/hague/en/>
- The International Trademark System <https://www.wipo.int/madrid/en/>
- The International System of Appellations of Origin and Geographical Indications <https://www.wipo.int/lisbon/en/>

PCT

- The International Patent System <https://www.wipo.int/pct/en/>

ADR

- WIPO Arbitration and Mediation Center <https://www.wipo.int/amc/en/>
- WIPO ADR Rules <https://www.wipo.int/amc/en/rules/>
- WIPO ADR Model Clauses <https://www.wipo.int/amc/en/clauses/index.html>
- WIPO ADR for FRAND Disputes <https://www.wipo.int/amc/en/center/specific-sectors/ict/frand/>


General	Questions	Answers
	<p>For countries where we are not part of the systems explained, how can we benefit and move on the same pace of countries that are party to WIPO treaties?</p>	<p>Unfortunately, for countries that are not party to the WIPO treaties and the registration systems, it would be difficult to benefit and move on the same pace as of countries that are parties to these treaties.</p> <p>Discussions can be initiated with relevant authorities and stakeholders (Ministries, trade and export associations, chambers of commerce, etc.), to raise more awareness of the benefits of International IP Protection Systems such as the Madrid, Lisbon and Hague Systems.</p> <p>For further information on becoming a member of the Madrid System, and its benefits please refer to The Guide to the Madrid System International Registration of Marks under the Madrid Protocol.</p> <p>An applicant is entitled to file an international patent application if it is a national or resident of a PCT Contracting State. However, if there are several applicants named in the international application, only one of them needs to comply with this requirement.</p>
	<p>Before jumping into the protection process and accumulating costs, what should/could entrepreneurs do to find out if their creation is truly innovative?</p>	<p>They should search the databases that are at their disposal in their national IP offices and on the WIPO website at https://www.wipo.int/reference/en/ to check if their inventions, trade marks and designs are new and qualify for protection.</p>
	<p>How are the systems presented connected with the EU Patent?</p>	<p>The PCT international application as filed, will automatically designate both national and regional patent protection.</p> <p>The PCT makes it possible to seek patent protection for an invention simultaneously in a large number of countries by filing a single “international” patent application instead of filing several separate national or regional patent applications. The granting of patents remains under the control of the national or regional patent Offices in what is called the “national phase”.</p>

		<p>An applicant can therefore file a PCT application and seek a EP patent via this route. Please see: “PCT Contracting States for which a Regional Patent can be Obtained via the PCT” at: https://www.wipo.int/pct/en/texts/reg_des.html</p> <p>If you are a national or resident of a country which is party to the ARIPO Harare Protocol, the OAPI Bangui Agreement, the Eurasian or the European Patent Convention, you may alternatively file your international patent application with the regional patent Office concerned, if permitted by the applicable national law.</p>
Gender	Questions	Answers
	<p>Is it that Women were marginalized and discriminated in IP related issues or that women were not active and now it is about time for women to play a part?</p>	<p>According to WIPO's statistics, women account for only 16.5 percent of patent applications filed through WIPO's Patent Cooperation Treaty (PCT). The IP and gender gap is a reality and a concern across all countries. Among the reasons for this disparity are women's marginalization and discrimination in IP, as well as their lack of participation. WIPO has been working to integrate a gender perspective into all of our activities and to work hand-in-hand with governments as well as stakeholders in order to attract more women to participate in the IP ecosystem. WIPO, in cooperation with governments, is developing policy and legislative advice and support for national policymakers aimed at helping bring more women and girls into innovative and creative activities. As well, WIPO is cooperating with national IP offices to increase understanding and integration of gender considerations and to promote the exchange of good practices. WIPO has engaged in a range of initiatives aimed at encouraging women's participation in the international IP system, including awareness raising through the organization of global events on closing the gender gap in IP and capacity building for IP practitioners, innovators, creators, inventors, and entrepreneurs (courses offered by the Academy and tailored courses delivered in collaboration</p>

