

PROTOCOL FOR DEVELOPMENT OF A RESOLUTION DERIVED FROM A STUDY QUESTION

1. Background

- 1.1. The annual work programme of AIPPI includes Study Questions which are set to study issues of topical concern to intellectual property.
- 1.2. The Reporter General has overall responsibility for Study Questions¹. One or more members of the Reporter General's Team (**RGT**) is designated as the primary RGT member(s) responsible for each Study Question (**Responsible Reporter**).
- 1.3. Study Questions lead to the formulation of positions by AIPPI in the form of Resolutions as follows.
 - (a) National and Regional Groups and Independent Members (collectively, **NRGs**) submit reports on Study Questions. The RGT prepares a summary of the NRG reports submitted for each Study Question (**Summary Report**).
 - (b) A Study Committee is appointed for each Study Question. Each Study Committee is comprised of representatives designated by the NRGs at the request of the RGT (**Study Committee Members**). The primary role of the Study Committee is to prepare a draft Resolution for debate in a Plenary Session at the annual AIPPI Congress.
 - (c) After such debate, the draft Resolution in the form passed at the Plenary Session is presented for adoption at a session of the Executive Committee of AIPPI (ExCo Session).

2. Purpose of this protocol

- 2.1. The purpose of this protocol is to describe:
 - (a) the responsibilities of all Study Committee Members;
 - (b) the appointment, role and responsibilities of the leadership of Study Committees (**Study Committee Leadership**); and
 - (c) the appointment, role and responsibilities of the Chairpersons of Plenary Sessions (**Plenary Chairpersons**).
- 2.2. This protocol will be published on AIPPI's website. It may be amended from time to time. Any amendments will not take effect until published.

3. General responsibilities of all Study Committee Members

- 3.1. Every Study Committee Member should have expertise in, or at least a good knowledge of, the subject matter of their Study Question.

- 3.2. Every Study Committee Member should be familiar with the content of, at least:
 - (a) the report of their NRG; and
 - (b) the Summary Report,for their Study Question.
- 3.3. A Study Committee Member is the voting member of their NRG for the purposes of any matters put to a vote at the in-person meeting of their Study Committee (**Study Committee Meeting**). The Study Committee Meeting is held at the AIPPI annual Congress at which the draft Resolution will be debated (**Congress**). Every Study Committee Member should be available to attend the whole of their Study Committee Meeting. Study Committee Meetings are generally scheduled for the day prior to the first day of the formal sessions of the Congress, necessarily requiring Study Committee Members to arrive at the Congress early.
- 3.4. Study Committee Members should respond to requests from their Study Committee Leadership, for example, to provide comments on the draft Resolution circulated prior to the Congress. See further 6.2 below.
- 3.5. Every Study Committee Member should attend:
 - (a) the Plenary Session at which their Study Question will be debated (**Plenary Session**); and
 - (b) the ExCo Session at which their Study Question will be presented for adoption.
- 3.6. At the Congress, immediately prior to the Study Committee Meetings, the RGT holds a briefing session for the Study Committee Leadership only. Other Study Committee Members do not attend this briefing session.
4. **Appointment, role and general responsibilities of the Study Committee Leadership**
 - 4.1. The RGT appoints the Study Committee Leadership for a Study Question from amongst the Study Committee Members for that Study Question, comprising a Chairperson (**Study Committee Chairperson**), not more than two Co-Chairpersons, and a Secretary.
 - 4.2. The role of the Study Committee Leadership is to:
 - (a) propose a draft Resolution for consideration by their Study Committee prior to the Congress (see further section 6 below);

¹ Article 9.11, Statutes of AIPPI.

