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Team of Specialists on Intellectual Property

Third session
Geneva, 3-4 July 2008

**REPORT OF THE TEAM OF SPECIALISTS
ON INTELLECTUAL PROPERTY
ON ITS THIRD SESSION**

I. ATTENDANCE

1. The Team held its annual session on 3-4 July 2008. Experts representing government agencies, academic institutions and the business community from twenty-one UNECE member States participated in the meeting. The session was also attended by representatives of the European Commission, intergovernmental organisations active in the field of intellectual property rights (World Intellectual Property Organization, Eurasian Patent Organization), and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

II. ADOPTION OF THE AGENDA (Agenda item 1)

2. The Team adopted the agenda of its session after adding a new item 3, election of a Vice-Chairperson, to the provisional agenda dated 23 April 2008 (ECE/CECI/IP/2008/1), and renumbering the rest of the agenda items accordingly, that is, the agenda was adopted as follows:

1. Adoption of the Agenda
2. Substantive segment
3. Election of a Vice-Chairperson
4. Review of the work done since the second session
5. Implementation plan for the rest of 2008 and for 2009
6. Other business

III. SUBSTANTIVE SEGMENT (Agenda item 2)

3. The moderator Ms. Natalia Zolotykh introduced the substantive segment, which dealt with the experiences in the UNECE region with capacity-building in intellectual property (IP) commercialization and intellectual property rights (IPR) enforcement. She noted that even when a good IP framework is in place, its effectiveness will depend a great deal on how it is applied by the courts and how it is used by companies, entrepreneurs and research organizations. There is significant variation across countries in their capacity to create and improve legal and regulatory IP frameworks, and in the capacity of stakeholders to make the best possible use of existing IP regimes. Without investment in these capacities, progress on the IP front will remain elusive. Much is already being done in the UNECE region, but there is a clear demand for more capacity-building, and there is a clear scope for countries to learn from each other.

4. The substantive segment provided an opportunity for all stakeholders involved in IP capacity-building (beneficiaries, organizers and donors, from both the public and the private sectors) to exchange their experiences, to discuss what works and what does not, and to identify priorities for future capacity-building activities.

5. Participants reported on a large number of past, ongoing and planned capacity-building activities covering a large variety of IPR topics and all sub-regions of the UNECE.

6. Aspects covered in these capacity-building activities included:

- (a) awareness raising among policymakers, businesses and consumers;
- (b) strengthening coordination and cooperation between public and private sectors;
- (c) strengthening coordination and cooperation between different government agencies;
- (d) legal reform and harmonization, including compliance with international obligations;
- (e) advice and assistance on implementation;
- (f) formulating coherent national IP strategies;
- (g) creating university and school curricula on IP;
- (h) training on various aspects of IP for policymakers, IP offices, enforcement authorities, businesses, students and universities and research organizations; and
- (i) technical support, focusing on computerization, digitization, build-up of databases, providing remote access to international patent databases.

7. Participants reported on national programmes, bilateral activities, sub-regional and multilateral activities.

8. Participants also reported on and showcased existing IPR training materials, including e-learning tools, studies and case study collections, guidebooks, newsletters and training programmes.

9. Participants identified a number of good practices to improve the success chances of IPR capacity-building activities, including:

- (a) a thorough needs assessment as the basis for planning capacity-building activities;
- (b) developing training materials that can be adapted to the specific needs and circumstances of the beneficiaries;
- (c) adapting training to the specific conditions at the country level;
- (d) focusing training on practical, relevant aspects and using real-world case studies and examples;
- (e) taking a long-term approach and developing trust and partnership with national authorities;
- (f) inclusiveness and transparency;
- (g) ensuring a balanced approach, taking into account the legitimate interests of all stakeholders;
- (h) where appropriate and feasible, cooperate and coordinate among delivering entities, including the private sector, pool resources, avoid duplication, and harness best available expertise;
- (i) for instance, rights holders are best qualified to share their knowledge and expertise with customs officials on how to distinguish counterfeit from genuine products;
- (j) the commitment to IPR enforcement and hence the success of capacity-building in this area can be increased by simultaneously raising awareness about the benefits to the domestic economy of a well-functioning IPR system;
- (k) capacity-building on improving or harmonizing IP legislation will be more effective in improving the commercialization, protection and enforcement of IPRs when it is complemented or followed by assistance with implementation;
- (l) regional or international cooperation on capacity-building can be more successful than purely national capacity-building, for instance in the case of IPR enforcement, because IPR infringement is an international phenomenon, and infringers may simply move to a different country if, as a result of national capacity-building, IPR enforcement becomes more effective in one country;
- (m) in addition to measures building-capacity in individual beneficiary agencies, it is also important to build capacity on the coordination and cooperation between different government agencies; and
- (n) the success of capacity-building in individual beneficiary agencies, and the capacity of different agencies to coordinate and cooperate may be enhanced if a coherent national IP strategy is in place. Assistance in developing such a strategy can be another important capacity-building task.

