

Chair's Report to APEC CTI on the
Intellectual Property Rights Get-Together I / 1997

Phuket, 24-25 February 1997

Introduction

1. The Intellectual Property Rights Get-Together I / 1997 was held in Phuket, Thailand, on 24-25 February 1997.
2. The meeting was attended by representatives from Australia, Brunei Darussalam, Canada, Chile, the People's Republic of China, Hong Kong, Indonesia, Japan, the Republic of Korea, Mexico, Papua New Guinea, the Republic of the Philippines, Singapore, Chinese Taipei, Thailand and the United States of America. A representative of the APEC Secretariat also attended. The list of participants is attached in the Annex 1.
3. The meeting was chaired by Mr. Shigeo Takakura, Director for International Cooperation, Japanese Patent Office, Ministry of International Trade and Industry of Japan.

Agenda Item 1: Opening

4. The chair extended a warm welcome to all delegates and expressed appreciation to Thailand for the warm hospitality which was extended to participants and for the excellent arrangements. The chair also thanked the APEC secretariat for its continuous support to this meeting.
5. H. E. Somporn Asavahame, the Deputy Minister of Commerce welcomed all member economies to the meeting. He emphasized the development of collective standards acceptable to all member economies which were also conducive to the promotion of trade and investment. The IP office in each economy should maintain a balance of interest between the rightholders and the users and use IP to prevent unfair practices. He also stressed the importance of close consultation among officials and urged all parties to have mutual understanding to create standards and mechanisms which would make the APEC cooperation concrete, not a meaningless paper.

Agenda Item 2: Adoption of Agenda

6. The meeting adopted the agenda which is contained in the Annex 2.

Agenda Item 3: Activity of CTI meetings

7. The chair reported on the outline of his report to the CTI in Manila on 16 October 1996 and the CTI in Victoria, British Columbia, on 29-30 January, 1997 as well as the outcomes of the meetings.

Agenda Item 4: Action Agenda Item a (Deepening the dialogue)

8. It was agreed that the calendar of IPR related meetings and events would be updated periodically and put on the APEC Internet Homepage. The updated APEC IPR Event Calendar is attached in the Annex 3. Members are encouraged to participate in such meetings. Members also agreed that the Calendar would be put on the Internet Homepage of the Japanese Patent Office as an interim measure and that the JPO and the APEC Secretariat would explore the way to link JPO Homepage with APEC Homepage so that the Calendar could easily be accessed through the APEC Homepage.
9. Mexico and Chinese Taipei jointly offered to host a Seminar on intellectual property enforcement in July in Taipei. This was unanimously supported. It was noted that the detailed program of the Seminar would be sent to Japan in order to introduce it as a point of item a (Deepening the Dialogue).
10. It was agreed that new developments in other international fora and other issues of mutual interest could be discussed under item (a) in the future IPR Get-Togethers with a view to the sharing of ideas and experiences. The lead economy for this item, Japan requested that any topics for discussion under this item be forwarded to it prior to the next IPR Get-Together.

Agenda Item 5: Action Agenda Item b (Survey of laws and regulations)

<Survey Part I>

11. It was noted that 11 economies had submitted their Survey Part I to Australia. Members agreed that the economies which had not submitted the Survey Part I should do so as soon as possible in order to enable the consolidated Survey to be approved at the next CTI.

<Survey of Corresponding Jurisprudence, Administrative Guidelines and Activities of Related Organizations>

12. Australia presented its proposal regarding the Survey on Corresponding Jurisprudence, Administrative Guidelines and Activities of Related Organizations as described in document IPR I/97-5.1. Members agreed that Australia should revise the proposal to reflect the comments made at the meeting and circulate the revised draft by the end of March for final confirmation. It was also agreed that Australia would include a sample response to facilitate the work of other economies. It was agreed that each member would complete the survey by the end of June.

Agenda Item 6: Action Agenda Item c (Contact Point Lists)

13. Australia reported that the APEC Contact Point List for government, business/private sector and academic contacts had been put on the APEC Homepage. Participants acknowledged the work done by Australia as well as the APEC Secretariat. It was agreed that option 1 proposed in the document IPR I/97 - 6.1 would be the appropriate format for amending the Contact Point Lists. As regards updating of the Contact Point List of government, business/private sector and academic contacts, it was agreed that Japan would undertake a necessary work to make electronic format of amended List so as to

reduce the cost to the APEC Secretariat for the maintenance of the List on the APEC Homepage.

14. It was also agreed that the APEC Secretariat would circulate a reminder for updating the Lists every April and November to enable the Lists to be updated every July and January.

Agenda Item 7: Action Agenda Item d (Well-known trademarks)

15. Members agreed that the revision of questionnaire based on the comments made at the meeting, including addition of certain items to the questionnaire, would be circulated by Thailand by the end of March for the final confirmation. It was also agreed that Thailand would circulate the agreed questionnaire by the end of April and that each economy should respond to the questionnaire by the end of June.
16. It was agreed that a summary not exceeding two pages on the protection of well-known marks would also be prepared by each economy when completing the questionnaire.

Agenda Item 8: Action Agenda Item e (Simplification and standardization of administrative systems)

<Trademark Mailbox proposed by the US>

17. The United States presented members its paper (Documents IPR I/97-8.2 and 8.3) on the Trademark Mailbox Proposal. It responded to the questions posed at Annex 4 on the proposed system, which suggested that there might be problem areas in the light of other international systems. Other economies expressed interest and stated that the proposal was worth consideration but required further study. Members agreed that detailed discussions were required before they could settle on how to proceed with the concept. It was clarified that it was left to each member economy to decide whether it wanted to participate in the proposed system. It was noted that a suggested form of multilateral agreement would be prepared by the US before the next IPR Get-Together to illustrate how the proposed concept might work and to facilitate further discussion.

