



International Association for the Protection of Intellectual Property

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AIPPI Bureau

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President's latest report

These last two years have been an exciting and productive time for AIPPI. Many people have joined in the development, and the work, of the Association and have devoted themselves to both. The growth programme is working and prospects for the Association are bright. We have used new approaches to many aspects of the Association and largely they have worked out well. We certainly have learned a great deal. I believe that the Boston Congress will be a fine success, particularly in further advancing the organization of our meetings for greater efficiency and interest. It has been a dynamic time.

This Association is different from other associations. It is unique because it is global and necessarily broad in its view. Its leaders must be similar in view and scope of thinking. I am pleased to advise all of you that the leaders with whom I have been privileged to serve have been incredibly dedicated and broad of view. It has been a pleasure. Happily, many will remain actively engaged in various capacities for the Association for years to come.

For now, the Association faces important decisions at the Boston Congress. It must choose how it will modernize its structure and operations. Many excellent proposals for advancing the governance and structure of the Association will be ready for vote at Boston. And beyond Boston, even more opportunities for change in governance, mission development, efficiency of operations and so on lie ahead.

In this, my last report to all of you, I have selected, from among the many additional changes that should be considered for the Association in coming years after Boston, just a few further changes that I consider of particular importance. Please see my full report through the link above to the website. I also express great gratitude for those with whom I have been privileged to serve the Association. The Boston Congress will conclude my role as President of the Association and my service on the Bureau. But let me say that the other members of the Bureau and the major Committees who have served you during these last two years are wonderfully committed volunteers. They have served with a selfless determination to help advance this Association at great personal expense of time and opportunity. I can only say to them: THANK YOU. I also want to thank all of you for your support and the warm reception that I have received wherever I have gone for AIPPI. It has been a gratifying and rewarding experience.

I hope to see you in Boston.
(Report by Ronald E. Myrick, President of AIPPI)

Boston Congress Invitation

On behalf of the Bureau I should like to extend an invitation to all AIPPI members to attend, as observers, the ExCo Sessions during the Boston Congress.

I should also like to mention that the Agenda for the General Assembly session can be found at www.aippi.org/download/ga2008_agenda.pdf.
(Michael Brunner, Secretary General of AIPPI)

Working methods re Statutes changes

As reported on below by Robert Mitchell, one specific matter we have to deal with in Boston – because the efficient functioning of our Association is intimately bound up with its governance as dictated by the Statutes and the Regulations – is the proposed changes in Statutes and a very full set of reports from Q200 on the changes proposed to both the Statutes and the Regulations.

In my full report I try to outline both the process and the reasoning behind it in a way which will allow members to appreciate the different forces at play and how the Bureau and Q200 tackled them.
(Report by Michael Brunner, Secretary General of AIPPI)

AIPPI Committees

See latest reports on:

Q200 — Statutes Committee

Five resolutions to amend the Statutes were adopted by the Executive Committee and will now be considered by the General Assembly in Boston. Two more Resolutions will be debated in Boston by the Executive Committee as well as corresponding amendments to the Regulations. Many aspects of the governance of AIPPI will be affected by these changes.
(Report by Robert Mitchell, Chair of Q200)

Q201 — Membership Advisory Committee

Forthcoming Events

For the last few months, the Membership Committee has been working in close cooperation with the Presidents and Secretaries of the Groups in order to carry out a detailed study of the organisation and activities of AIPPI in each country.

(Report by Luis-Alfonso Durán, Chair of Q201)

AIPPI:

IP Work Sessions, 1st September 2008, Santiago de Chile

Registration is now open for the First IP Work Sessions, entitled "Intellectual Property, A Development Tool", to celebrate the 40th anniversary of ACHIFI, the Chilean Association of Intellectual Property, in Santiago de Chile. Please click [here](#) for more information or contact jomadas2008@achipi.cl.
(Guillermo Carey, Assistant Secretary General of AIPPI)

41st AIPPI World Congress, 6-11 September 2008, Boston - Still time to pre-register!

AIPPI Boston 2008 is less than a month away. But you can still pre-register for the pre-registration fee of \$1650 US (1040 Euros; 174,550 Yen) through August 29, 2008. After August 29, the full registration fee of \$2000 US (1261 Euros; 211,600 Yen) will apply. The preliminary programme, on-line registration form and hotel information is available on the congress web site www.aippi.net.

