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Chair's Report to APEC CTI on the  
Intellectual Property Rights Get-Together V

Chinese Taipei, 21-22 July 1997

Introduction

1. The Intellectual Property Rights Get-Together V was held in Chinese Taipei, on 21-22 July, 1997 in conjunction with APEC Symposium on IPR Enforcement, which was co-organized by Chinese Taipei and Mexico.
2. The meeting was attended by representatives from Australia; Brunei Darussalam; Canada; Chile; the People's Republic of China; Hong Kong, China; Indonesia; Japan; the Republic of Korea; Malaysia; Mexico; New Zealand, 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 Chinese Taipei for the warm hospitality which was extended to the participants. The chair also thanked the APEC secretariat for its continuous support to this meeting.
5. Mr. Chen Ming-bang, Director General, Bureau of Standards, Chinese Taipei, welcomed all member economies to the meeting. He emphasized the importance of the IPR Get-Together for promoting IPR protection in the APEC region. The effective IPR protection is necessary to encourage invention and innovation.
6. He stressed the point that APEC member economies should work together to provide a sound environment for IPR protection. He also mentioned that Chinese Taipei had made significant progress in the field of IPR protection in the past few years and that in the near future a new Bureau of Intellectual Property would be set up to deal solely with all the IP matters.

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## Agenda Item 2: Adoption of Agenda

7. The meeting adopted the agenda which is contained in the Annex 2.
8. The APEC Secretariat reminded the member economies of the new nomenclature on Hong Kong, China.

## Agenda Item 3: Activity of CTI meetings

9. The chair reported on the outline of his report to the CTI in Quebec on 16-17 May 1997 as well as the outcomes of the meeting.

## Agenda Item 4: Collective Actions

### Item a: Deepening the dialogue

10. Japan reported that the APEC IPR Event Calendar had been uploaded to the Homepage of the Japanese Patent Office and hotlinked with the APEC Homepage.
11. It was agreed that the APEC Secretariat would send to each economy a reminder for providing Japan with information to update the Calendar once every 6 months (April and November) so that the Calendar can be updated twice a year (January and July).
12. It was also agreed that the APEC Secretariat would send by fax a copy of the updated calendar to the members which cannot easily make access to the APEC Homepage.
13. It was suggested that a contact point for each event might be added to the Calendar, if possible, in order to make it easier to obtain relevant information.

### Item b: Survey of laws and regulations

#### <Survey Part I>

14. Australia reported that 12 economies had submitted their Survey Part I to Australia.
15. There was agreement in principle that the composite Survey Part I would be opened to the public, possibly through the Internet, after careful consideration of the accuracy of the survey's contents. Member economies were invited to express their concerns in this regard. It was also agreed that the survey would be updated in the same way as the Contact Point Lists.

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

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16. Australia presented its paper on a sample response to the Survey on IP Jurisprudence and Administrative Guidelines (IPR V-4.b). Australia clarified its view by saying that responses could be quite general but with as much appropriate detail as member economies can provide. In the first instance, a contact point acting as a source would be acceptable. Details can be supplemented as the survey is updated.
17. It was agreed that each economy should submit to Australia its Survey of IP Jurisprudence and Administrative Guidelines, and Activities of Related Organizations by the end of September so that Australia might consolidate the survey by the beginning of November. With respect to Activities of Related Organizations, several economies expressed concerns with the level of detail that would be required to complete this survey. It was agreed that Australia would examine this issue.
18. It was noted that Australia would prepare a progress report by the end of September.

#### Item c: Contact Point Lists

19. Australia reported that the updated lists had been put on the APEC Homepage in June.
20. It was agreed that Australia would investigate taking on responsibility for the necessary work to update the electronic format of the lists on the APEC Homepage.
21. In enhancing collective actions, it was suggested that the remaining budget allocated for establishing the Contact Point Lists could be effectively utilized for publicizing the Lists for Government, Professional and Academic Contacts. Australia would develop a proposal in this regard by the end of September.

#### Item d: Well-known trademarks

22. Thailand explained the revised questionnaire regarding information on the practices concerning the protection of well-known marks (IPR V-4.d).
23. It was agreed that each economy would submit its written comments on the format of the questionnaire to Thailand by the end of August in order to enable Thailand to prepare the finalized questionnaire by the end of November.

#### Item e: Simplification and standardization of administrative systems

##### <Trademark Mailbox proposed by the US>

24. The United States briefed member economies on a draft of Trademark Mailbox Memorandum of Understanding (IPR V-4.e-1). It stated that it was left to each member economy to decide whether to participate in the project.

