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for public health

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WIPO Academy

WIPO Worldwide Academy

STRATEGIC INTELLECTUAL PROPERTY MANAGEMENT EXECUTIVE PROGRAM

September 17-19, 2007, Geneva, Switzerland

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Calendar of Meetings

SEPTEMBER 14 (P.M.) ■ GENEVA

■ *Patent Colloquium: Patents and Transfer of Technology*

WIPO is holding a number of colloquia on selected patent issues throughout the year. The colloquia are intended to provide information on different patent-related topics and to provide a forum for an exchange of information among participants on these topics. Each colloquium will include two presentations by invited speakers, followed by a discussion.

Invitations: The colloquia are open to the public and free of charge.

SEPTEMBER 24 TO OCTOBER 3 ■ GENEVA

■ *Assemblies of the Member States of WIPO (Forty-third Series of Meetings)*

All Bodies of the Assemblies of the Member States of WIPO will meet in their ordinary sessions.

Invitations: As members, the States members of WIPO; as observers, other States and certain organizations.

OCTOBER 15 ■ GENEVA

■ *Domain Name Panelists' Meeting*

A meeting of WIPO panelists to exchange information on precedents and procedures in WIPO domain name dispute resolution.

Invitations: Restricted to WIPO domain name panelists.

OCTOBER 16 AND 17 ■ GENEVA

■ *WIPO Arbitration Workshop*

An annual event for all persons interested in WIPO arbitration procedures, both as potential arbitrators and as potential party representatives.

Invitations: Open to interested parties, against payment of a fee.

OCTOBER 18 AND 19 ■ GENEVA

■ *WIPO Advanced Workshop on Domain Name Dispute Resolution: Update on Practices and Precedents*

An event for all persons interested in receiving up-to-date information about the trends in WIPO domain name panel decisions.

Invitations: Open to interested parties, against payment of a fee.

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On the Beat

TAPPING THE POTENTIAL OF KENYA'S MUSIC INDUSTRY

The modern musical landscape of Kenya is one of the most diverse and vibrant of all African countries. But under-investment, ineffective management of intellectual property rights, and rampant piracy have prevented the industry from realizing its economic potential and left its artists struggling to earn a living. Following a recent visit to Nairobi by a team of WIPO's copyright and outreach experts, this article takes a look at what makes Kenya's music great, and at some of the elements which have hitherto stunted its growth.

With more than forty different regional languages, the country's musical panorama is rich and remarkably complex. Driving through Nairobi's streets in your matatu, you will hear songs in Luhya, Luo, Kamba, and Kikuyu on every street corner. Music has traditionally been a distinctive feature of Kenyan ethnic groups, such as the Kikuyu, Kenya's largest ethnic community, and the Luo people of the Lake

Victoria region, who have always been particularly well known for their musical culture.

In addition to its entertainment value, Kenyan music has always been, and is still today, a major vehicle for sharing information and educating local populations.

Opondo Owenga, a traditional Benga musician, was well known during the colonial era for his use of music to convey the history of the Luo people. Such musical riches are under threat, however, since traditional music rooted in oral tradition is disappearing at an alarming rate.

A potent mix

The roots of Kenya's popular music can be traced to the 1950s. The most characteristic pop sound is Benga music, which was born on the lakeshore and originates from the Luo community. It is a crossover of traditional rhythms and instruments, such as the nyatiti lyre, the orutu single stringed fiddle, the ohangla drums, and modern dance. Benga became

so popular that ethnic groups from six out of Kenya's eight provinces have adapted it to their own style and flavor, while retaining the pulsing beat, high energy bass, interlocking guitar riffs and recurrent voice solos which characterize the Benga genre. The complex rhythms include indigenous and imported rhythms, notably the Congolese beat. The Shirati jazz band, formed in 1967, was one of the first Benga bands to make a major breakthrough. Others were George Ramogi, Victoria Jazz Band, DK and Joseph Kamaru, who received international exposure in the 70's. Recently, traditional Kenyan music attracted international attention when the songs of the singer Ayub Ogada were featured in the award winning 2005 movie "The Constant Gardener."

Foreign artists and foreign bands, essentially from Tanzania and the former Zaire, have also been a major component in the rich Kenyan musical stew. The entrancing Taarab music is a fusion of Indian, Arab and African motifs that developed in the coastal cities of Kenya and Tanzania. Congolese groups started performing in Nairobi night clubs in the mid 1960s and, as political conditions in the Congo deteriorated in the 70s, more groups made their way to Nairobi. The famous Congolese sound based on rumba, known as Soukous or Lingala, became the mainstream genre of music in the 70's and 80's in music clubs. The popularity of bands, such as Orchestra Virunga and Super Mazembe, spread as far as Europe and the United States.

The last decade has witnessed the mushrooming popularity of hip-hop music in Kenya, with the rise of musicians such as Gidi Gidi Maji Maji and the late



Courtesy of Kerebul Music

Olith Ratego – sweet sounds and sharp social comment. His interest in music came from his mother, a singer of "dodo" traditional Luo music.

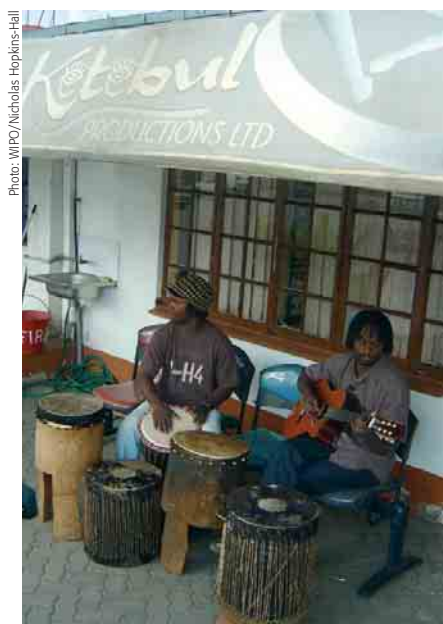


Photo: WIPO/Nicholas Hopkins-Hall

Abbi is among the new generation of Afro-fusion artists.

Poxi Presha, who, while retaining their African heritage, have been influenced by the American music scene. Alongside this trend, a new generation of talented artists is setting the stage in the so called Afro-fusion style, a blend of traditional local sounds mixed with various other influences. Among them, to cite but a few, is the compelling voice of Suzanna Owiyo, the fiercely socially engaged yet witty music of Makadem and Olith Ratego, the sweet Afro-jazz melodies of Eric Wanaima, and the originality of Abbi.

Obstacles

Despite its vibrant creativity and boom in production, the Kenyan music industry is nowhere near realizing its potential. "Nobody knows about Kenyan music," says Suzanna Owiyo, "and that is because we lack proper networking in terms of distribution." Paradoxically, the very diversity of Kenya's musical scene represents a key challenge to developing a sustainable industry. In particular, its linguistic diversity has fragmented the market and made it more difficult for artists to develop unique and recognizable sounds that can serve as currency for access to mainstream global markets.

The lack of investment in production has also stunted the industry's growth. Training and rehearsing facilities are few and inadequate, recording studios are technically obsolete and CD plants are virtually non-existent. All mastering of recordings has to be done in South Africa, thereby increasing costs. Moreover, it is often very difficult for young musicians to buy instruments. Abbi expresses the frustration of many of his fellow artists: "If we could get more international investment in music, then truthfully our music would rise to a different level."

Exploring options

More and more artists are embracing River Road – also known as Riverwood, the center of the burgeoning Kenyan film industry – for production and distribution of their music. For a

long time, Kenyan artists were critical of the production quality of River Road, indeed viewing it as a wellspring of music piracy. But many musicians are now tempted to experiment with the cheaper production options and better distribution networks offered by the film industry. Singer and composer John Katana comments: "Riverwood has great potential. It is going to grow, and I will be very interested to work with producers and makers of Riverwood movies because it has taken a big step."

Various other strategies and partnerships are being explored to facilitate the promotion and distribution of Kenyan talent on the world music scene. One of the most innovative is "Spotlight on Kenyan Music," an initiative of the *Alliance Française* of Nairobi, which seeks to identify and promote talented young Afro-fusion musicians all over the country, giving them the opportunity to perform in concerts and participate in album production.

Blight

However, currently only a handful of famous African artists have been able to make money from the popularity of African music. High piracy rates, poor enforcement procedures and ineffective management of intellectual property (IP) rights mean that most musicians struggle to make a living from their music or to achieve social recognition of their status as artists.

Only a handful of famous African artists have been able to make money from the popularity of African music.



WIPO New Release: Talking Copyright

A short WIPO public outreach film captures the irresistible sounds and colors of the Kenyan music scene, and listens to what the artists themselves have to say about their music and the problems faced by the industry. Afro-fusion and Afro-jazz musicians, singers and composers, including Abbi Nyinza, Achien'g Abura, Suzanna Owiyo, Tom Kodiyo and John Katana, talk about what copyright means to them as artists, and to the future development of the music industry in their country.



"Talking Copyright – The Music Industry in Kenya" will soon be available on the webcast area of WIPO's Public Outreach site at www.wipo.int/multimedia/en/webcast/.