- (b) lead the Study Committee in refining the draft Resolution during their Study Committee Meeting (see further section 7 below);
 - (c) present the draft Resolution for debate in the Plenary Session (see further section 8 below); and
 - (d) arrange translations of the draft Resolution into French, German and Spanish. See 6.4, 7.19 and 8.11 below.
- 4.3. In particular, the responsibilities of the Study Committee Leadership are as follows.
- (a) The Study Committee Chairperson has overall responsibility for leading the Study Committee with backup and support from the Co-Chairpersons and Secretary.
 - (b) One Co-Chairperson (as appointed by the RGT) is responsible for taking minutes during the Plenary Session in the form set by the RGT (**Plenary Minutes**). See further 10.1 below.
 - (c) The other Co-Chairperson is responsible for providing any back up to the first Co-Chairperson in taking the Plenary Minutes (as needed).
 - (d) The Secretary is responsible for amending the draft Resolution in mark-up as amendments are proposed during the Study Committee Meeting and the Plenary Session, and so must have appropriate typing/word processing skills.
 - (e) After adoption of the Resolution, the Secretary is responsible for preparing a report of the development of the Resolution in the form set by the RGT (**Secretary's Report**). See further 10.2 below.
- 4.4. The general responsibilities of Study Committees set out in 3 above also apply to the Study Committee Leadership, modified as follows.
- (a) In addition to 3.2 above, the Study Committee Leadership should be familiar with such of the content of NRG reports as is necessary or practical in relation to their Study Question.
 - (b) In addition to 3.3 above, the Study Committee Leadership must attend the Study Committee Meeting.
 - (c) In addition to 3.5 above, the Study Committee Leadership must attend the Plenary Session and the ExCo Session at which their Study Question will be debated and presented for adoption respectively.
 - (d) Further to 3.6 above, the Study Committee Leadership must attend the briefing of the Study Committee Leadership immediately prior to the Study Committee Meeting.

5. Appointment, role and general responsibilities of the Plenary Chairperson

- 5.1. The RGT appoints a Plenary Chairperson for each Plenary Session.
- 5.2. The Plenary Chairperson chairs their Plenary Session, and is responsible for the orderly running of the Plenary Session. To that end:
 - (a) the Plenary Chairperson must be familiar with the AIPPI rules of debate as set out in Rule 23 of the Regulations of AIPPI (***Rules of Debate***); and
 - (b) the Plenary Chairperson must run the Plenary Session to time, observing any designated breaks in the programme.
- 5.3. In chairing the Plenary Session, it is the duty of the Plenary Chairperson to act impartially as between all persons presenting views or voting at the Plenary Session, including in relation to their own NRG.
- 5.4. The Plenary Chairperson should be familiar with the general subject matter of the Study Question and the draft Resolution to be presented for debate in the Plenary Session. In this regard, the Plenary Chairperson should preferably attend the Study Committee Meeting as an observer.

6. Work of the Study Committee preparatory to the Congress

- 6.1. The Study Committee Leadership studies the NRG reports and Summary Report and, in cooperation with the Responsible Reporter, prepares a preliminary draft of the Resolution in the form set by the RGT. This is referred to as the ***First Draft Resolution***, being the draft that will be debated at the Study Committee Meeting. In preparing the preliminary First Draft Resolution, the Study Committee Leadership should have regard to the following.
 - (a) A Resolution of AIPPI is a consensus based policy statement reflecting AIPPI's view on what the position relating to the subject matter of the Study Question should be.
 - (b) A Resolution should be clear and concise.
 - (c) The First Draft Resolution should reflect the scope of the Study Question and/or matters canvassed in the NRG reports (Relevant Scope) and should not cover matters outside the Relevant Scope.
 - (d) The First Draft Resolution should aim to take a position on the most important matters within the Relevant Scope.
 - (e) The Study Committee Leadership should not shy away from proposing bold positions (which may be put in the alternative) for debate within the Study Committee prior to the Congress and at the Study Committee Meeting.

- 6.2. The Study Committee Chairperson must circulate the preliminary First Draft Resolution to the Study Committee no later than two weeks prior to the Study Committee Meeting, inviting comments within a specified period. All Study Committee Members should:
 - (a) consult with their respective NRGs in relation to the preliminary First Draft Resolution; and
 - (b) provide any comments on the preliminary First Draft Resolution to the Study Committee Chairperson within the time period specified by the Study Committee Chairperson.
- 6.3. Following any comments, and such further correspondence and/or discussion as may be desirable, the Study Committee Leadership, in consultation with the Responsible Reporter, prepares a revised version of the First Draft Resolution incorporating such amendments as the Study Committee Leadership in its discretion decides to include (***Revised First Draft Resolution***). The Revised First Draft Resolution must be circulated to the Study Committee no later than two days prior to the Study Committee Meeting. The Study Committee Leadership must be able to explain at the Study Committee Meeting what discretion it exercised in preparing the Revised First Draft Resolution, and why. Amendments not incorporated in the Revised First Draft Resolution may be proposed again and debated at the Study Committee Meeting.
- 6.4. Prior to the Study Committee Meeting, the Study Committee Leadership makes arrangements with Study Committee Members who are native speakers in French, German and Spanish respectively (or with NRGs with such native speakers) to be available to make such translations of the draft Resolution as are described further below.