<Information Exchange proposed by Mexico>

18. Mexico presented its paper on information exchange on current intellectual property rights administrative systems. Members agreed that Mexico should prepare an indicative example by the end of March and that each economy should provide its comments by the end of May. It was noted that duplication of work should be avoided. It was also noted that Mexico would prepare the revised proposal by the next IPR Get-Together.

<IP Information Mall proposed by Japan>

19. Japan presented its paper on an IP Information Mall. Members endorsed the basic idea behind the proposal. It was noted that members would provide their comments on the Japanese proposal by the end of March and that Japan would circulate a revised proposal before the next IPR Get-Together.

Agenda Item 9: Action Agenda Item f (Enforcement)

20. Mexico reported on the comments made by member economies. It was agreed that Mexico should circulate the revised version of its proposal by the end of March and that each economy would complete the format by the end of June.
21. It was also noted that a duplication of work on item (b) and (f) should be avoided.

Agenda Item 10: Action Agenda Item g (Implementation of the TRIPS Agreement and technical cooperation)

22. Korean offer to takeover the role of the lead economy of item (g) was endorsed by the members.
23. Korea reported that ten economies had already submitted their surveys on the implementation of the TRIPS Agreement and offers/requests of technical cooperation.
24. As regards Part C, it was agreed that a simple checkbox style format would be appropriate. It was also agreed that Korea would circulate its revised questionnaire based on Australian proposal (document IPR I/97-10.2) at the beginning of March. Each economy would submit its comments to Korea by the end of March and Korea would circulate the final version of the questionnaire by the end of April in order to enable each economy to answer the questionnaire by the end of June.

Agenda Item 11: ABAC recommendation on intellectual property rights

25. As regards the second and third parts of the ABAC recommendation, which are the establishment of the program of comprehensive cooperation and the early implementation of the TRIPS Agreement, it was noted that these had already been underway through the implementation of items (a), (b), (c) and (g) of the Osaka Action Agenda.
26. As regards the first part of the ABAC recommendation, that is, the establishment of an APEC Central Registry for Trademarks and Patents of the ABAC recommendation, members agreed that this proposal was in line with the ultimate goal of member economies, but should be regarded as a long-term objective of the APEC activities. It was also pointed out that such a long-term objective might be realized step-by-step through the discussion on the protection of well-known trademarks with a view to establishing APEC wide protection of trademarks under item (d) and Trademark Mailbox system under item (e).

Agenda Item 12: SCCP Program to Implement the WTO "TRIPS" Agreement

27. Representatives of Sub-Committee of Customs Procedures (SCCP) from the US and Japan briefed the proposal of "SCCP Program to Implement the WTO TRIPS Agreement." It was also noted that the SCCP encourages further acceleration of implementation of the TRIPS Agreement, if possible, through technical assistance.
28. The SCCP Program was supported by member economies. It was stressed that programs affecting both the SCCP and the APEC IPR Get-Together should be coordinated before finalization. It was clarified that it was left to each member economy to decide whether it

wanted to participate in the SCCP Program. It was noted, that coordination with the activity of item (f), enforcement of IPR, should be continued and information should be exchanged in order to avoid duplication of work.

29. It was also noted that detailed plan concerning arrangements for training in phase 3 of the project in 1998 and 1999 should be announced after the IPR conference scheduled in October 1997 in Tokyo, taking into account each member economy's specific needs for assistance.

Agenda Item 13: Partners for Progress (PFP) Project

30. Japan reported on the progress of the Partners for Progress (PFP) Project Course on Management of Industrial Property Rights which was taking place in Bangkok, Thailand from February 19 to March 28, 1997.

Agenda Item 14: Future meetings

31. Chinese Taipei expressed its willingness to host the next Get-Together in conjunction with the APEC Symposium on Enforcement of Intellectual Property Rights tentatively scheduled in the first half of July in Taipei. Other members welcomed the proposal. The details would be arranged and announced in due course.

Agenda Item 15: Other business

32. As regards the review of the IAP Format Guidelines, members agreed that the existing guideline was basically appropriate to ensure the transparency of IAPs. The importance of providing in the IAPs all relevant information referred to in the Guidelines was recognized. The Chair would prepare a report, circulate it among the members, and submit it to the CTI Chair.
33. Since the meeting agreed to have the next meeting in July, the APEC Secretariat reminded the members that the deadline for the budget application for 1998 might be before July according to the past practice (i.e. 30 June). The APEC Secretariat therefore advised the meeting that it should get consensus on budget proposals by facsimile correspondence if it would like to seek money for 1998 from the APEC Central Fund.
34. Members recognized the need to examine whether the name and the status of this forum "Get-Together" would be appropriate in the light of the importance of IPR issues and the successful results obtained from active and intense work by its members. Some members suggested new names of the forum. The Chair would consult on this matter with the CTI Chair as well as the APEC Secretariat.

Agenda Item 16: Report to the CTI

35. It was agreed that the outcome of this meeting would be reported to the next CTI meeting for approval.
36. The list of deadlines and actions of IPR Get-Together is attached in the Annex 5.

(Annexes follow)