Ever since the introduction of cassette tapes in the 70's, piracy has blighted the Kenyan industry. Music pirates, who copy CDs the moment they are released and sell them on the streets, have a stranglehold on the market that musicians cannot break, making it nearly impossible for them to profit from direct sales of legitimate recordings. "That is why we have to slow down so much on making recordings," explains John Katana. "We are more into performing live and doing social functions because of the piracy problem." Another stark reminder of the impact of piracy is that for more than a decade now, international record labels and music companies have abandoned Kenya as a non-viable market for their product.

Promoting copyright

Kenyan copyright legislation was updated in 2001. A national Copyright Board is entrusted with implementation and monitoring of the new legislation. Stakeholders are working to further improve organizational structures of copyright and provide effective education on IP issues. The economic value of music to the country is beginning to be better understood and promoted. "Music adds value to the GDP and creates employment for the country," says Tom Kodiyo, vice-chair of the collecting society, the Music Copyright Society of Kenya (MCSK), which operates

under the slogan: *Making life better for those who make living beautiful*. "All players have to work hand in hand," says Tabu Osusa, a leading music producer, "but the time has also come to put in place a national strategy to protect and preserve Kenyan creativity, which would create the conditions for music industries to flourish and raise revenues."

WIPO is working hand in hand with governments in Africa, as well as with representatives of the music industry and civil society, to promote the copyright-based industries in the region. WIPO's outreach activities aim to raise awareness – at all levels – of just how copyright helps keep the music coming. And a wide range of WIPO programs assist member governments in building the knowledge, skills and infrastructure needed to put IP to work, so that these industries can deliver to the country's economic development the dynamic charge of which they are capable.

The Kenyan music scene bears out an old proverb in the region that says "seeing is different from being told." A journey through Kenya reveals the pride of the people in their creative traditions, and a growing commitment to developing viable creative industries. While there are challenges, the future for Kenyan music is bright.

CAN DISTINCTIVENESS OF MUSICAL IDENTITY BE PROTECTED UNDER U.S. LAW?

Distinctive musical identity arises either when a famous recording artist becomes uniquely identified by the public with a particular song or melody, or when the artist's voice is so distinctive as to develop trademark significance in his or her own vocal sound. The extent to which such musical identity is protectable under trademark law is explored in this article by **BARRY WERBIN** of Herrick, Feinstein LLP, New York, a member of the INTA Bulletin Features-Policy & Practice Subcommittee. The article first appeared in the INTA Bulletin of February 1, 2007 (Vol. 62 No. 3) and is reprinted in revised form with permission of the International Trademark Association.

The distinct, sultry voice of Astrud Oliveira, known professionally as Astrud Gilberto, had long been identified with *The Girl from Ipanema*, the classic 1964 recording of the famous Antonio Carlos Jobim song. Gilberto's vocal performance won her a Grammy award. But that fame was not enough to win a lawsuit¹ she brought in 2001 for infringement of alleged trademark rights in her vocal performance, when the song was used in a Frito-Lay television commercial. Although Gilberto owned no copyrights in the underlying song or performance, she claimed she had become identified by the public with the recording and that she had acquired trademark rights in the song, requiring the advertiser to obtain her consent. Without such consent, she argued, use of the recording capitalized on her reputation and was likely to cause confusion as to her affiliation with, or endorsement of, Frito-Lay.



Courtesy, Magya Productions, Inc.

Astrud Gilberto had been publicly identified and referred to as *the girl from Ipanema*. She claimed that she had acquired trademark rights over the exploitation of her vocal performance of the song due to her public persona's close association with the recording and with the legendary image created by her vocal performance.

A song as signifier of the singer?

The U.S. Court of Appeals for the Second Circuit (New York) upheld a dismissal of Gilberto's trademark claim based on a false endorsement, on the grounds that a fact-finder "could not reasonably find an implied endorsement." The district court had, however, also issued a broader ruling that "there is no federal [trademark] protection for a musical work," because such works are otherwise protected by copyright law. The Court of Appeals rejected this

broad proposition, and held instead that musical compositions could indeed be eligible for trademark protection as "a symbol or device to identify a person's goods or services," just as graphic designs can serve as trademarks and still be protected by copyright. Nevertheless, the Court rejected Gilberto's remaining trademark and dilution claims, because there was no precedent to support the argument that a performing artist "acquires a trademark or service mark signifying *herself* in a recording of her own famous recording."

This conclusion was based on a 1970 decision in the Ninth Circuit (California) in a case brought by Nancy Sinatra against Goodyear Tire for its use of the song *These Boots Are Made for Walkin'*. Goodyear properly licensed its use of the song from the copyright owners, and unknown singers sang the song in the advertisement. Sinatra claimed that she had made the song so popular that her name had become associated with it, such that it had acquired secondary meaning and no other person could ever sing it in a commercial. The Sinatra court concluded that a musical composition could never serve as a trademark for itself, which the Gilberto court reaffirmed.

False implied endorsement

The Gilberto court acknowledged other cases where a performing artist's "persona" had been protected against a false implication of an endorsement, but

1. Citations to cases referred to in this article are listed at the end of the article





Nancy Sinatra claimed that she had made the song *These Boots Are Made for Walkin'* so popular that her name had become associated with it.

ruled that Frito-Lay's use of the song had not taken Gilberto's persona to imply that she endorsed the product. The court concluded that, while it would not be unthinkable for trademark law to grant a performing artist trademark protection in

his or her signature performance, such an expansion of trademark law would require legislative action. Otherwise, granting such rights to singers would stifle commerce by allowing suits against parties who had otherwise properly licensed all known copyrights in a work from the owners of those rights.

Unlike Gilberto and Sinatra, the musical persona of Tom Waits was sufficient in a 1992 decision to grant him judgment on a false implied endorsement claim against a company that used a "copycat" singer, who imitated Waits' distinctive raspy, gravelly singing style in a radio commercial praising snack-food products. Waits himself had never done commercials or endorsed any product; in fact, he believed strongly that musical artists should never do commercials. In that decision, the U.S. Court of Appeals for the Ninth Circuit found that Waits had a valid claim under California state law, where misappropriation of a singer's distinctive voice was grounds for legal action (a spin-off of California's broad right of publicity). On Waits' false endorsement claim under the Lanham (Trademark) Act Section 43(a) (see box), the court held that "a celebrity whose endorsement of a product is implied through the imitation of a distinctive attribute of the celebrity's identity [...] has standing to sue for false endorsement." Moreover, unlike with traditional false advertising claims, the celebrity need not be a competitor of the defendant. Finding that the jury had properly credited evidence of actual confusion between the stand-in singer and Waits himself, the court affirmed the judgment in favor of Waits.

Misappropriation of a musical persona

Back in 1988, the Ninth Circuit had considered claims by singer Bette Midler for misappropriation of persona under California common law when a sound-alike performer was used in a commercial af-

ter Midler had refused to participate. Although the court rejected Midler's separate California statutory publicity claim because the voice used was not her real voice, it ruled that the other vocal imitation claims were not preempted by copyright law because the "thing" misappropriated, namely her voice, was not itself copyrightable.

In 2006, in the *Laws v. Sony Music Entertainment* case, the Ninth Circuit clarified California's common law for misappropriation claims and the interplay with copyright law. [Recording artist Debra Laws sued Sony Music for misappropriation of her voice and invasion of privacy, complaining that Jennifer Lopez' recording and video, *All I Have* sampled Laws' recording, *Very Special*, without her consent.] The Court of Appeal held that Debra Laws' state law claims were preempted by the federal Copyright Act because the claims were based only on reproductions of her songs, in which the artist's voice was a part of a sound recording in a fixed, tangible medium, and so came within the subject matter of copyright. The case did not, however, assert a false endorsement claim under the Lanham Act. The Laws court noted that, "in contrast to *Midler* and *Waits*, where the licensing party obtained only a license to the song and then imitated the artist's voice, here Sony obtained a license [from the copyright holder, Electra Records] to use Laws' recording itself. Sony was not imitating [the song] as Laws might have sung it. Rather, it used a portion of [the song] as sung by Debra Laws."

Non-music celebrity persona cases

In the non-music celebrity persona context, the Ninth Circuit ruled in 2000 that use of a *Three Stooges* film clip in a feature film did not constitute trademark infringement under the Lanham Act, even where the underlying copyright had fallen into the public domain. Although the plaintiff argued that the clip was particularly distinctive of *The Three Stooges'* comedy routine, the court held it was still within the scope of copyright. Calling the trademark claim a "fanciful argument," the court concluded the case was unlike *Waits* or other cases that had recognized

The Lanham Act - Section 43(a)

Section 43(a) of the U.S. Lanham (Trademark) Act forbids false designations of origin, false descriptions, and dilution. It covers false implied endorsement in the following terms:

Any person who, in connection with any goods or services... uses in commerce any word, term, name, symbol, or device... or any false or misleading description... or representation of fact, which is likely to cause confusion... or to deceive as to the affiliation, connection, or association of such person with another person, or as to the... sponsorship, or approval of his/her goods, services, or commercial activities by another person, shall be liable in a civil action by any person who believes that he/she is or is likely to be damaged by such act.

celebrity persona claims. Those cases involved use of a performer's persona, through sound-alikes or look-alikes, for commercial endorsements, rather than use of the exact work in which the artist's original performance was embodied, the latter being within the exclusive domain of copyright.