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25. Member economies thanked the US for their paper and recognized that there was value in exploring ways to simplify trademark application process. Member economies sought clarification on a number of issues and expressed their concerns about the possible legal, economic and technical difficulties associated with having a mailbox in the APEC region and duplication with the existing international trademark regime. It was noted that further discussion would be necessary.
26. Some member economies stressed that it was important that a proposal should be such that all member economies could participate in the project to make it meaningful, as it is intended to be a collective action of APEC member economies. Some members suggested that it was therefore necessary that such proposal take into account the level of readiness of each member economies to participate in the project. Otherwise, it is expressed by some member economies that such proposal would be too premature to be carried out at this stage.
27. It was also noted that the US would provide answers to the questions raised by some economies in writing in due course. In this regard, it was agreed that each economy would submit to the US its written comments and suggestions on the draft by the end of August so that the US might revise its proposal by the end of December for further discussion.

<Information Exchange proposed by Mexico>

28. Mexico explained its revised version of an example for the exchange of information on current intellectual property rights administrative system (IPR V-4.e-2).
29. Members agreed to submit their reply to the questionnaire to Mexico by the end of September in order to enable Mexico to consolidate the outputs by the beginning of November.
30. It was also noted that Mexico would submit to the Chair a progress report by the end of September.

<IP Information Mall proposed by Japan>

31. Japan briefed member economies on its proposal regarding an IP Information Mall and the draft questionnaire concerning the current state of and future plan for each member's IP information provided through its Internet Homepage and computerization of the administrative procedures of its IP office (IPR V-4.e-3).
32. It was agreed that Japan would upload to the Homepage of the Japanese Patent Office, by the end of August, an initial product of Japan's proposal for an IP Information Mall to be hotlinked with the APEC Homepage.

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33. It was noted that any member economy that wanted to put the initial product on its own Internet Homepage would be encouraged to do so. It was also agreed that the schedule for the development and contents of the Internet Homepage would be left to each participating economy.
34. Some member economies mentioned that, with legal, economic and technical difficulties, further discussion pertaining to the enhancement and expansion of IP Information Mall should be carefully carried out in order to keep in line with APEC principles. It was suggested that a program of technical assistance should be considered. Members also agreed to submit to Japan their written comments on the proposal by the end of August in order for Japan to revise its proposal by the end of November.

#### Item f: Enforcement

35. Mexico reported that 7 economies had submitted their reply to the questionnaire. It was noted that economies that had not submitted their reply should forward it to Mexico by the end of August at the latest, in order to enable Mexico to consolidate the information by the end of October.
36. Members commended the outstanding work done by Chinese Taipei and Mexico for the success of the APEC Symposium on IPR Enforcement, in Chinese Taipei, on 18-19 July, 1997.
37. It was noted that the summary of the symposium would be finalized and circulated in due course. It was also suggested that another Symposium could be held in the near future, focusing on more technical and practical aspects of IPR enforcement.
38. The delegation of PRC indicated that it was considering the holding of a symposium on IPR next year. It was noted that PRC would submit a detailed proposal on this matter to a future IPR Get-Together for endorsement.

#### Item g: Implementation of the TRIPS Agreement and technical cooperation

39. The Republic of Korea reported that 16 member economies had submitted completed questionnaire for the facilitation of technical cooperation. It tabled the copies of consolidated outputs from member economies. The high level of initial responses indicated the importance member economies attach to TRIPS implementation activities.
40. It was agreed that economies which had not submitted their reply to the questionnaire should forward them to Korea by the end of August in order to enable Korea to consolidate the forwarded information and to prepare an initial proposal to facilitate technical cooperation by the end of September.

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41. It was suggested that, after identifying the area of cooperation to be undertaken, bilateral and/or multilateral technical cooperation should be accelerated by utilizing the APEC Fund and other resources. It was also suggested that the PFP Project should effectively be used for the above purpose. To move the process forward it would now be important for member economies to determine specific practical examples of where technical assistance was required and to forward this information to Korea as Lead Economy for this item.

#### Agenda Item 5: Title and Status of IPR Get-Together

42. The Chair outlined the Working Documents for Discussion on Status and New Title of the IPR Get Together (IPR V-5.1).
43. It was agreed that the IPR GT should be recognized as an expert group under the CTI and that the IPR GT should be renamed as "Intellectual Property Rights Experts Group" (IPEG). Members also agreed that the attached draft Recommendation on the Status, Mandate and New Title of the IPR Get Together (Annex 3) would be submitted for approval by the CTI at its next meeting.
44. It was agreed that all the Members should brief CTI representatives on the draft in order for CTI to reflect the details of discussion in the meeting at the next CTI.