The substantive programme includes four working questions, on public health issues in patents, counterfeiting, contributory infringement, and exhaustion of intellectual property rights; 20 substantive workshops, including mock patent trials in five countries, and five breakfast roundtables; addresses by the heads of three major intellectual property offices: Alison Brimelow, President of the European Patent Office; Jon W. Dudas, Director of the United States Patent and Trademark Office; and Masahiro Kozueka, Commissioner of the Japan Patent Office; and a special session of judges from around the world, including United States Federal Circuit Chief Judge Paul Michel; Mr. Justice Christopher Floyd of the Patents Court in England; Judge Prof. Peter Meier-Beck of the Patents Chamber of the German Federal Supreme Court in Dusseldorf; Tomokatsu Tsukahara, Chief Judge of the IP High Court of Japan; and Dr. Mukundakam Sharma, Judge of the Supreme Court of India, who may address topics such as the wisdom and utility of specialized courts for intellectual property cases, and the importance of intellectual property within the legal world and in courts in general.

The congress will take place at the brand new Boston Convention and Exhibition Center, which has excellent facilities for all of our meetings. The BCEC has free access to wireless throughout the building, so attendees may want to bring their laptops. We hope to have all of the workshop papers and related materials available on the congress web site, so attendees with a laptop will be able to access the papers at anytime during the congress, even during a workshop or roundtable. We have also arranged for a private vendor to rent laptops during the congress. We also plan to set up on-line digital discussion pages for each workshop and roundtable, which will be accessible through the [congress web site](#).

September is a wonderful time to visit Boston, we hope to see you there!

(Phil Swain, Chair of the Boston Organising Committee)

41st AIPPI World Congress, 6-11 September 2008, Boston – Scientific Programme

The scientific programme which has been prepared for the Boston Congress is in excellent shape. Summary reports for the four Working Questions have been sent to the Working Committee Chairs so that the Resolutions to be discussed in Boston can be drafted. The drafts will be circulated before the Congress to all Committee members for a first exchange of views. The Workshop programmes and speakers are set up to cover various topics in no less than 20 Workshops including a 3-day Mock Trial comparing 5 jurisdictions. Finally, some extraordinary sessions will give additional insight into latest developments of the law.

(Report by Jochen Bühling, Reporter General of AIPPI)

Launch of the AIPPI Congress News

AIPPI is pleased to announce the launch of a brand new project: **The AIPPI Congress News** — a dedicated daily newspaper for the 41st World IP Congress being held in Boston from 6 to 11 September 2008.

The AIPPI Congress News will be published in conjunction with Managing IP magazine. It will include a mix of news, photographs, in-depth interviews and features on major IP issues, plus "must have" information for delegates including the daily programme, events calendar and local information on Boston and the Congress venue.

The AIPPI Congress News is the official publication — providing an unrivalled opportunity for your firm/company to communicate with the influential audience of attendees.

For information about advertising in The AIPPI Congress News please contact the business manager for your region listed below.

Americas: Alissa Rozen
Tel. +1 212-224-3673
arozen@euromoneyny.com

Europe: Nicola Priest
Tel. +44 207-779-8682
npriest@managingip.com

Asia-Pacific & Middle East: Daniel Cole
Tel. +852 2842-6941
daniel.cole@euromoneyasia.com

The full advertising PDF of the proposal is available [here](#) as well as on the [congress web site](#). Space is strictly limited so don't delay!
(Daniel Cole, Managing IP magazine)

Other Organisations:

WIPO hosts a Symposium on IP and Multilateral Environmental Agreements, 26 August 2008, Geneva

Geneva, 11 July 2008

MA/2008/42

On 26 August 2008, the World Intellectual Property Organization (WIPO) is organizing under its Life Sciences Programme a Symposium that will explore intellectual property (IP) rights and their role in the development and transfer of technologies within the context of Multilateral Environmental Agreements (MEAs). Many MEAs contain technology transfer provisions around which IP issues arise. The event will provide an opportunity for policy makers and other stakeholders to share their experiences and to explore the IP dimensions of technology transfer provisions contained in MEAs.

The development, application and transfer of technology are core elements in the implementation of MEAs. The Symposium aims to foster a better understanding of the types of IP issues that may arise in the context of the implementation of MEAs. It will further build on previous work on patent landscaping (please see: https://www.wipo.int/meetings/en/2008/lifesciences/patent_landscaping/) and highlight the use of patent information tools and their usefulness in identifying technological developments of relevance to the environment and in facilitating the transfer of appropriate technologies within the context of MEAs. The event aims to promote a better understanding of the potential benefits as well as the limitations of IP rights in supporting technology transfer under MEAs.

WIPO's Symposia on Life Sciences and Intellectual Property Policy aim to enhance understanding of topical issues of concern to policymakers by providing a forum for stakeholders (including international policymakers, government agencies, legislators, delegates, civil society and the private sector) to exchange information and ideas on IP as it relates to the life sciences. They are designed to promote better understanding of the role and practical importance of the IP system to the life sciences and its potential in supporting the development of public policy within this rapidly evolving field.