Two other prominent Ninth Circuit non-music persona cases upholding false endorsement-type claims bear mention. In 1992, a controversial case was brought by the actress Vanna White, when her likeness was used in a commercial by means of a robot made to look like her and cast in a set evoking the TV show *Wheel of Fortune*, which she had co-hosted. The court found there were material issues that required a jury trial. Secondly, in 1997, the court decided in favor of two lead actors from the hit television series *Cheers*, when their physical likenesses were embodied in robots that were placed in airport bars.

California vs New York?

The Waits decision, and later cases addressing the simulation of an artist's voice or style, looks to alternative theories of false endorsement and to state misappropriation law in order to avoid conflicts with federal copyright law and preemption arguments. Because California, as distinguished from New York, recognizes broad statutory and common-law publicity rights, musical artists may have more opportunities to seek redress for imitative use of their performances or false endorsement claims under both state law and the Lanham Act in California courts.



Tom Waits won a case for "false implied endorsement."

But both the Second and the Ninth circuits, sitting in New York and California, respectively, have recognized false endorsement cases under Section 43(a) of the Lanham Act. As media technology advances, and imitative sound- and look-alikes become easier to create digitally, we will likely see further developments in this area.

Cases cited

Oliveira a/k/a Gilberto v. Frito-Lay, Inc., 251 F.3d 56 (2^d Cir. 2001)
Sinatra v. Goodyear Tire & Rubber Co., 435 F.2d 711 (9th Cir. 1970)
Waits v. Frito-Lay, Inc., 978 F. 2d 1093 (9th Cir. 1992)
Midler v. Ford Motor Company, 849 F.2d 460 (9th Cir. 1988)
Laws v. Sony Music Entertainment, Inc., 448 F.3d 1134 (9th Cir. 2006)
 "Three Stooges" case: *Comedy III Productions, Inc. v. New Line Cinema*, 200 F.3d 593 (9th Cir. 2000)
White v. Samsung Electronics America, Inc., 971 F.2d 1395 (9th Cir. 1992)
 "Cheers" case: *Wendt v. Host International, Inc.*, 125 F.3d 806 (9th Cir. 1997)

Geographical Indications

FROM DARJEELING

TO DOHA

Photo: WIPO/EM



Chinese Vice Premier Wu Yi opened the 2007 Symposium in the Great Hall of the People

Question: What do Liuyang firecrackers have in common with Idaho potatoes, Scotch whisky and Aranyik knives? **Answer:** They are all protected geographical indications, signaling to consumers that they have special characteristics due to their geographical place of origin.

This is the first in a new series of WIPO Magazine articles on geographical indications (GIs), responding to readers' requests for greater coverage of GI-related topics. In this article we report on some of the issues covered at the 2007 International Symposium on Geographical Indications in Beijing, and on China's strategic use of GIs to promote a range of speciality products. In

the next editions of the Magazine, following up on some of these themes, we will compare the paths followed by coffee growers in Colombia and in Ethiopia; we will track South Africa's progress in protecting its Rooibos tea; and we will take a fresh look at the Lisbon System for the protection of appellations of origin.

Sleeping Beauty

"You could say that geographical indications are the Sleeping Beauty of the intellectual property world," suggested WIPO lawyer Marcus Höpferger at the start of the Beijing Symposium. Indeed, while GIs have been around for a long time, there has been a widespread awakening in recent years as to their business value. But if Sleeping Beauty is already up and dancing in many national jurisdictions, at the international level governments are still picking their way through the surrounding thicket.

WIPO's biennial international symposia on GIs seek to illuminate some of the thornier issues by bringing together representatives of national administrations, producers of GI products, and other specialists, for an open exchange of views. At the packed 2007 Symposium in June, which was jointly organized by WIPO and China's State Administration for Industry and Commerce (SAIC), 24 speakers from 14 countries and five continents, plus experts from WIPO and the World Trade Organization (WTO), offered detailed insights with the objective of contributing constructively to the ongoing debates.

The basic concept underlying GIs is delightfully simple, and is familiar to any shopper who chooses Roquefort over blue cheese or Basmati rice over boil-in-the-bag. But when it comes to their legal protection, the picture becomes complex. GIs are protected through a wide variety of different approaches in different countries, and often by a combination of two or more approach-

es. These include unfair competition laws (passing off), consumer protection acts, agricultural quality control regimes, laws governing trademarks, collective marks and certification marks, and registration under specific, *sui generis* GI laws. There is no agreement as to the "best" methods to promote and protect GIs, and WIPO supports individual Member States in whatever national system they adopt, within the applicable international legal framework.

GIs and TRIPS - What's the beef?

Multilateral debate regarding the international protection of GIs continues to center on the WTO TRIPS Agreement. WTO counselor Thu-Lang Tran Wasescha reminded participants at the Symposium that the TRIPS provisions on GIs reflect the delicate compromise reached within one of the most difficult areas during the Uruguay Round of trade negotiations which led to the TRIPS Agreement. The sensitivity stemmed from several factors, not least: the fact that GIs were a relatively new area of IP for most WTO member states, while being already deeply rooted in the systems of many European countries (sometimes characterized as a New World vs. Old World split); the divergence of views regarding the most appropriate systems of protection; the high economic and trade stakes; the keen business interests involved, etc. Moreover, GI issues became part of a trade-off against concessions in another highly sensitive area of the Uruguay Round negotiations, namely agriculture.

Untangling the Terminology

What is a geographical indication? Put simply, and as used in this article, it is a sign used on goods which have a specific geographical origin and possess particular qualities or a reputation due to that place of origin. Most commonly, a GI includes the name of the place of origin of the goods. The definition is complicated, however, by the differing terminology used in the relevant international treaties:

Both the *Paris Convention for the Protection of Industrial Property* and the *Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods* use the term **indications of source**. Neither gives a definition, but the language used in the latter Agreement makes clear that an indication of source refers simply to a country, or place in that country, as being the place of origin of a product, e.g. Swiss chocolate or Thai rice.

The term **geographical indication** was introduced in the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)*, where it is defined as an “indication which identifies 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.”

Appellations of origin are also geographical indications, but the term “appellation” is understood as narrower than “indication.” They are mentioned in the Paris Convention since 1925, and are defined in the 1958 *Lisbon Agreement for the Protection of Appellations of Origin and their International Registration* as the geographical name of a country, region, or locality, which designates a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. The TRIPS definition of GIs was derived from this language.

Courtesy of China Trademark Office



Xianju Waxberries, Dalian Jinzhou Big Cherries, Qianxi Chestnuts, Ningxia Red Lycium and Pinggu Peach.

This balancing act resulted notably in what Ms. Tran Wasescha termed the deliberate “constructive ambiguity” in some of the TRIPS language on GIs, as well as some unfinished business, which WTO members have been seeking to address within the current Doha Round of negotiations. But the area remains politically sensitive, and linkages made with other negotiations continue to make for slow progress.

Two contentious issues under discussion in WTO are:

a) Negotiations on the establishment of a **multilateral system of notification and registration** of GIs for wines (foreseen by TRIPS Article 23.4). Speakers highlighted the divergence between, on the one side, the E.U., Switzerland and some developing countries, who want a comprehensive register with legally binding effect for all WTO members; and, on the other side, a group of

countries advocating a voluntary system based on the creation of an international data base (including Australia, New Zealand, the U.S. and several Latin American and Asian countries from the Cairns Group of agricultural exporting countries); with Hong Kong SARC proposing a compromise solution.

b) The **extension to other products of the higher level of protection** which the TRIPS Agreement (Article 23) currently affords to GIs for wines and spirits (where, for example, there is no requirement to prove that use of a geographic name by a non-authorized producer is misleading to the public). Those in favor of extending the additional protection, argue that the current provisions discriminate against producers of products other than wines and spirits.



Airing differences

At the Beijing symposium, participants were able to step outside the constraints of formal negotiating positions in order to analyze, explain and compare their differing perspectives.

Describing GIs as “a success story of European agriculture,” Raimondo Serra of the European Commission updated the symposium on the 2006 changes to the E.U.’s *sui generis* legislation, and called for further consolidation of GI protection at international level. The Secretary General of the Organisation for an International Geographical Indications Network (OriGIN), representing producers, cited 13 Asian countries and 12 Latin American countries which had adopted *sui generis* systems in recent years as evidence of a growing demand for specific GI protection to coexist with trademark regimes.

Not so fast, said USPTO lawyer David Morfesi. He was among several speakers who highlighted the advantages of using collective or certification marks to protect GIs. “Certification marks create a perfect balance for [quality] control, and collectivization [i.e. enabling producers to join together to sell their goods efficiently at a premium price],” he said, “and are thus an effective and

relatively inexpensive way to protect GIs.” An Australian representative voiced concern about potential administrative costs and burdens involved in extending the TRIPS Article 23 protection beyond wines and spirits. Mr. Ajay Dua of the Indian Ministry of Commerce and Industry stressed that work was needed to clarify notions such as “quality” and “reputation,” as well as inspection mechanisms. Officials from Thailand, India, Switzerland, South Africa, China and Ethiopia each described the approaches adopted in their own national legislation.

