

International policies and norms to address emerging IP challenges, including international cooperation for enhancing quality of Intellectual Property Rights

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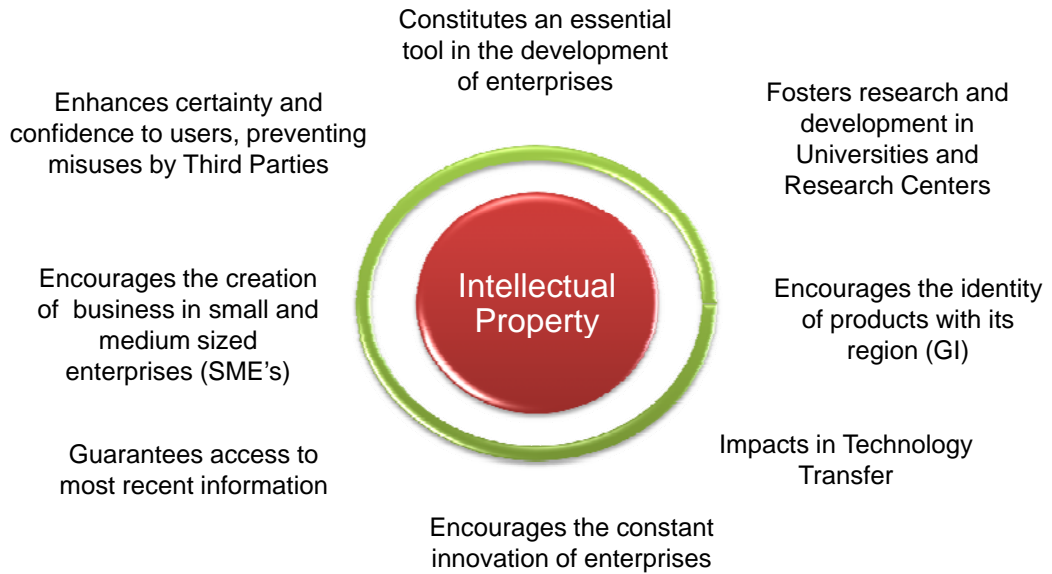
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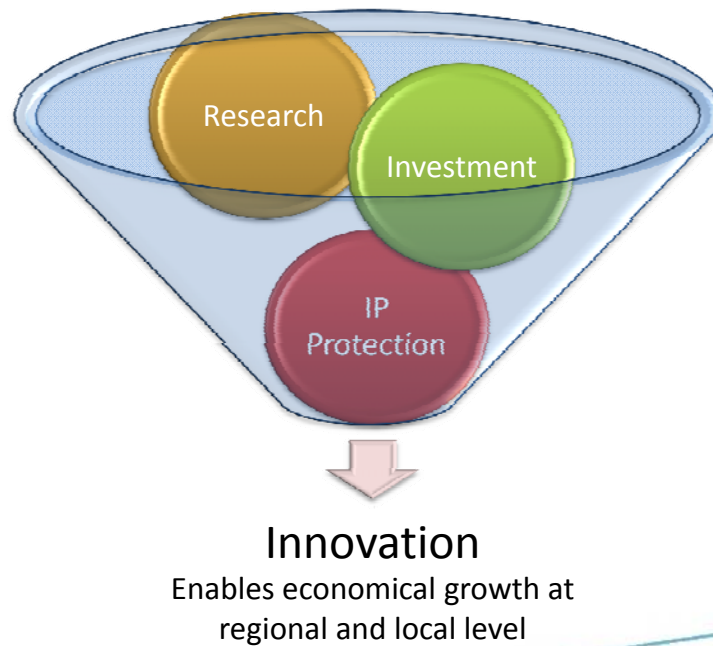
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Importance of Intellectual Property (IP)



Importance of Intellectual Property (IP)



Emerging IP Challenges

Innovation faces new challenges that must be tackled, such as:

- *Enforcement*
- *Education and public awareness*
- *Health*
- *Development*
- *Harmonization*



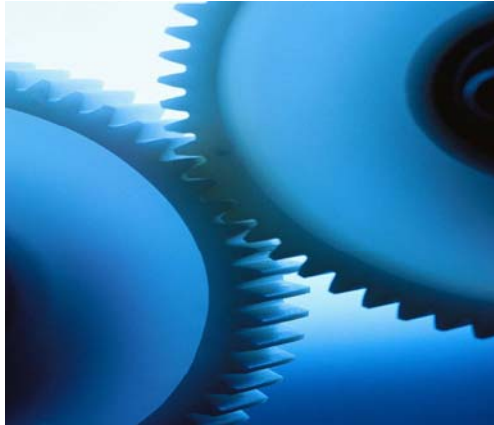
Importance of facing Emerging IP Challenges

A **strong knowledge based economy** requires a comprehensive and balanced IP system as well as an environment that encourages creation and innovation that provide the tools for successful management and exploitation of IP rights.

Additionally, the acquisition of IP rights is of **little economic value** if free riders are not stopped and no criminal cost is imposed.

*Therefore the **credibility of the IP system** depends, to a considerable extent, on the enforceability of IP rights conferred.*





International Policies and Norms



International Policies and Norms

APEC, Initiative

APEC economies have recognized that strong protection and enforcement of IP rights are critical components for economic growth and development.