Information on the full series of WIPO Life Sciences Symposia is available at <https://www.wipo.int/patentscope/en/lifesciences/>. The event is open to the general public and is free-of-charge. Anyone interested in attending the meeting is requested to complete the on-line registration form.

Journalists requiring further information or wishing to attend this event are requested to contact the Media Relations and Public Affairs Section at:

- Tel: (+41 22) 338 81 61, 338 95 47
- Fax (+41 22) 338 82 80
- E-mail: publicinf@wipo.int

For further information on IP Meetings please refer to the [AIPPI Master Calendar of IP Events](#).

National Groups

Central and Eastern European Seminar on IP and Competition Law, 4-5 April 2008, Hamburg

The AIPPI Central and Eastern European Seminar on IP and Competition Law celebrated its Xth anniversary in Hamburg on 4 – 5 April 2008. It attracted over 50 participants from Poland, Ukraine and Germany. For the second time the seminar was co-organised by the German-Polish Lawyer's Association. It took place in the noble premises of the Chamber of Commerce of Hamburg which provided indispensable infrastructure and support for the seminar.

The participants were welcomed by the President of the Polish Group, Andrzej Ponikiewski and Dr. Ludwig von Zumbusch, Secretary of the German Group. Dr. Michael Maikowski, Treasurer of the German Group, who was one of the founding-fathers of the seminar, addressed the participants with a toast. During two very interesting days the participants were presented ten IP and Competition Law topics of actual interest. *(Report by Ludwig von Zumbusch, Secretary of AIPPI Germany)*

AIPPI Japan-China-Korea Trilateral Meeting 2008, 4-6 July 2008, Fukuoka

The 7th AIPPI Trilateral Meeting of Japan, China, and South Korea took place from Friday, 4 July 2008 to Sunday, 6 July 2008 in Fukuoka, Japan. At this meeting, hosted by the Japanese Group, we received the largest number of participants ever in the history of this meeting, 131 in total: AIPPI members from Japanese (50), Chinese (45), and South Korean Groups (33), plus 3 people from the AIPPI Bureau. *(Report by Goro Umeda, Secretary General of AIPPI Japan)*

Case law

Philippines — "IN-N-OUT": A well-known Mark protected in the Philippines

An internationally well-known mark is protected against unauthorized users although it has not been registered nor used in the Philippines. On 15 October 2007, the Third Division of the Supreme Court upheld the decision of the Philippine Intellectual Property Office ("IPO") that In-N-Out Burger, Inc., a California corporation not doing business in the Philippines, has legal capacity to sue Sehwan Inc. and/or Benita Frites, Inc. for violation of intellectual property rights for the unauthorized use of In-N-Out Burger, Inc.'s tradename "IN-N-OUT" and trademarks "IN-N-OUT", "IN-N-OUT Burger and Arrow Design" and "IN-N-OUT Burger Logo", which the IPO has held to be internationally well-known marks, even if such marks were not registered with the IPO nor used in Philippine commerce. *(Report by Bienvenido I. Somera Jr., Villaraza & Angangco, Makati, Philippines)*

United Kingdom — O2 v Hutchison 3G, Case C-533/06, 12 June 2008

When referring O2 v Hutchison 3G [2006] EWCA Civ 1656 to the European Court of Justice, Lord Justice Jacob warned that "European trade mark law is in danger of becoming a forest of case law where everyone loses their way". The ECJ's judgment (Case C-533/06, 12 June 2008) has to some extent clarified the relationship between the Trade Marks Directive (89/104/EC) ("TMD") and the Misleading and Comparative Advertising Directive (now consolidated as 2006/114/EC) ("CAD"). A comparative advertisement which satisfies the requirements of the CAD cannot provide grounds for trade mark infringement under the TMD,

Articles and notes

unless the advertisement uses an identical or similar mark in a manner likely to cause confusion within the meaning of Article 5(1)(b) of the TMD. Important questions remain unanswered however, and in this respect the ECJ's judgment is a missed opportunity to provide a clear path through the woods.
(Report by Stuart D'Aloisio, Linklaters LLP, London, United Kingdom)

Message from the Editorial Board

An Editorial Board has been appointed for the e-News, with the specific mandate to take responsibility for the execution of the editorial policy for the new electronic newsletter of AIPPI as approved by the Bureau, for providing advice to the Bureau on strategic and policy issues concerning the newsletter, and for selecting and approving contributions for inclusion in the newsletter. The Editorial Board consists of nine members who are all AIPPI members and IP lawyers of established repute and are representative of a wide spread of national groups and thus different countries. I have the honour and privilege of chairing the Board as Editor of the e-News.