Speakers from La Havana S.A. and Pernod Ricard described their experiences as producers in using a combination of GIs and trademarks for stronger

product identity and to help fight counterfeiting of their products. Other success stories – as well as ongoing problems regarding enforcement and international disputes – were recounted by producers of Colombian coffee, Idaho potatoes and Moldovan Cricova wine. In an impassioned intervention, the Indian representative of the International Association for the Protection of Intellectual Property (AIPPI), castigated the “predators who have misappropriated the GIs of my country,” and quoted lines from *Cyrano de Bergerac*: “My soul, be satisfied with flowers, with fruits, with weeds even; But gather them in the one garden you may call your own.”

Adding value

Regardless of differences in approach, speaker after speaker underlined the fundamental value of GIs, properly managed, in –

- helping producers obtain a premium price for their products;
- providing guarantees to consumers as to the qualities of products;
- developing the rural economy;
- protecting local knowledge and strengthening local traditions.

Nor was there any dissent as to the importance of adequate legal mechanisms to prevent free-riding by outsiders on the reputation of local products. In his concluding remarks, WIPO Assistant Director General Ernesto Rubio focused on the strikingly wide area of common ground. While conflicting views were to be expected in the current stage of the WTO negotiations, he noted, discussion fora such as the WIPO symposia contributed positively to increasing mutual understanding. “We have seen a clear consensus,” he concluded, “that GIs are a growth area of IP, offering a very effective tool for wealth creation and social advancement.”

More information:

For the speakers' presentations see: www.wipo.int/meetings/en/topic.jsp?group_id=153. A new Geographical Indications area will be launched soon on the WIPO website.

Speciality Chinese teas on the GI menu included Taipu Hoku and Anxi Tikuanlyu tea



Photo: WIPO/EM



Photo: WIPO/EM

WIPO Assistant Director General Ernesto Rubio (right) and Vice Minister Li Dongsheng sample GI-protected Xuanwei ham

Tasting Success in China

The message from the Chinese government to participants at the 2007 symposium was loud and clear: China is systematically engaged in the exploitation of GIs as a means of adding value to her agricultural products and boosting her rural economy. Vice Premier Minister Wu Yi – whom Forbes Magazine last year ranked as the third most powerful woman in the world – appeared in person at the opening ceremony of the symposium in order to underline her government's commitment to these goals. And the message was reinforced by senior government representatives throughout the three day event.

Since incorporating GIs into the framework of China's national trademark system, more than 250 GIs have been registered in the country, with several hundred more applications pending. In late 2004, SAIC and the Ministry of Agriculture began a concerted campaign to extend the understanding and use of GIs among farmers and businesses in rural areas. This has been coupled with well-publicized legal actions in which enforcement agencies have investigated and prosecuted nearly 300 infringements against, for example, Fuling preserved pickle, Xiaozhan rice and Kurlle Fragrant Pear.

"GIs provide a possibility for peasants engaged in individual production and who lack the funds and capabilities to originate trademarks, to share the brand benefits without setting up a brand, and without mass production," said Li Dongsheng, Vice Minister at the SAIC. He detailed how China is implementing a range of policies to promote the use of GIs as a means both of "accelerating the new socialist countryside construction" and developing international trade.

Displaying some 30 GI-certificated products, the Chinese hosts of the sym-

Photo: Pinggu District Fruit Industry Association



Pinggu peaches are renowned for their size, sweetness and color due to ideal climatic and soil conditions.

posium encouraged participants to sample for themselves the qualities of Xuanwei Ham, Qianxi Chestnuts, Xianju Waxberries and Taiping-Houkui green tea. Two case studies further demonstrated the successful application of the GI strategy to Pinggu peaches and Zhangqui green onions.

When is a peach not just a peach?

The Pinggu district, 70 km north-east of Beijing, calls itself the biggest peach farm in the world. The peach plantations stretch as far as the eye can see, over an area of some 145 km², providing employment for 150,000 people in the local villages. Geographic factors including the lay of the surrounding hills, low pollution, sandy soil, a plentiful water supply and the marked difference between day and night time air temperatures, make for ideal peach-growing conditions. Pinggu peaches, says the District Fruit Industry Association, "have beautiful colors, high sugar content, special flavor and big size."

The Beijing Administration for Industry and Commerce calculates that, since *Pinggu Peach* was registered as a GI, accompanied by promotional campaigns, the market value of the fruit has risen from 1.5 to 4 Yuan per kilo, thereby significantly increasing the income of local farmers.

King of Scallions

Since 680 BC, the city of Zhangqui in Shandong Province has been growing

Photo: WIPO/EM



Chefs at Beijing's famous Quanjude Roast Duck Restaurant use only Zhangqui green onions to prepare their signature Peking Duck dish.

scallions (also known as spring onions or green onions), valued for their size, sweetness and nutritional value. Growing to an average height of 1.5 meters, the record specimen last year measured 2.29 meters. During the Ming Dynasty, Emperor Shizong hailed Zhangqui onions as the King of Scallions, and their reputation has endured. In 1999, the Zhangqui Scallion became the first vegetable in China to be protected as a geographical indication using the certification mark registration system.

In addition to the favorable conditions as to rainfall, temperature and soil composition, the techniques used in the cultivation and breeding of the onions are being constantly improved. The Zhangqui Scallion Science Research Institute, which holds the certification mark, oversees the "scientific management" of the onion production. This includes technical training of local producers in order to ensure that the organically grown onions meet the product quality standards set by the Institute.

President of the Institute, Li Yuquan, cited an average price increase for Zhangqui Scallions of 20 – 30 percent per year and concluded: "Zhangqui Scallion industry shines with a new vital force... And with the geographical indication we will push the brand to the world." ■

IP AND SOFTWARE

Seminar Explores Emerging Trends and Prospects



Photo by Sanodaya Siramadana

The 2004 tsunami disaster impelled Sri Lanka's open source software community to develop a tailored information management system for humanitarian relief operations.

In the wake of the devastating *tsunami* which hit South East Asia in 2004, the government of Sri Lanka struggled to coordinate the mammoth relief effort. As more and more governments, international organizations and volunteers joined crisis operations to locate missing people and distribute aid, the basic problem of managing information became critical to the humanitarian effort. An urgent solution was needed, which would be fast, flexible and freely accessible.

To the rescue

Enter *Sahana*, described by its developers as the world's first disaster management system based on free and open source software. Sanjiva Weerawarana, who led the development of the *Sahana* system, delivered a vivid account of the project to a rapt audience at WIPO's recent regional seminar on *Intellectual Property and Software in the 21st Century* in Colombo, Sri Lanka. Describing the "tremendous information management problem" which arose from the efforts of some 1,300 organizations to support hundreds of thousands of displaced people, Mr. Weerawarana recounted how Sri Lanka's open source community pooled their talents and knowledge, and worked flat out to develop a solution. The new software was up and running in just three weeks.

After its successful deployment during the *tsunami* disaster, the project was developed further for global use. The award-winning system now offers a se-

cure web portal with applications for tracking missing people, connecting organizations, matching donations to requests, reporting on the distribution of aid and services, tracking temporary shelters, and generally providing transparency to groups working in a humanitarian disaster. Available for free download and customization under a GNU General Public License, *Sahana* has been used extensively by UN and humanitarian agencies during recent crises including the 2005 Pakistan earthquake, the 2006 Southern Leyte mudslide disaster in the Philippines, and the 2006 Jogjarkata earthquake in Indonesia.

Common ground

Mr. Weerawarana heads the Lanka Software Foundation, a non-profit, open source software development organization. He was invited to address the WIPO regional Seminar in order to share his perspective as a proponent of open source solutions. In a central session devoted to Business Models and Licensing in the Software Industry, he was joined on the podium by Stephen Mutkoski, Microsoft's Asia Pacific regional director for interoperability and innovation. Mr. Mutkoski, an intellectual property (IP) lawyer and expert in software licensing issues, manages regional activities and programs for Microsoft which aim at "creating neutral government policies in relation to software procurement, standards development and adoption, and related issues."

In his presentation, Mr. Mutkoski demonstrated clearly how business models based on proprietary software could be successful in a developing country such as Sri Lanka. Participants at the Seminar expressed surprise at the extent of common ground identified between the perspectives of the two speakers. Both emphasized the advantages of the co-existence of open source and proprietary systems, and agreed as to the importance of synergies developed in mixed platforms. Representatives of several Asian governments also shared their national experiences with regard to software licensing based on both proprietary and open source models. All agreed that it was essential to match the business strategy with the licensing model chosen. Software piracy was identified as a crucial common concern.

Participants expressed surprise at the extent of common ground identified between the proponents of open source and of proprietary systems.

Protection and standards

The overall objective of the Seminar, which was organized in cooperation with the Sri Lankan National Intellectual Property Office, was to update participants on international developments concerning the application and exploitation of IP rights in the field of software. Aiming for a balanced and practical approach, the Seminar explored a range of issues and market scenarios, illustrating each of them with current business experiences.