10. Participants also identified some risks that may jeopardize the success of IPR capacity-building activities, including:

- (a) lack of commitment to coordination and cooperation on planned activities;
- (b) language barriers and absence of unambiguous understanding of legal terminology;

- (c) lack of continuity at a personal level; staff fluctuation at national partner organizations;
- (d) unstable economic and/or political environments, and
- (e) disagreements among project participants on expected results.

IV. ELECTION OF A VICE-CHAIRPERSON (agenda item 3)

11. The Team elected Ms. Natalia Zolotykh, Russian Federation, as Vice-Chairperson to succeed Ms. Marianne Helledi-Knudsen, Denmark, who resigned following her move to a different position within the Danish Patent and Trademark Office. Ms. Zolotykh proceeded to chair the remainder of the session (agenda items 4-6).

12. The Secretariat informed the Team that the Team's Chairman, Professor Slobodan Markovic, Serbia, would like to pass on the chairmanship due to other pressing commitments. The Secretariat explained that it would liaise with UNECE member States to identify prospective candidate(s) in the near future and would keep the Team informed on developments.

V. REVIEW OF THE WORK DONE SINCE THE SECOND SESSION (agenda item 4) and IMPLEMENTATION PLAN FOR THE REST OF 2008 AND FOR 2009 (agenda item 5)

13. Agenda items 4 and 5 were dealt with in conjunction with each other.

14. The Secretariat first briefed the Team on work done in the four other focus areas under the UNECE Committee on Economic Cooperation and Integration (CECI),¹ on the outcomes of the second annual session of CECI in December 2007, and on the proposed new orientation for the overall programme of work of CECI.

15. At its second session held in December 2007, CECI expressed its satisfaction with the status of programme implementation, thanked the Teams of Specialists and networks of experts for their active participation, agreed to establish a new Team of Specialists on Public-Private Partnerships, and adopted its Programme of Work for 2008 and general orientation of work in 2009 and beyond.

16. The Secretariat explained that the CECI Bureau was in the process of conducting consultations on the overall CECI Programme of Work for 2009-2010 to be adopted at the third annual session of CECI in December 2008. Some ideas being considered were:

- (a) a greater focus on capacity-building;
- (b) an integrating approach in some policy-oriented and capacity-building activities by addressing specific issues and topics that cut across several focus areas;

¹ As reported in documents ECE/CECI/CONF.2/2 (http://www.unece.org/ceci/documents/2008/fid/ECE_CECI_CONF.2_2.pdf), ECE/CECI/PPP/2008/2 (http://www.unece.org/ceci/documents/2008/ppp/ece_ceci_ppp_2008_2.pdf), ECE/CECI/ICP/2008/2 (http://www.unece.org/ceci/documents/2008/icp/ECE_CECI_ICP_2008_2.pdf), and ECE/CECI/2007/2 (http://www.unece.org/ceci/documents/2007/session2/ece_ceci_2007_2.pdf).

- (c) enhanced participation of the members of the Teams of Specialists in the policy deliberations at the annual sessions of CECI as well as in the implementation of capacity-building activities and policy advisory services; and
- (d) e.g. in 2009, instead of having several separate sessions of the Teams of Specialists, these could be integrated into a bigger international conference to be held in conjunction with the CECI session.

17. The Secretariat then recalled the work done since the second session of the Team of Specialists on Intellectual Property on:

- (a) publications and documents to be produced;
- (b) cooperation with other Teams of Specialists and expert networks under CECI, with other bodies of the UNECE, with other international organizations, and with the business community;
- (c) capacity building; and
- (d) fund-raising.

18. On publications and documents to be produced, the Secretariat explained that the mandated Comparative Report on the Commercialization of Intellectual Assets was still work in progress and that draft chapters would be circulated for comment to the Team as they became available.

19. The mandated Synopsis of Good Practices and Good Policies of Intellectual Property Commercialization, Protection and Enforcement was produced and adopted by the CECI at its second annual session in December 2007.