		<p>with IP Offices). One example of WIPO's initiatives for women entrepreneurs is the <i>Women as Role Models</i> panel at an Asia-Pacific regional conference that led discussions on IP for business for an audience of varied stakeholder groups, comprising women innovators and entrepreneurs, women support associations, networks, and social enterprises working with women, and women in academia and research institutions, constitutes. WIPO established World Intellectual Property Day to raise awareness about the role of intellectual property rights in encouraging innovation and creativity and WIPO's 2023 World IP Day theme will be "<i>IP and Women: Accelerating Innovation and Creativity</i>." In the run-up to World Intellectual Property Day on April 26th, WIPO will announce several new initiatives and will collaborate with all governments and stakeholders to shape IP and innovation projects and initiatives that will have a long-term positive impact on women and communities.</p> <p>Please explore https://www.wipo.int/sme/en/ . Enterprising Ideas is an excellent place to start. IP Diagnostics and the list of Academy Distance Learning programs .</p>
	How can women innovators use WIPO resources to secure and exploit their own IP?	<p>The resources that are listed on the IP for SMEs page would be a good place to start for women innovators to learn about how to identify and secure IP and about the steps to commercialize. They should explore https://www.wipo.int/sme/en/ . Enterprising Ideas is an excellent place to start. IP Diagnostics as well as the WIPO Academy Distance Learning programs.</p>
IP for Business	Questions	Answers
	How can a person get involved in the Women capacity building programs?	<p>The list of Academy Distance Learning programs that are open to the public are a good starting point. The free IP</p>

		Panorama 2.0 course may be particularly interesting for an entrepreneur.
	Can the IP Diagnostic Tool be embedded in websites dedicated to IP training and education not hosted by WIPO, of course with the proper attribution notices?	Yes, you can embed the link but we need to generate a unique link for that purpose.
	<p>I am a consultant in intellectual property. I think that the solution to the incorporation of IP and the reduction of the gender gap in IP goes through awareness and economic policy but sometimes this is very complex to land in local communities and educational institutions with few resources. Digitalization, the internet allows us to disseminate tools that are very helpful as those mentioned by Tamara and make a form of awareness, however there is a large part of the population that is left out, which is necessary to reach the territory by digital illiteracy or digital divide. My question is:</p> <p>Is there any WIPO initiative or program to support initiatives to accelerate a more inclusive IP from civil society or local authorities or professionals working with IP?</p>	<p>WIPO's goal is to foster a global IP system that works for everyone, everywhere, including civil society, local communities, and female entrepreneurs who lack access to online tools. One of WIPO's efforts in this area was the launch of the WIPO Training, Mentoring, and Match-Making Program for Women Entrepreneurs from Indigenous Peoples and Local Communities. This program aims to encourage women's entrepreneurship, innovation, and creativity related to traditional knowledge and traditional cultural expressions by strengthening the capacity of indigenous and local community women entrepreneurs to make strategic and effective use of intellectual property tools in support of their entrepreneurial activities. WIPO engages in a range of initiatives aimed at encouraging women's participation in the international IP system through its collaboration with local governments and non-governmental organizations. For example, last year, a WIPO program on women entrepreneurs and IP was piloted in Uganda. The WIPO team worked on the ground with an NGO and 12 female entrepreneurs to journey with them and help them understand how IP can be an integral part of their business journey as well. By bringing IP alive in this way, IP is becoming relevant to female entrepreneurs in indigenous and local communities all around the world.</p>
	Which are WIPO contributions, for example, in supporting women innovators active in areas such as health/healthcare and or education?	WIPO's Global Health team is currently developing fellowship programs to support global-health focused innovators in developing countries and to help build and strengthen the innovation ecosystem in LMICs. These

		<p>programs will naturally emphasize support for women innovators as part of WIPO's overall emphasis in supporting women in innovation. The WIPO Academy marked a strategic shift in emphasis towards a more strengthened focus on empowering innovators, creators and entrepreneurs – in particular, small and medium-sized enterprises (SMEs), women and young people. The WIPO Academy expanded its tailored skills-building courses for the private sector, particularly through Intellectual Property Training Institutions (IPTIs), which have played a key role in addressing critical areas such as COVID-19 economic recovery, offering new training modules on IP management and commercialization to participants from broad and diverse backgrounds and industries. The IPTIs have played a key role in the delivery of IP skills-building training to target audience groups including entrepreneurs and women at the national and regional levels. Partnerships with national IP offices and universities have been key to amplifying IP education and training at the national level. Last year, for example, we launched a project for women inventors in Latin America, in order to share experiences between the Association of Women Inventors from South Korea; with women inventors and entrepreneurs who use Intellectual Property as a tool.</p>
Trademarks The Madrid system	Questions	Answers
	<p>Are names and logos of mobile applications termed as trademarks?</p>	<p>The names and logos of mobile applications may be protected as trademarks. Given that there are many mobile apps available for similar uses (such as purchasing tickets, booking accommodation etc..) registering a mobile app as a trademark is highly recommended to prevent others from using the same or similar trademark for their apps. App logos and icons may be referred as “device” or “figurative” marks. Names of apps are generally referred to</p>