The opening session covered fundamental questions of software protection through IP rights, particularly in relation to economic development. Speakers compared the universally accepted use of copyright for protecting software with the more controversial use of patents, where a variety of approaches are taken in national legislation worldwide. These range between express patentability, and express exclusion from patentability, of software, with the middle ground occupied by a more modulated acceptance of patents on "computer implemented inventions." In an animated debate, participants discussed the relative advantages and disadvantages of the different approaches, and examined the concept and patentability criteria of computer implemented inventions.

The development of standards in the software field was the focus of another session in the Seminar. Mr. Goh Seow Hiong, Asia director of the Business Software Alliance (BSA), stressed the importance of interoperability, usability, accessibility and mobility, as key factors driving software development. Participants exchanged views on a range of IP-related issues with regard to development and implementation of standards in the software industry.

The Seminar also compared the role of public authorities and private companies in software development. Speakers from the Software Copyright Committee (SOCOP) of the Republic of Korea described their experience in using registration, public awareness-raising activities, mediation and other means to facilitate software protection. SOCOP is an example of a unified public body specially created to deal with the complexities involved in protecting and developing software. Other countries reported on



Courtesy of Richard Owens

By exchanging expertise and experience, participants explored which IP-related software strategies may best suit their national economic, social and cultural development needs.

their own national experiences, and a common trend was identified in the need to develop specialized and comprehensive public initiatives. Mr. Anuruddha Pebotuwa, for example, detailed the activities of the ICT Agency of Sri Lanka in promoting incentives for software development in areas such as taxation, public funding and government procurement.

Cross-cutting

There are few aspects of life in the 21st century which are not touched by information technologies. Decisions by governments on the application, licensing and enforcement of IP rights with regard to software have far-reaching implications and cut across multiple aspects of public policy-making, from telecommunications, to education, to economic development. Through fora such as this one, WIPO seeks to facilitate the exchange of expertise and experiences on the IP-related aspects of information and communications technologies, in order to assist Member States in identifying those IP strategies which may best suit their economic, social and cultural development needs.

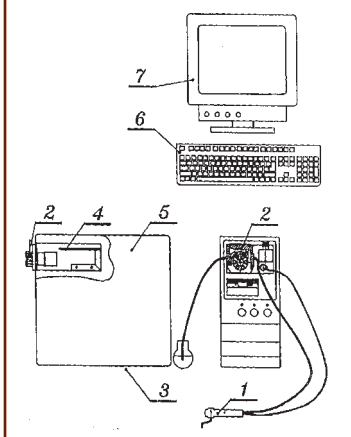
The WIPO Asia Pacific Regional Seminar on Intellectual Property and Software in the 21st Century: Trends, Issues, Prospects, took place in Colombo from May 29 to 30, 2007, organized in cooperation with the National Intellectual Property Office (NIPO) of the Government of Sri Lanka.

WIPO AWARDS FOR CUBAN INNOVATORS

Two teams of Cuban scientists received WIPO Gold Medals in April for biotechnological inventions, which were singled out for their high social and economic impact. Cuba makes systematic use of the WIPO Award schemes as a means of giving public recognition to its creators and promoting the importance of innovation.

A research team from the National Scientific Research Center (CNIC) was awarded a WIPO medal for their invention of the *Diramic* system, a method, kit and equipment used for the rapid microbiological diagnosis of urinary tract infections. By measuring changes in turbidity in urine samples caused by microbial growth, *Diramic* determines within four hours the pattern of susceptibility to antibiotics, so offering a fast and economical diagnostic method. The equipment is coupled to a computer which generates the diagnostic reports. The system was introduced into the Cuban National Health System five years ago and has been used in the care of some 200,000 patients. Laboratories in Brazil, Mexico and Venezuela have also started to use the system, under license from the CNIC.

(54) Title: EQUIPMENT, KIT AND METHOD FOR MICROBIOLOGICAL DIAGNOSIS



An international patent application for *Diramic* (PCT WO 98/47999) has been granted in the United States, China, Mexico, Chile, Argentina and the Philippines.

Life saver for premature babies

The second award went to a research team from the National Agricultural Health Center (CENSA) for *Surfacen*, a natural surfactant product derived from animal tissue, developed under the Ministry of Public Health's drug program for early childhood care. *Surfacen* is used to treat infant respiratory distress syndrome, a frequent cause of death in premature babies. Surfactants, which are produced naturally in the lungs, are essential to the lungs' ability to absorb oxygen and to maintain the airflow through the respiratory system. Premature babies born before 32 weeks do not produce enough natural surfactant to inflate their lungs, and they die without treatment. Since coming into clinical use in Cuba in 1995, *Surfacen* has made a major contribution in improving infant mortality rate, one of the most representative health indicators of Cuban society.

Surfacen is patented in Cuba, Spain, Chile, Mexico and Argentina, and is in clinical use in Colombia, Guatemala, Chile and Mexico.

Innovative enterprise

The Cuban government also uses the WIPO award scheme to publicize the strategic use of intellectual property (IP) by its business entrepreneurs. The *Corporación Cuba Ron S.A.* (Cuban Rum Corporation) recently received a WIPO Trophy for Innovative Enterprises for its effective use of the IP system in its corporate strategy as a means of positioning its products competitively on the international market.



Madrid registration number 690525

Cuba Ron produces rums, liquors, and other alcoholic drinks in large traditional rum factories around the country. The Corporation owns several prestigious trademarks, which are recognized internationally with a reputation for quality. After creating the *Havana Club* trademark, Cuba Ron joined forces with the French group Pernod Ricard in 1993 with the aim of making Cuban rum part of the worldwide spirits market. The *Havana Club* trademark now transcends national borders, and has become a worldwide symbol for Cuban rum.

The firm has continued to build on the reputation of *Havana Club*, creating other marks for products that meet international standards of quality and the market requirements for spirits. The marks *Cubay* and *Santiago de Cuba* are commercialized in the most important spirits markets in the European Union, Japan, Chile, Ecuador, New Zealand and elsewhere.

MEASURING THE ECONOMIC IMPACT

of Intellectual Property Systems in Asia

The role of the intellectual property (IP) system as a stimulus for promoting technological innovation, improving trade and enhancing competitiveness is much discussed. Numbers, however, sometimes speak louder than words. And as Member States have highlighted in the WIPO Development Agenda discussions, there is a pressing need among policy-makers for hard, empirical data which demonstrates the precise impact of IP on economic development.

Developing reliable methodologies to capture and measure this impact accurately, however, presents a major on-going challenge. WIPO's *Guide on Surveying the Economic Contribution of the Copyright-Based Industries*, published in 2003, makes an important contribution in this respect, focusing specifically on the copyright sector. Now, WIPO's newly opened Japan Office has launched a major study of the economic impact of IP systems in six Asian countries – China, India, Japan, Malaysia, the Republic of Korea and Vietnam – with the aim of assessing and developing a sound methodology for carrying out such economic research. If the project is successful, the methodology could be applied in other regions of the world.

The methodology used in the study, which encompasses a cross-section of industrial sectors, has three main components and incorporates company data dating back over the last 20 to 30 years:

- Part 1 consists of a survey of national policy reforms geared towards IP-based eco-

conomic development;

- Part 2 contains case studies on individual companies from different industrial and commercial sectors;
- Part 3 consists of economic analysis using economic models.

The project research team is composed of national experts with backgrounds in IP, law and economics, selected from countries with differing social and economic profiles.

Preliminary findings

In May, WIPO and the United Nations University, in cooperation with the United Nations Information Centre (UNIC) and the Japan Patent Office (JPO), held an open symposium in Tokyo, at which the experts from the six participating countries presented their findings to date. While most of the experts were still at the second stage of the research process, they reported initial results indicating a positive correlation between the strengthening of the IP system and subsequent economic growth, particularly in the areas of research and development, foreign direct investment and technology transfer.

The experts noted several difficulties in undertaking such a broad-ranging research project. In some cases historical data was not available, or existed only in a unusable format. In some participating countries, there were not enough examples of certain types of industry to provide statistically meaningful data. In these cases, it was necessary to reduce the



Photo: UNU

“There is a strong demand for empirical data on the possible impacts of the IP system on economic development.” – WIPO Assistant Director General Geoffrey Onyeama at the Tokyo symposium.

number of different industrial sectors included in the research.

During the panel discussion, several participants emphasized that developing countries often lack the means, in terms both of capital and of commercial expertise, to take innovations through from research and development, to patent filing and commercialization. Many developing countries also lack technology incubators or venture capitalists, which might help them better exploit their own technological advancements and innovations. Speakers highlighted the need, within the context of the United Nation's Millennium Goals, to assist developing countries in creating an environment conducive to innovation and investment, so as to maximize the economic benefits from domestic technological innovation and the IP system.

WIPO plans to publish the results of the research project by the end of the year.

NATIONAL STRATEGIES AND POLICIES FOR **INNOVATION**

A View from China and India

On July 2, WIPO held the fifth in a series of public Patent Colloquia, on the theme of "National Strategies and Policies for Innovation." Speakers from two rapidly expanding economies, China and India, outlined how the national intellectual property (IP) system could be integrated into national innovation strategies and policies in order to help develop a country's resources, infrastructure and capacity for economic development. While expressing differences in their approaches, both speakers agreed that the IP system was an important, if not indispensable, factor for economic development.