This is an exciting time in the history of AIPPI: we are preparing for the 41st Congress to take place in Boston, USA next month – a congress which will be one of the biggest such events in recent years and will cover a wide range of scientific questions and workshop topics that are all of particular relevance to IP practitioners and IP owners and managers alike. For the first time there will also be a daily printed news bulletin for the Congress, facilitated by MIP, the well-known magazine on Intellectual Property, to keep members informed.

The Bureau has identified communication with members as a priority strategic focus, and the e-News has already established itself as a viable and indeed successful communication medium for all AIPPI members. The third edition is about to be issued. Members are showing their support for the e-News by sending in contributions of good quality, covering a diversity of national and international issues and developments. The Editorial Board expresses its appreciation for this support; this makes it possible for AIPPI members to be kept informed not only of news items but also of legal developments.

On behalf of the Editorial Board, I take this opportunity to wish all those who will be attending, a successful and enjoyable Boston Congress; and to those who cannot attend, we shall provide you with full reports and news of the proceedings in the next issue of e-News – your own interactive communication means.
(Esmé Du Plessis, Chair of the Editorial Board; Editor of the e-News)

Argentina — Effectiveness of the Argentine Customs Alert System

More than 200 trademarks have been recorded up to date with the Customs Alert System (Alert System) created by Resolution AFIP No. 2216, which became effective and operational in April of 2007. The Alert System provides trademark owners the possibility of receiving information of imported goods bearing their trademarks before the goods are released by Customs. This information, which is sent by email, allows the trademark owners to prevent the incoming of counterfeit goods and to obtain valuable information regarding the parallel importation of genuine goods.

(Report by Miguel O'Farrell, Marval, O'Farrell & Mairal, Buenos Aires, Argentina)

Italy — The Employees' and University Researchers' Inventions and other Intellectual Property works under the new Italian Intellectual Property Code

On 19 March 2005 the Legislative Decree n. 30 dated 10 February 2005, bearing the new Italian Codice della Proprietà Industriale ("Intellectual Property Code", and hereinafter referred to as "code" or "i.p.c.") came into force, except for a set of "procedure rules" that, pursuant to art. 245 i.p.c., will come into force only afterwards.

The new code results from an over 2 years parliamentary debate and procedure, arisen from art. 15 of Law n. 273 dated December 12, 2002 bearing Delega al Governo per il riassetto delle disposizioni in materia di proprietà industriale: which, together with art. 16 of same Law, bearing Delega al Governo per l'istituzione di sezioni di Tribunali specializzate in materia di proprietà industriale e intellettuale (already implemented by Legislative Decree n. 168 dated June 27, 2003), has represented the ground of what we could probably consider as the main legislative intervention regarding intellectual property matters in Italy across last 50 years.

The scope of the new code is – as the Relazione Ministeriale on the new code specifies – to simplify, reorganize in a systematic and logical framework, and coordinate the over "40 laws and countless other regulations" currently in force in the intellectual property matters in Italy, by repealing, replacing and, as needed, modifying them.

(Report by Luca Rinaldi, Gianni Origoni Grippo & Partners, Milan, Italy)

Paraguay — Trademark Registration at Customs in Paraguay

Last December 31 the General Director of the Customs Administration in Paraguay announced the enforcement of the fight against piracy and counterfeiting programme by the implementation of the Registration at Customs of Trademarks and other Intellectual Property Rights in Paraguay.

The registration will allow the inclusion of said rights by registering within the "Sofia System" (the Paraguayan Informatic Customs Control System), which will proceed to retain the merchandise when not matches are found with the legal right holder of a trademark.

(Report by Hugo T. Berkemeyer, President of AIPPI Paraguay)

Feedback

Any comments you have as members are invited and welcomed. Please let us have your input on this e-News or on anything relating to AIPPI by e-mail to enews@aippi.org.

All members of AIPPI who currently receive the printed AIPPI yearbook are kindly requested to inform the General Secretariat directly via email to m.bratsos@aippi.org whether they would like to continue to receive it also in future. The 2008 edition of the AIPPI yearbook will be shipped to our members early in 2009.

The AIPPI publications are available free of charge for AIPPI members; however, the postage costs of the yearbooks are charged to the respective National Groups.

Your contribution please!

Please note that this request is not intended to discourage our members from receiving the printed AIPPI publications but is intended to avoid unnecessary mailing costs which are charged back to the National Groups.

Please let us have your reply by 30 October 2008, if you no longer wish to receive the AIPPI yearbook.

Thank you very much for your co-operation.
AIPPI General Secretariat

Readers of this e-News are encouraged to provide us with their contributions for our future editions. Articles should comply with our [editorial policy and guidelines](#).

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