		<p>as “word marks”. However, not all names and logos of mobile applications will “qualify” as trademarks. Generally speaking, the name or logo must be sufficiently unique (distinctive). If the design is too simple/descriptive, it may not be distinguishable from other trademarks with similar design elements. Further, it must not be the same or similar to other mobile apps already on the market (owned by others). Please see below examples of mobile applications that have been protected under the Madrid System.</p>  <p>For further information on the registration of trademarks using the Madrid System, please refer to The Guide to the Madrid System International Registration of Marks under the Madrid Protocol.</p>
	<p>How can you help us to make understand to the women of Africa in general and of the Congo-Kinshasa in particular who are concerned in the invention of objects that they can be protected by the Madrid system?</p>	<p>To seek protection for trademarks through the Madrid System, you would need to show a connection to a member of the System. The Democratic Republic of the Congo is not a member of the Madrid System. However, you may still use the Madrid System if you are able to show a connection to a member, for example, if you have business operations in a territory that is a member, you may be able to use the Madrid System and file an international application through the Office of that territory. You will also need to have a mark applied for, or registered with, the Office of that member to use as a basis for the international registration. For example, a company (or individual) in the Democratic Republic of the Congo, operating a business in Switzerland, with a trademark registered (or applied for) in Switzerland, may file an international application through the Swiss Office. The Madrid System offers a convenient and cost-effective way to register and manage trademarks. You refer to</p>

		<p>“invention of objects”. In some territories, it may be possible to protect an “object” by way of a 3D trademark, or protect certain aspects of an “object” like the label applied to that object. However, generally speaking, patents and industrial designs are more appropriate in terms of the protection of the invention of objects.</p> <p>For further information on the registration of trademarks using the Madrid System, please refer to The Guide to the Madrid System International Registration of Marks under the Madrid Protocol.</p>
	<p>Must a national organization for IP protection be a member of, for example, the Madrid convention system, and then the entrepreneur can apply for protection through the national office? What are the average cost for the registration (except the cost of an agent or a law office, who will write the application)?</p>	<p>An application for an international registration must be filed with WIPO through an Office that is a member of the Madrid System (a country or intergovernmental organization that is a member of the Madrid System). It is not possible to file an application for an international registration directly to WIPO, nor is it possible to file an application for an international registration through an Office that is not a member of the Madrid System.</p> <p>If a brand owner/entrepreneur wishes to file an international trademark application under the Madrid System through an Office of a member, it can do so providing they:</p> <ul style="list-style-type: none"> - have a personal or business connection to a member of the Madrid System. That connection can be by way of nationality (the entrepreneur is a national of a member of the Madrid System), domicile (the entrepreneur lives/is based in a member of the Madrid System), or has a real and effective commercial establishment in a member of the Madrid System (is operating a business in member of the Madrid System). That connection determines what national Office (Office of origin) may be used to file the international application; and - have either applied for or registered a trademark in the country/region of your Office of origin. (This application/registration is known as the "basic mark").

		<p>For further information on the registration of trademarks using the Madrid System, please refer to The Guide to the Madrid System International Registration of Marks under the Madrid Protocol.</p> <p>The costs of filing a national application differ from country to country. Most Offices indicate their fees on their websites. The fees for filing an international application can be found on our website (https://www.wipo.int/madrid/en/fees/sched.html).</p> <p>You may also use our fee calculator: https://madrid.wipo.int/feecalapp/</p>
Industrial Designs The Hague system	Questions	Answers
	Are there programs or resources for designers working in the apparel or fashion sector?	<p>WIPO offers resources/information/events for the fashion sector such as “Sustainable Fashion – IP Management Workshop” that was held in July. You may find relevant information here: https://www3.wipo.int/wipogreen/en/news/2022/news_0021.html. The WIPO Arbitration and Mediation Center also provides procedural advice and case administration to help parties resolve disputes arising in the area of fashion, without the need for court litigation: https://www.wipo.int/amc/en/center/specific-sectors/fashion/.</p>
	Since you were a small entrepreneur, what was the expense for getting model protection through WIPO?	<p>Protecting designs I really believe in is something that I feel very strongly about, especially as a small business. I was ready to make the investment. I could only see pros to acquiring the design registrations, no cons.</p> <p>We got a small innovation grant (available here in Finland) for the applications, but a lot of that money went into using a professional IP -lawyer. The applications through WIPO felt relatively inexpensive. If needed, one could save a lot by doing the application themselves.</p>