National IP systems and, in particular, the patent system, are widely recognized as a tool for boosting innovation and technological development. But what is the best way of using this tool in order to maximize the potential benefits it offers? There is no clear-cut answer to the question, not least because any national IP strategy has to take into account that country's unique situation, requirements and priorities. As a starting point, however, it is useful to learn from the national policies and experiences of other countries in order to reach a better understanding of the role that the patent system may play as one piece within the broader range of development policy measures.

Two invited government officials, Mr. Liu Jian, Division Director, International Cooperation Department, State Intellectual Property Office of the Peoples' Republic of China (SIPO), and Mr. T. C. James, Director of the Intellectual Property Division, Ministry of Commerce and Industry, India, presented the intellectual property policies of their respective government.

Increasing indigenous innovation

Mr. Liu presented the national innovation strategies detailed in China's *Outline of National Medium- and Long-Term Science and Technology Development (2006-2020)*. The main goal, he said, was to upgrade the country's industrial structure in order to make China an innovation-oriented economy by 2020. To this end, Mr. Liu emphasized the importance for China of building its capacity for indigenous innovation.

Despite the patenting boom in China, with over 210,000 applications for patents for inventions filed with SIPO in 2006, a large majority of these patents

continue to be filed by foreign applicants, particularly in the field of hi-tech and core technologies. Mr. Liu quoted the words of Chinese Premier Wen Jiabao on this central concern: "The core technology cannot be bought. Only by strong capacity of science and technological innovation and by obtaining our own IP rights, can we promote the international competitiveness of the country and can we win respect and dignity in the international society."

Mr. Liu highlighted three key elements of indigenous innovation which needed to be developed:

- generating original innovation in the domain of basic research;
- integrating existing technology in order to create competitive new products or business lines; and
- assimilating, digesting and improving imported technologies in order to create new IP rights based on those technologies.

China's IP policies for promoting innovation aimed, therefore, at the following: first, to support Chinese enterprises in building their R&D capacities in order to develop and patent core technologies; second, to assimilate existing technologies while introducing advanced technologies from abroad; and third, to improve the protection of IP rights as a means of encouraging investment in – and the rewards from – innovation.

The national strategy also laid down measures to improve the national innovation system, including:

- support to small and medium-sized enterprises,
- business-university-academia collaboration,
- commercialization of R&D results from research institutes and universities, and
- promotion of intermediary services, such as information services, IP agencies, investment services and incubators.

“Core technology cannot be bought. Only by strong capacity of science and technological innovation, and by obtaining our own IP rights, can we promote China’s competitiveness and... win respect in the international society.” Premier Wen Jiabao.

One of the challenges, Mr. Liu noted, was to increase IP awareness in order to establish a culture of innovation and a social environment conducive both to the respect of others’ IP rights and the protection of one’s own. He also emphasized the necessity of effective enforcement of IP rights protection, which, he held, was the most essential part of the IP system.

IP rights – choice or necessity?

Mr. James began his presentation by asking whether a strong IP rights regime was a choice or a necessity. He described the Indian IP strategy as four pronged:

- to meet existing international obligations;
- to protect the rights of IP holders while safeguarding the public interest;
- to modernize the IP rights administration; and
- to improve awareness about IP.

Mr. James summarized the different IP laws enacted in India, emphasizing that the Indian legislation aimed to strike a balance between the interests of IP right holders and those of the public.

In addition to establishing an up-to-date legal framework, the Indian government had embarked on a US\$34 million project to modernize the administration of IP rights in the country. This included the construction of four state-of-the-art IP office buildings equipped with the latest IT facilities, a four-fold increase in the number of examiners, and the establishment of an Intellectual Property Training Institute for in-house training. The modernized administration, Mr. James said, had successfully eliminated a backlog of over 44,000 patent applications in the past three years, and it was now possible to obtain a patent in eight months, compared with previous delays of six to eight years. In the past five years, the filing of patent applications had increased three-fold and patent grants five-fold.

Mr. James described the importance of sensitization programs for police and customs officers, for teachers and students, and for business, industry and sci-



India’s modernized IP administration has eliminated a backlog of over 44,000 patent applications within the past three years.

entists, which he singled out as a major task in the future. He also noted the important role of international cooperation in the areas of capacity building, human resources development, public awareness programs, development of IP professional skills, joint studies and exchange of experience in the area of protection of traditional knowledge. As a next step, he said, India would seek to become an International Searching and Preliminary Examination Authority under the PCT and would accede to the Madrid Protocol. Further, it would set up a National Institute for Intellectual Property Management, which would function as an IP think-tank for training, education and research.

Citing an increase in the number of multinational companies which had set up in India from 18 in 2004 to 50 in 2006, Mr. James expressed conviction that confidence in the IP system was a powerful economic stimulator. An effective and efficient patent system, he believed, encouraged innovative activities and promoted transfer of technology. To achieve this, however, IP rights had to be approached not as a self-contained and distinct domain, but rather as a policy instrument to be deployed in the context of wide ranging socio-economic, technological and political objectives. “The protection of IP rights,” concluded Mr. James in answer to his own question, “is not a choice, but a necessity.”

PCDA: MILESTONE AGREEMENT ON WIPO DEVELOPMENT AGENDA



Delegates paid tribute to the skillful chairmanship of Ambassador C. Trevor Clarke.

The Fourth Session of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), which met from June 11 to 15, closed on a high note when Member States agreed on a final list of proposals to be recommended for action to the WIPO General

Assembly in September. The recommendations included the establishment of a new Committee on Development and Intellectual Property to take forward work on the development agenda.

WIPO Director General Kamil Idris hailed the agreement as a major breakthrough in the discussions on a development agenda for WIPO, describing it as a milestone in the history of the Organization. "This process, and the spirit of compromise and mutual understanding in which it took place," he commented, "is an important contribution to international efforts to promote the development of a balanced intellectual property system that is responsive to the needs and interests of all countries – developed and developing alike." Mr. Sherif Saadallah, who as Executive Director of the Office of Strategic Use of Intellectual

Property for Development oversees WIPO's work relating to the development agenda, joined Dr. Idris in highlighting the energy, political commitment and sense of balance which had characterized the negotiations.

The negotiators from 93 Member States reached agreement on a set of principles and objectives covering five "clusters" of activities, grouped under the following themes:

- Cluster A: Technical Assistance and Capacity Building;
- Cluster B: Norm-setting, Flexibilities, Public Policy and the Public Domain;
- Cluster C: Technology Transfer, Information and Communication Technology and Access to Knowledge;
- Cluster D: Assessments, Evaluation and Impact Studies;
- Cluster E: Institutional Matters including Mandate and Governance.

A first set of 24 proposals agreed by the PCDA in February will be added to the 21 proposals agreed upon at the June session to form the full set of proposals to be submitted to the General Assembly in September. (The complete list can be found at

www.wipo.int/ip-development/en/agenda/pcda07_session4.html.) In order to accelerate implementation, the PCDA will continue informal consultations regarding proposals which could be implemented immediately after approval by the General Assembly.

The PCDA Chairman, Ambassador C. Trevor Clarke, Permanent Representative of Barbados to the United Nations in Geneva, noted that a great deal had been achieved in the negotiations to date, but warned that the complexity of intellectual property and the continuing challenges of development meant that much work still lay ahead.

New Committee

The proposed new Committee on Development and Intellectual Property (CDIP), to be convened in the first half of 2008, would be composed of Member States and open to the participation of all accredited intergovernmental and non-governmental organizations. The mandate of the PCDA will not be renewed.

The PCDA will meet prior to the General Assembly in a resumed session on September 4 to adopt the report of the June meeting. ■

SCCR: PROTECTION OF BROADCASTING ORGANIZATIONS

Discussion to Continue at Committee Level

The second special session of the Standing Committee on Copyright and Related Rights (SCCR), held from June 18 to 22, concluded that further discussions were required on various aspects of the proposed treaty on the protection of broadcasting organizations before it was possible to move to a diplomatic conference. The Committee proposed that the subject of the broadcasters' treaty should remain on the agenda of the SCCR, and that a diplomatic conference should only be convened after agreement on objectives, specific scope and object of protection has been achieved. The Committee agreed that the work of the past years served as a firm foundation on which to develop balanced solutions at the international level to address the growing problems of broadcast signal piracy. It recommended that the WIPO General Assembly in September 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.



More time is needed to resolve key issues.

Commenting on the outcome, WIPO Deputy Director General Michael Keplinger stressed that Member States had expressed strong interest in continuing to work towards the objectives of protection on a signal based approach, as mandated by the 2006 WIPO General Assembly. "The process to date has gone a long way in building understanding on these very technical and complex issues," he said. "Member States are now actively engaged in these discussions and a great deal of work has been done on these questions but a number of key issues still need to be ironed out."

The Chair of the SCCR, Mr. Jukka Liedes, also acknowledged progress made in moving the process forward and said that more time was needed to bring the negotiations to a successful conclusion. He thanked all delegations for their flexibility and constructive engagement in the discussions which, he said, would be key to a successful outcome.

Background

The 2006 WIPO General Assembly called for two special sessions of the SCCR to be held in 2007. These sessions were mandated "to aim to agree and finalize, on a signal-based approach, the objectives, specific scope and object of protection with a view to submitting to the diplomatic conference a revised basic proposal." Discussions were centered on the Revised Draft Basic Proposal, contained in document no. SCCR 15/2.