#### Agenda Item 6: IAP Format Guidelines and Best Practice Guidelines for IAPs

##### (a) IAP Format Guidelines

45. The Chair outlined the revised IAP Format Guidelines. As regards the IPR part of the IAP Format Guidelines, it was confirmed that no modification should be needed.

##### (b) Best Practices Guidelines for IAPs

46. The delegation of the US outlined its draft document entitled Best Practices Guidelines for IAPs.
47. Some economies cautioned that no attempt should be made to push the Guidelines as new standards. It was agreed that the US would convey the apprehension of some Members to the drafters of "Best Practices Guidelines for IAPs."
48. The Chair advised members, who have strong views on the Guidelines and who have not yet conveyed such views to the US, to do so by 28 July 1997.

#### Agenda Item 7: Partner for Progress (PFP) Project

49. Thailand, a co-organizer, reported on the results of the PFP Seminar on Management of Industrial Property Rights held in Thailand in February - March 1997.

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50. Thailand commended all the economies for their contribution to the success of the first PFP Seminar and asked them to nominate speakers and participants of the next PFP Seminar.
51. Japan briefed member economies on the schedule of the second PFP Seminar to be held in Thailand in November and December 1997. It also reported that the evaluation report and future schedule of the PFP Seminar were endorsed by the CTI in Quebec in May 1997.

#### Agenda Item 8: SME Business Forum and SCCP Conference

52. It was agreed that the President of Licensing Executive Society (the Philippines) nominated by the Philippines would be invited to participate as a speaker in the SME Business Forum.
53. Members agreed to leave to the Chair the nomination of the representatives of IPR GT for the SCCP Conference.

#### Agenda Item 9: Policy Dialogue

##### <Biotechnology and Copyright>

54. The United States presented its papers regarding protection of biotechnology and copyright for emerging technology (IPR V-9.1,9.2). It stressed the need for effective IPR protection of these areas. It also noted the importance of discussing these issues in light of WIPO treaties and upcoming TRIPS Article 27 review regarding biotechnology.
55. It was suggested that these topics could be discussed in a future meeting under "Other Business."

#### Agenda Item 10: Other Business

##### <Early Voluntary Sectoral Liberalization>

56. With regard to IPR, it was recognized that all member economies had already made effort to encourage early liberalization, such as the commitment to full implementation of the TRIPS Agreement by the year 2000. It was suggested that the Contact Point Lists and the IP Information Mall can be regarded as contributing to trade facilitation, encouraging business development from the IP perspective.
57. It was also noted that members should fulfill their commitments on the agreed schedule so that they can support the liberalization of the other sectors.

##### <Contact to ABAC>

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58. Recognizing the importance of maintaining close contact with business, it was suggested that each member economy would contact its domestic business sector including its representatives to ABAC and inform the IPR Get-Together about their concerns and suggestions.
59. It was also suggested that both Trademark Mailbox and IP Information Mall were in line with ABAC recommendations.
60. Some members suggested that the IPR Get-Together might invite representatives of the business sector to express their views on intellectual property issues. The meeting noted that the Chair would consult with the CTI for its views on this suggestion.

<Lead Economies>

61. It was tentatively agreed that each lead economy would continue its work next year. Member economies also agreed that, in accordance with the decision of the Victoria CTI, all of the documents tabled at the meeting could be made available to the public as part of APEC publications unless otherwise advised.

Agenda Item 11: Future Meetings

62. Members agreed that the next meeting should take place in early 1998. Several members noted that current workloads and meeting schedules made it difficult to accommodate more than two meetings of the group annually.
63. Australia offered to host the next meeting in late February or March 1998, subject to the approval of its domestic authorities and acceptance by member economies.

Agenda Item 12: Report to the CTI

64. It was agreed that the outcome of this meeting would be reported to the next CTI meeting for approval.
65. The list of deadlines and actions of IPR Get-Together is attached in the Annex 4.



List of Annexes

- Annex 1: List of participants
- Annex 2: Agenda
- Annex 3: Draft Recommendation on The status, Mandate and New Title of the IPR Get Together
- Annex 4: List of deadlines and actions of IPR Get-Together

(Annexes follow)