20. On cooperation, the Secretariat detailed in particular:

- (a) the cooperation with the CECI network of experts on financing innovation on the role of IP in raising financing for innovative enterprises;
- (b) the cooperation with the UNECE Trade Committee's Working Party 6 on the use of internal market surveillance in the enforcement of IPRs;
- (c) the cooperation with the UNECE Transport Division on creating a dialogue and exchange of views between the transport industry and IP rights holders on how to more effectively fight the international trade in counterfeit and pirated goods;
- (d) the active participation of WIPO, the European Commission, EPO, WTO, OECD, UNCTAD, UNCITRAL, and the Eurasian Patent Office in the Team's activities;
- (e) the cooperation with the business community on IPR enforcement matters, and
- (f) the active participation of knowledge transfer associations in the Team's activities.

21. On capacity-building, the Team participated in:

- (a) a national event on "Software applications as objects of intellectual property" in Minsk in cooperation with the Government of the Republic of Belarus and the Minsk Science Park;
- (b) a training on IPR enforcement for Russian IPR enforcement officers in Moscow in cooperation with the business community; and

- (c) two events on “Intellectual Capital Readiness: The Role of Intangibles as a Tool for Raising Finance”, one in Geneva and one in Ljubljana, both in cooperation with WIPO and the business community.

22. The Secretariat explained that capacity-building activities so far had been constrained by limited resources. Some additional funds had been raised from a private company and from the Government of the Russian Federation. However, additional funds would have to be raised to expand capacity-building activities in the future.

23. The Secretariat then recalled that for the remainder of 2008 and for 2009, the Team was mandated to work on:

- (a) Based on 2007 work, a Guidebook on commercialization strategies for intellectual property products in the UNECE member countries;
- (b) Ongoing exchange of experience gained on intellectual property rights protection and commercialization, possibly through interactive seminars in member States or regional events;
- (c) Specific targeted seminars on request in identified areas of need for the UNECE countries with economies in transition, subject to the availability of extrabudgetary resources;
- (d) Capacity-building activities based on specific requests of member States, subject to the availability of extra-budgetary resources; and
- (e) Translating the results of the normative work carried out during the 2007-2008 period into capacity-building and training materials/modules.

24. The CECI Programme of Work for 2008 and General Orientation of the Work in 2009 and beyond (http://www.unece.org/ceci/documents/2007/session2/ece_ceci_2007_11.pdf; ECE/CECI/2007/11), which was endorsed at the second session of CECI in December 2007, called for an increasing emphasis on capacity-building activities in 2009. In view of this, the Secretariat in consultation with the Chairman of TOS-IP proposed that the focus of the guidebook should be on the experience in the UNECE region with IPR capacity-building.

25. The Secretariat was in the process of collecting case studies and other relevant information for the preparation of the guidebook and organized the substantive segment of the present session on the experience in the UNECE region with IPR capacity-building. The results of the substantive segment were expected to be a key input for the Guidebook.

26. The Secretariat proposed to prepare an outline for the guidebook in the weeks following the session. The outlook would be based on the proposed focus of the guidebook on IPR capacity-building and would be prepared in consultation with the Team's Bureau, taking into account the results of the substantive segment (para. 3-10). The Secretariat encouraged Team members to continue contributing case studies and other relevant materials as inputs for the guidebook. The Secretariat would then prepare a draft of the guidebook in time for the third annual session of CECI in December 2008.

27. As to exchanges of experience, targeted seminars and capacity-building activities, the Team:

- (a) has been invited to organize a sub-regional capacity-building event on the role of IP in technology transfer from universities to industry to be held in Turkey in November 2008 in cooperation with the State Patent Institute with participation of relevant stakeholders from Central Asia;
- (b) has received a request at the present session from the representative of The former Yugoslav Republic of Macedonia to organize a sub-regional capacity-building event for South-East European countries on IPR commercialization and enforcement in March 2009;
- (c) representatives of the business community have expressed their interest in having the Team contribute to their own capacity-building activities in the UNECE region; and
- (d) the Team might also be asked to contribute to capacity-building activities that cut across several CECI focus areas.

28. The Secretariat encouraged Team members to consider contributing their expertise to these capacity-building activities.

VI. OTHER BUSINESS (agenda item 6)

29. Participants agreed that the Secretariat prepare the meeting's report no later than two weeks following the meeting and that it be reviewed and adopted by the Bureau on behalf of the Team.

30. The Team took note of the fact that the modalities and timing of its annual session in 2009 were dependent on the decisions of CECI at its third annual session in December 2008 regarding its overall programme of work and the dates of its fourth annual session in 2009, and agreed that the Secretariat would inform the Team as soon as those decisions were known.

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