The General Assembly had decided that a diplomatic conference to conclude a treaty on the protection of traditional broadcasting organizations, including cablecasting organizations, would be held from November 19 to December 7, 2007, if agreement on a new text was achieved during the special sessions. The first of these sessions was held in January 2007. As the result of a decision by the 14th session of the SCCR in May 2006 to examine questions of webcasting and simulcasting, on a separate track at a later date, the discussions in the two special sessions were confined to the protection of traditional broadcasting organizations and cablecasting organizations. ■



IGC: RECOMMENDATION TO RENEW MANDATE

The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), meeting in Geneva from July 3 to 12, recom-

mended that the WIPO General Assembly should renew its mandate to continue work on IP and traditional knowledge (TK), traditional cultural expressions (TCEs) (also termed 'expressions of folklore'), and genetic resources. The current mandate of the IGC expires in December 2007.

The IGC agreed that progress on had been made on its substantive work, and agreed to work towards further convergence on the questions under its mandate, with a view to making recommendations to the WIPO General Assembly. Delegates also affirmed that the Committee's work had greatly benefited from the enhanced participation of representatives of indigenous and local communities.

This session concentrated on core issues for the protection of TK and TCEs, focusing on the fundamental policy challenges that are central to the quest for more effective protection against misuse and misappropriation. These issues cover such questions as definitions of traditional knowledge and traditional cultur-

al expressions, the form and scope of protection, and the nature of the beneficiaries. This process has constituted the first systematic multilateral review of these fundamental IP policy questions, building on a rich base of work in the Committee that has drawn on the experience of over 80 countries and many indigenous and local communities. The Committee requested the Secretariat to prepare new working documents consolidating this exploration of the issues.

On genetic resources, the Committee reviewed the full range of options for its work in this area, on the basis also of an overview and reports from other UN agencies working in this field, including the Convention on Biological Diversity, the Food and Agricultural Organization, and the United Nations Secretariat. The work of the Committee will continue with the options discussed and an update of work in the other forums. The options reviewed include patent disclosure requirements, with the European Community and Switzerland both proposing specific reforms to the patent system to provide for specific disclosure relating to genetic resources and traditional knowledge, and alternative proposals for dealing with the relationship between IP and genetic resources; the interface between the patent system and genetic resources; and the IP aspects of access and benefit-sharing contracts; and a factual update of international developments relevant to the genetic resources agenda item (see documents WIPO/GRTK/IC/11/8(a) and (b)). Peru tabled a

further analysis of its national initiatives against biopiracy, and Japan updated and extended its proposal for a database to ensure that information on genetic resources is better taken into account in patent examination.

Performances liven up IGC

The IGC session opened with an Indigenous Panel, chaired by Mr Greg Young Ing of the Opsakwayak Cree Nation, at which seven representatives of indigenous and local communities explained to the Committee their communities' experiences, concerns and expectations regarding IP and TK, TCEs, and genetic resources.

The IGC's work was enlivened by performances of traditional music and dance from a troupe of traditional Mongolian musicians and dancers; a group of Geneva-based traditional Indonesian musicians and dancers, who included the IGC Chair, Ambassador Puja; and an impromptu performance by one of the indigenous panelists, Ms. Chukhman of the Kamchatka region in Russia. These performances gave a vivid insight into the vitality and cultural significance of the diverse forms of traditional cultural expression that the Committee was addressing.

Subject to the decision of WIPO General Assembly to renew the IGC's mandate, the next session of the IGC is anticipated to take place in February 2008.

Photo: WIPO/Mercedes Martinez-Dozal



A Mongolian singer with traditional wedding dress performed at the IGC.

PATRY ON COPYRIGHT

Author: William F. Patry
Publisher: Thomson West, 2007
Format: Binder/looseleaf, 7 volumes

In the current environment of rapid technological change, copyright law and 'controversy' go hand in hand. The recent history of the intersection between copyright and technology – from the videocassette recorder to Internet file sharing – is full of charges that copyright law is either too full of loopholes, or wholly inadequate, to provide the technological neutrality needed in legislation for the digital age.

Among the recent crop of books on copyright law, William Patry's treatise stands out as offering a particularly comprehensive and critical view of copyright in the United States. Published earlier this year by Thomson-West, the seven volume work provides a far-reaching analysis of American copyright history and principles, court cases and statutory law.

Patry on Copyright differs from comparable works in two notable ways. First, it provides a deep and forthright examination of issues rather than a factual description. Mr. Patry analyzes a succession of landmark judicial decisions which demonstrate how the U.S. judiciary has provided creative interpretations over the years in espousing the copyright cause. Yet he spares no ink in describing *con brio* the perceived flaws and lack of strict consistency in a number of judicial opinions. Equally fascinating are the details drawn from his personal experience in the U.S. Congressional legislative process.

Secondly, this treatise is also useful for non-Americans, such as this reviewer, whose interests and expertise may not be focused exclusively on U.S. copyright legislation and case law. Its value lies in facilitating a deeper understanding of a number of key copyright issues – including the applicability and scope of fair use principles and extraterritoriality – which are resonating around the globe with increasing relevance in the Internet era.

The author himself cites as an additional strength of this loose-leaf publication the fact that copyright issues are placed in the personal, social, and political contexts in which they arose: "There are," he says, "anecdotes aplenty and enough references to other scholars and disciplines to give a generation of law students ideas for law review notes." As former Copyright Counsel to the Judiciary Committee of the U.S. House of Representatives, and current Senior Copyright Counsel at Google Inc., Mr. Patry skillfully brings to life the ways that copyright problems in the U.S. have been identified, debated and ultimately resolved – or not – at the policy level.

One downside that cannot be ignored is the price of this publication which, at US\$1,498, places it beyond the reach of most individual scholars. The price reflects, however, the quality and thoroughness of 14 years of research invested in its 5,500 pages.

As noted by former U.S. Supreme Court Justice Sandra Day O'Connor, author of the foreword, copyright has become a field of considerable complexity and importance. This publication is a welcome resource not only for the academic world, but also for policy-makers and practitioners, providing a rich perspective on current copyright issues and debates in the United States.

About the author

William Patry is currently Senior Copyright Counsel at Google Inc. His previous positions include: Copyright Counsel to the U.S. House of Representatives, Committee on the Judiciary; Policy Planning Advisor to the Register of Copyrights; Professor of Law at the Benjamin N. Cardozo School of Law. He is the author of numerous treatises and articles on copyright.



LETTERS AND COMMENT

Don't knock Nollywood



©Aimee Corrigan

The write-up on *The Nollywood phenomenon* (issue no. 3/2007) just scratches at what is going on in the film and video industry in Nigeria. It is a revolution, and a burgeoning industry in terms of the creativity, employment creation, economic empowerment, recreation, education, and even healing, that it provides to the people of Nigeria, Africa and the world at large. It is true that generally Nollywood operates on low budgets, but why use the word "ultra-low"? It is not bad given all the creativity and innovation employed in their work. The writer also did not expand on the fact that these films are now commanding attention across the globe from Africans in the Diaspora and even non-Africans.

From Edwin Nnametu,
Editor, *National Image
Magazine, Nigeria*

It is also imperative to note that the world outside Africa talks and talks about piracy, but does little to fight the evil. Many countries in Africa are yet to realize the need to join forces with Nigeria's anti-piracy agencies, with the industry in Nigeria, and with other African film-producing countries, to fight the pandemic called piracy.

With the talents and resources that abound in Nollywood, it is only good that every necessary step be taken by government agencies, by world bodies like WIPO and WTO, and by powerful nations like the U.S.A, Britain and Germany, to assist Nollywood so that these talented human beings will begin to reap the rewards of their efforts in the way that their counterparts in Europe and America are able to. ■

Singapore targets its download generation



From Liew Woon Yin,
Director-General,
*Intellectual Property
Office of Singapore.*

The Intellectual Property Office of Singapore (IPOS) read with great interest your article *Talking to the Download Generation* (issue no. 2007/2). Understanding young people's perceptions about downloading is a critical step towards tackling online piracy. Only then can we design effective outreach campaigns and relevant educational programmes to promote greater respect towards IP rights online.

For this reason, IPOS recently commissioned a survey to investigate attitudes of Singaporeans aged 14-35 towards IP and IP rights protection. The students in your article, while well informed about copyright law, viewed downloading as a non-crime with no consequences. Similarly, our survey revealed that while 33 percent of the respondents thought about the consequences of buying pirated or counterfeit products, and eight out of 10 young Singaporeans are conscious of the importance of IP rights, the great majority do not feel bothered or guilty about committing IP infringement. This is a strong cause for concern given that many young Singaporeans said that they commonly download music, television series, movies and games. Coupled with the fact that more than half the

respondents believed that Internet usage should be free and that Internet content is in the public domain, there is a pressing need to make IP protection more relevant to young people by promoting greater understanding of the negative consequences for themselves and for the original creators.