		The process itself was very quick and easy for us. The only application that took some time, and involved some additional costs, was the US application.
Geographical Indications The Lisbon System	Questions	Answers
	Many GIs for green coffee have been refused. Will all green coffee crossing EU borders qualify as GI under the new deforestation free supply chain legislation?	A distinction should be made between securing protection of a distinctive designation as a geographical indication under IP law, in respect of those products that meet the definition requirements of a GI under the applicable law (domestic legislation is usually based on the GI definition provided under the TRIPS Agreement, namely 'indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin), and obtaining the authorization to place such GI products in foreign national or regional markets . In this case further requirements/other rules may apply, including environmental considerations such as those contained in the EU rules for deforestation-free products. Interested producers should therefore be invited to contact the competent authorities of the markets they are interested in to know what these additional requirements might be. Please note that there are already several GIs protected with respect to green coffee in various countries, some of which are also protected under the Lisbon System such as Café Villa Rica from Peru, Café Veracruz and Café Chiapas from Mexico.
	What happens with GIs, for example with African musical instruments where patents may have been obtained in the past when territories were colonized? Do those patents prevent the originator	As far as GI protection is concerned, once again protection would in principle apply to those distinctive designations/indications (collectively) used on products that have a specific geographical origin and possess qualities,

	communities from creating new patents? Is this covered by traditional knowledge?	<p>reputation or characteristics that are essentially attributable to that geographical origin.</p> <p>We have noted from your questions that your brand incorporates traditional cultural handicrafts. In response, our guide on ‘How to Protect and Promote your Culture’ is instructive on the various tools that can be used to protect the Traditional Knowledge and Traditional Cultural Expressions of Indigenous Peoples and Local Communities (IPLCs). You may use the following link to access it: https://www.wipo.int/publications/en/details.jsp?id=4195 .</p> <p>Furthermore, we have several other information resources that can be found at the bottom of our Community Enterprises Program landing page. The following is the link to the aforementioned page: https://www.wipo.int/tk/en/entrepreneurship/index.html .</p>
Patents Patent Cooperation Treaty	Questions	Answers
	Where can we find affordable patent attorneys?	<p>One suggestion is to have a look at WIPO’s Inventor Assistance Program: https://www.wipo.int/iap/en/ “The Program benefits from a global network of volunteers that provide patent drafting and prosecution services on a <i>pro bono</i> basis to beneficiaries in their own country and in selected jurisdictions.”</p>
	Who has the right to file an international patent application under the PCT?	<p>You are entitled to file an international patent application if you are a national or resident of a PCT Contracting State. If there are several applicants named in the international application, only one of them needs to comply with this requirement.</p> <p>The applicant may be a natural person (e.g. the inventor) or a legal entity (e.g. company, university, NGO) (also for the US since 16 September 2012)</p>

	<p>Is digitalizing a conventional procedure through development of a mobile application and innovation and is it patentable?</p>	<p>Mobile apps are certainly innovations. A patent is granted when the claimed inventive subject matter is technical in nature, i.e. using technical means to solve a problem. The examination of technicality depends very much on the case law of each jurisdiction. What subject matter is patentable also varies by country and national patent legislation.</p>
	<p>I already have a phase I PCT on a new Medicine. I am looking for laboratories and investors for my innovations. How can I do to have some guidelines?</p>	<p>1. A PCT licensing feature has been available in the PATENTSCOPE search system since January 2012. To access PCT applications containing such licensing information, please go to the “Field Combination” search at: http://www.wipo.int/patentscope/search/en/structuredSearch.jsf. Here you will benefit from seeing which inventors/applicants are looking to venture into a licensing agreement, in the field of your invention (medicine).</p> <p>2. Please have a look at: WIPO Re:Search (“a public-private partnership administered by the World Intellectual Property Organization (WIPO) in collaboration with BIO Ventures for Global Health (BVGH):” https://www.wipo.int/research/en/)</p> <ul style="list-style-type: none"> • “WIPO Re:Search offers its members access to an extensive range of knowledge assets, compounds, technology, and expertise provided by other private and public sector members. This saves scientists valuable resources and time. • The Partnership Hub, led by BIO Ventures for Global Health, proactively identifies opportunities for <u>collaboration and knowledge-sharing between members.</u> • WIPO Re:Search facilitates access to private-sector compounds and compound libraries, helping to repurpose drugs.”