As a result, APEC economies have focused, since 2005, on the consecution of the “APEC Anti-Counterfeiting and Piracy Initiative “, which aims:

- ✓ To reduce counterfeited and pirated goods as well as to combat transnational networks that produce and distribute these goods.
- ✓ To promote the enacting of appropriate legal regimes and enforcement systems to control online piracy and to undermine the online trade of counterfeited goods.
- ✓ To increase operational contact and the sharing of information between customs and law enforcement agencies to combat counterfeiting and piracy networks.



International Policies and Norms

APEC, Initiative Follow up

Initially, APEC economies shared practices and experiences of IP rights enforcement, creating a paper of recommendations, entitled:

- **Three Model Guidelines APEC Anti-Counterfeiting and Piracy Initiative** (2005)

An indicative reference for competent authorities to deal with the inspection, suspension, seizure and destruction of counterfeited and pirated goods.

- **Best Practices Paper on Innovative Techniques for IPR Border Enforcement** (2007)

A paper to provide APEC economies with information on a series of innovative techniques to deal with IP enforcement (lessons learned).



**International Cooperation
Among APEC Members to
address IP challenges**



International Cooperation

Enforcement

Nowadays, APEC economies continue developing strategic to meet IP enforcement obligations, carrying out :

• **Colloquium For Public Prosecutors And The Judiciary On IP rights Enforcement**

(June 9-11, 2009 in Kuala Lumpur, Malaysia)

For public prosecutors and members of the judiciary to share their experiences in handling the protection and enforcement of IP rights.

Topics: The evolving standards of IP enforcement; Prosecution of organized crime and Internet-based copyright piracy; Alternative dispute resolution and judicial mediation.

• **Workshop on Effective Practices in the Border Enforcement of IP rights**

(July 20-23, 2009 in Honolulu, Hawaii)

Oriented to explore, how economies can develop a successful border enforcement regime.

Topics: TRIPS border measures obligations; Public policy concerns; Risk assessment and ex-officio actions.



International Cooperation

Education and Public awareness

APEC economies support the promotion of IPR benefits, for that purpose many valuable resources have been developed aimed at educating the public and key target markets about IP advantages.

• **APEC Project for Training IPR Information Facilitators using e-learning contents, (IP-Xpedite)**. July 2009 on-line; and August 24-28, Daejeon Korea (2nd phase).

E-learning course, aimed at University students and Researches to promote the use of IP information by constructive ways.

• **Workshop on Conducting Effective IPR Public Education and Awareness**

Campaigns for Small and Medium Enterprises. (April 1-3, 2009 Melbourne, Australia)

To provide APEC Economies with the skills and resources required to implement public education and awareness campaigns for SMEs which promote the identification, protection, commercialization and enforcement of IP rights.



International Cooperation

Health

APEC members, aware of the positive impact that IP has in creating a healthy society, have developed:

•**Workshop on anti-Counterfeiting of Pharmaceutical Products and Medical Devices: Building the International Cooperation for the Protection of patients.**
(January 15, 2009 Mexico City)

Workshop aimed at exchanging information and best practices, among APEC economies, to guarantee the patients' health and drugs consumption.

Topics :

- Identification of counterfeited medical products and devices.
- Best practices to combat counterfeiting pharmaceutical products.
- Cross border enforcement practices.
- Practices to dismantle clandestine laboratories.
- Awareness on the risk of consuming counterfeited products and devices.



International Cooperation

Development

APEC economies recognize the need to increase capacity building and awareness in the region in order to create strategies to face global economic crisis, for this purpose APEC has carried out the following actions:

•**Seminar From Mind to Market: The Highs and Lows of Technology Transfer**
(February 23-24, 2009 Singapore)

To explore how Technology Transfer Offices (TTOs) and networks allied to universities and other higher learning institutes play an important role in promoting technology transfer as an economic driver.

•**Seminar on Trading ideas**
(July 30-31, 2009 Singapore)

To exchange information between APEC economies to develop strategies supported on IPR to face global financial crisis.



International Cooperation

Harmonization

Recognizing the importance of building an easier and friendlier IP system to users, APEC members have worked on:

- **APEC Cooperation Initiative on Patent Acquisition Procedures**

To enable applicants to obtain higher quality patents more easily and quickly in the APEC region by assisting IP Offices in the handling of patent applications and improving the examination capabilities of economies

A three step procedure:

1. GAP Analysis: Identification of IP Offices weaknesses and strengths
2. Needs Correlation: Identification of further evaluations
3. Effective use of PCT: Evaluation of the use of existing international frameworks

APEC economies have agreed to cooperate on a voluntary basis, which means that each member economy has its own right to choose the appropriate approach and method.



International Cooperation

Harmonization

In order to have homogenous criteria of the elements that may be considered as Traditional Knowledge (TK) and Genetic Resources (GR), APEC carried out:

- **A Seminar on Raising Awareness and Providing Policy Insights on Promoting Appropriate Access and Protection of Genetic Resources and Traditional Knowledge in APEC Economies.** (August 2008, Lima, Peru)

To collect information and share experiences on the institutional and legal frameworks that support access to GR and protection of TK.

- **A Survey on Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies.** (Published on November 2008)

To gather information between economies to develop a common definition and treatment of TK and GR.



Final remarks

A constant cooperation will guide economies towards the creation of a more efficient IP system.

The exchange of information and best practices will facilitate economies to find out common solutions to face IP challenges.

APEC economies will continue developing strategies to strengthen IP protection, as well as awareness of its positive impact on the economy.

Finally, APEC economies will continue supporting other Fora discussions, developing common criteria and encouraging new agreements.



ありがとうございました

- *Arigato gozai masu*
- *Thank you very much*