On World IP Day 2007, we launched a new advertising campaign under our HIP (*Honour Intellectual Property*) Alliance branding, which aims to reach out to Singaporeans aged between 14 and 35 via broadcast, print and outdoor media, as well as popular websites. Online media were added to a mainstream media mix as they directly reach the target community. The objective is to bring home the message that young people expose themselves to very real risks when engaging in online piracy. These risks include legal ramifications for unauthorised use, exploitation of their personal data by unauthorised sources, inadvertent download of computer viruses, as well as diminishing the pool of creative content in the future.

Further research into young people's attitudes will help IPOS to tailor our awareness and educational programmes to ensure they are contemporary and relevant for young audiences. We look forward to sharing insights with other organisations globally, so that together we can work towards combating online piracy. ■

Three cheers for our four-footed friends

From Baudelio Hernández,
Baudelio Hernández
y Asociados (Attorneys at
Law), Mexico



I much enjoyed your article *Hounding Out Piracy* (issue no. 3/2007) and the way it was presented. Hats off to the protagonists.

If a dog is a man's best friend, we can see here that it is also the Law's best friend.

I hope that more dogs will soon be trained for these and other tasks. *No muerden y no aceptan mordidas* (they don't bite and they can't be "bitten" by bribery). ■

WIPO website opens doors

I come from Bathinda, a small town in India. I first became interested in IP during my law course in 1997, but as there were no teachers or resources available, the law school advised us to pursue other options. My interest in the subject lingered on, until eight years later an opportunity came through the WIPO website and in 2005 I enrolled for the WIPO Academy Distance Learning (DL-101) course.

I downloaded the course material in one go because of cost and connectivity. During the month and a half which I dedicated to the course, I thoroughly studied not only the course material, but also the suggested readings and some aspects of Indian law. I passed with 98 percent. Due to lack of resources and family pressures I could not continue my formal education, but I kept updated by studying the resources available in the WIPO website and newsletters.

I included my DL 101 certificate in my CV, which I posted on one of the jobs websites. Unexpectedly, I was called soon afterwards by an engineering company in Chandigarh, seeking to secure its IP rights. At first the employer was skeptical that anyone from such a small town could have adequate knowledge of IP. But after being interviewed by an IP expert from the pharma sector, I was selected. I started working full-time for the company from February 2006.

Within the company I encountered negligible awareness of IP. But using the resources from the WIPO website, especially from the WIPO SME site, I have been able to explain and implement many things. We have documented the company's innovations, and made two PCT applications using the guidance on the PCT website and the PCT-SAFE software. We registered one industrial design, and also have a trademark registration pending. We handle everything in-house, from prior art search to filing and prosecution, so saving considerable costs for a small enterprise. We introduced engineering log-books and confidentiality agreements. I have inspired many colleagues in different departments – including marketing, advertising, mechanical and chemical engineering – to enroll for the DL 101 course.

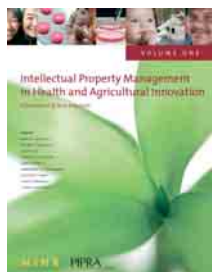
The past year has been one of fulfillment both for my employer and my family, and I thank WIPO in general, and the WIPO Academy in particular, for this achievement. My employer's satisfaction was demonstrated when he sponsored me for the WIPO Executive Program in Goa, India, in March. The program has provided me with new insights, and has chalked out a path for us to follow in the coming years.

From Sarjinder Singh
Seth, Spray Engineering
Devices Limited,
Haryana, India

WIPO Magazine welcomes comments on issues raised in our article or on other developments in intellectual property. Letters should be marked "for publication in the WIPO Magazine" and addressed to The Editor at WipoMagazine@wipo.int or to the postal/fax address on the back cover of the Magazine. Please include your postal address. We regret that it is not possible to publish all the letters we receive. The editor reserves the right to edit or shorten letters. (The author will be consulted if substantial editing is required.)

IN THE NEWS

Managing IP in Health and Agricultural Innovation



Intellectual Property Management in Health and Agricultural Innovation: A Handbook of Best Practices, released in May, is a joint publication of the U.K.'s Centre for the Management of Intellectual Property in Health Research and Development (MIHR) and Public Intellectual Property Resource in Agriculture (PIPRA). Written by practitioners in the field, its 153 chapters aim to provide a comprehensive resource on current IP management issues and approaches, with strategies for utilizing the power of both IP and the public domain. The book illustrates how IP can be leveraged judiciously to forge stronger partnerships and usher in a new age of collaboration and sharing.

Lita Nelsen, head of technology transfer for MIT and one of the editors of the two volume work, describes it as "the how-to manual for using the tool of IP," geared toward two distinct audiences: research insti-

tutions and technology transfer operations in developing countries; and first world institutions, "to make sure that they consider the needs of developing countries when they license important IP in medicines, vaccines, and foods, and do it right."

The MIHR, a not-for-profit organization, seeks to foster innovative practices in the ethical stewardship of IP for the social and economic benefit of developing countries. It has created regional networks of professionals engaged in technology transfer, and has been involved in developing technology transfer management skills in more than 200 institutions in Sub-Saharan Africa, India and Southeast Asia. In industrialized countries, MIHR promotes the use of IP tools for "humanitarian licensing" to help technologies reach impoverished populations. ■

More information at www.iphandbook.org

Kenya signs Biodiversity Deal with Novozymes



The Kenya Wildlife Service (KWS) and Novozymes, a Danish biotech company, announced in June that they had signed a five-year agreement on biological diversity, in line with the principles of the United

Nations Convention on Biological Diversity.

Novozymes and KWS will embark on a collaborative project to characterize Kenyan microbial diversity from specific biological niches. As part of the project Novozymes will train Kenyan students in taxono-

my, isolation and identification of micro-organisms. Novozymes will also transfer advanced technology to Kenya, including knowledge of how to collect and isolate micro-organisms and how to characterize microbial diversity.

The agreement gives Novozymes the right to make commercial use of Kenya's microbial diversity in return for financial compensation, and for local capacity-building – in the shape of a Kenyan laboratory facility with the necessary materials for implementing enzyme screening in Kenya. If Novozymes commercializes products developed on the basis of microbial

strains isolated as part of the project, KWS will receive a milestone payment and a running royalty from sales.

KWS Director Julius Kipng'etich, told SciDev.Net that Kenya's microbial diversity is largely unexploited, and could greatly benefit the country. He added, "Tourism is low level income generation. We need to graduate to a higher level where biotechnology takes us. We have planted a seed that will take Kenya places." ■

Source www.novozymes.com

Investment in Domain Name Pays Off

They were taunted as fools when they paid US\$7.5 million for the www.business.com domain name in 1999, the highest sum ever paid for a single domain name, but Jake Winebaum and Sky Dayton may yet have the last laugh. The site built around the name is now being put up for auction where, the Wall Street Journal reports, it is expected to fetch as much as US\$300 to 400 million.



The user-friendly *business.com* site describes itself as the leading business-to-business (B2B) search engine and pay-per-click advertising network, visited each month by some 6 million business users looking for products and services on the Internet. It was ranked by Inc. Magazine last year as the fifth fastest growing private media company in the U.S., now earning US\$15 million a year.

Crédit Suisse will run the auction which is expected to attract major big media players like the New York Times, Dow Jones & Co., Thomson and Bloomberg. ■

Workshop – Copyright and Related Rights in the Audiovisual Sector

A WIPO national workshop on *Copyright and Related Rights in the Film and Audiovisual Sector* was held in Beijing, China, on May 24 and 25, in cooperation with the China's State Administration for Radio, Film and Television (SARFT) and Film Copyright Protection Association. Senior government officials, producers, and film industry legal advisers from across China joined speakers from the International Federation of Actors, the Motion Picture Association, and the Audiovisual Producers' Rights Management Association (EGEDA), a network of Latin American and Spanish audiovisual producers. Opening the workshop, Mr. Tong Gang, Director General of the SARFT Film Bureau, and WIPO Assistant Director General Ms. Wang Binying underlined the importance of cooperation between SARFT and WIPO at a time of great change for copyright legislation and collective management in China and the wider world.

The workshop compared how copyright law, collective management and licensing are applied to audiovisual works and performances in China, the U.S., Europe and Latin America. In China, the speakers explained, the producer is considered as the maker and original copyright owner of the film. Similarly in the U.S., albeit via the different route of "work for hire," the producer is considered as the initial owner of all the intellectual contributions to the film production made by directors, performers,

etc. Collective bargaining agreements then determine the remuneration of the performers in proportion to the result of the exploitation of film.

In Europe and Latin America, the system is based on both copyright and neighboring statutory rights, whereby the film maker, script writer, music composer, etc. are deemed authors and original rights owners in the film, and performers are granted neighboring or related rights over their performances. In most cases the producer ensures that all rights needed for the exploitation of the film are obtained thanks to a system of presumptions of transfer. Different legal mechanisms in different jurisdictions ensure that the remuneration of authors and performers is linked to the result of the exploitation.

Those present agreed that it was important, under all these systems, to compensate performers in a fair and adequate manner, while respecting the producer's economic ability to exploit the film. An interesting debate ensued on the advantages and disadvantages of a system based on collective bargaining, or on statutory and neighboring rights combined with collective management. There was also general agreement as to the need to promote legitimate use of audiovisual content and fight against piracy.

NEW PRODUCTS



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