	Do I need a lawyer to patent my product/service/website etc.?	<p>It is recommended to have a patent agent/attorney to represent an inventor in prosecution of a patent, <i>but it is not obligatory</i>.</p> <p>However, when seeking patent protection abroad, it may be necessary to appoint local patent agents in each foreign country, to prepare the necessary translations of the patent application and to pay the national fees.</p> <p>That is why the PCT route is quite advantageous when seeking patent protection in many countries – an applicant saves/postpones the cost of hiring a patent agent/attorney, as it will have up to 18 months more than if it had not used the PCT system, to reflect on the desirability of seeking protection in foreign countries, to appoint local patent agents in each foreign country, to prepare the necessary translations and to pay the national fees;</p> <p>Remember that a patent is granted for a <i>product/process, that provides a new way of doing something, or a new technical solution to a problem</i>.</p>
	Where can a woman find support/financing to create proof of principle in STEM to patent?	<p>One suggestion is to have a look at WIPO's Inventor Assistance Program: https://www.wipo.int/iap/en/</p> <p>“The Program benefits from a global network of volunteers that provide patent drafting and prosecution services on a <i>pro bono</i> basis to beneficiaries in their own country and in selected jurisdictions.”</p>
Alternative Dispute Resolution ADR	Questions	Answers
	How are mediators and arbitrators selected and appointed in WIPO ADR proceedings?	<p>In cases where there is no prior party agreement on the person of the mediator or arbitrator(s) or on the procedure for their appointment, the WIPO Rules provide that the mediator or arbitrator(s) shall be appointed through a “list procedure” (see Article 7 of the WIPO Mediation Rules,</p>

		<p>Article 19 of the WIPO Arbitration Rules and Article 14 of the WIPO Expedited Arbitration Rules).</p> <p>Under this list procedure, the WIPO Center, taking into account the specific characteristics of the dispute (including for instance the concerned area of IP or technology, the governing law, the nationality and the language of the parties), makes available to the parties detailed profiles of at least three suitable candidates. Parties are then invited to agree on a candidate from this list or, if no agreement is possible, to number these candidates in order of preference, and return their marked lists to the WIPO Center. The WIPO Center then appoints a person from the list, taking account of the preferences and objections expressed by the parties.</p> <p>In proposing mediator or arbitrator candidates to the parties under the list procedure, the WIPO Center draws upon a growing database of over 2,000 independent WIPO neutrals from more than 100 jurisdictions, who range from highly specialized practitioners and experts with specialized knowledge in various areas of IP and technology to seasoned commercial dispute resolution generalists.</p>
	<p>In respect of the ADR Cases, are judgements available for public access upon resolution?</p>	<p>Under the WIPO Rules, WIPO ADR proceedings are confidential. Therefore, mediation settlement agreements and arbitral awards are usually not made available to the public. The WIPO Center however publishes a general overview of its caseload as well as anonymized examples of mediation and arbitration cases.</p>
	<p>What are the most common outcomes of disputes?</p>	<p>WIPO ADR procedures seek to create positive opportunities for party settlement. To date, 70% of WIPO mediation and 33% of WIPO arbitration cases have concluded in a settlement between the parties. In 2021, as a result of the increasing use of WIPO Online Case Administration Tools, the WIPO Center observed a settlement rate in mediation cases of 75%.</p> <p>In arbitration cases where no settlement occurred between the parties, remedies granted by the arbitral tribunal have</p>

		included damages, infringement declarations, specific performance, further safeguards for the preservation of confidentiality of evidence, the provision of a security, the production of data, the delivery of goods and the conclusion of new contracts (including determination of licensing terms).
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This document reflects the answers provided in an informal context to the questions posed by participants to the event “Intellectual Property and Women Entrepreneurs”. It has an informative purpose and does not contain formal legal assessments on the part of WIPO.