7. Study Committee Meeting

- 7.1. The purpose of the Study Committee Meeting is to debate the Revised First Draft Resolution so it can be further refined, by consensus of the Study Committee, for debate at the Plenary Session.
- 7.2. The Study Committee Chairperson chairs the Study Committee Meeting, and is responsible for the orderly running of the Study Committee Meeting.
- 7.3. The Responsible Reporter generally attends the Study Committee Meeting and may speak at the Study Committee Meeting. The role of the Responsible Reporter is to assist the Study Committee Leadership as required.
- 7.4. Study Committee Members may speak and (subject to 7.5 and 7.6 below) vote at the Study Committee Meeting.



- 7.5. Members of the NRGs other than their designated Study Committee Members may attend the Study Committee Meeting as observers. However, only the Study Committee Member for an NRG may vote at a Study Committee Meeting, irrespective of how many other members of that NRG attend the Study Committee Meeting as observers.
- 7.6. If the Study Committee Member cannot attend part or all of the Study Committee Meeting, that Study Committee Member may nominate another member of their NRG as the voting member of the Study Committee (**Alternate**), provided prior notice is given to the Study Committee Leadership and the Responsible Reporter. Thereafter, the Alternate will be considered the voting Study Committee Member for their NRG.
- 7.7. The Study Committee Leadership may vote at the Study Committee Meeting as Study Committee Members representing their respective NRGs, but may nominate an Alternate, in which case, that member of the Study Committee Leadership:
 - (a) must announce their Alternate to the Study Committee Meeting; and
 - (b) may not vote at the Study Committee Meeting.
- 7.8. In addition to 7.5 above, any other Congress attendee may attend the Study Committee Meeting as an observer. Any observer may, on the invitation of the Study Committee Chairperson, speak at the Study Committee Meeting.
- 7.9. No observer may vote at the Study Committee Meeting.
- 7.10. At the beginning of the Study Committee Meeting, the Study Committee Chairperson introduces the Study Committee Leadership, the Responsible Reporter and the Plenary Chairperson (if present), and asks that:
 - (a) all attendees identify themselves by name and NRG (if relevant);
 - (b) all Study Committee Members identify themselves as being the sole representative of their NRG are entitled to vote at the Study Committee Meeting.
- 7.11. The Revised First Draft Resolution is projected overhead in the Study Committee Meeting. The Revised First Draft Resolution is debated paragraph by paragraph. Any amendments in respect of the Revised First Draft Resolution should be concrete proposals, made by way of proposed deletions of, or amendments or additions to, existing text.
- 7.12. The Secretary types all proposals for amendments to the Revised First Draft Resolution in mark-up, as proposals are received.
- 7.13. The Study Committee Chairperson must ensure that Study Committee Members have an opportunity to express their opinions on the Revised First Draft Resolution, having regard to the need for concrete proposals as described in 7.11 above.

- 7.14. It is the responsibility of Study Committee Members to ensure that their NRGs are informed about progress on the Revised First Draft Resolution, so that their NRG can, if desired, adopt an agreed position in the course of the debate. It is not acceptable for Study Committee Members to be absent for part of the Study Committee Meeting and then seek to bring about amendments to a matter already discussed and approved in the Study Committee Meeting, unless approved by the Study Committee Chairperson.
- 7.15. The Study Committee Leadership generally observes the Rules of Debate, but the Study Committee Chairperson may exercise such discretion in the application as is suitable for the less formal environment of a Study Committee Meeting. In particular, the Study Committee Chairperson may exercise discretion in deciding when to limit discussion or put any matter under debate to a vote.
- 7.16. However, the Study Committee Chairperson must propose a vote on each proposed paragraph, and the proposed Resolution as a whole. It is the responsibility of the Study Committee Chairperson, in consultation with the Study Committee Leadership, to ensure that the wording of the Second Draft Resolution is clear and concise.
- 7.17. When a vote is to be taken, the Study Committee Chairperson must remind the Study Committee that:
- (a) counts will be taken of votes for, and votes against, the matter put to vote, as well as any expressed abstentions;
 - (b) the matter put to vote is determined by a simple majority; and
 - (c) for the purpose of determining that majority, an expressed abstention is regarded as a vote against.
- 7.18. At the conclusion of the Study Committee Meeting, the Study Committee Leadership prepares, in consultation with the Responsible Reporter, a form of the Resolution that is, as far as possible, approved by the Study Committee Members present at the conclusion of the Study Committee Meeting (**Second Draft Resolution**). Where substantial agreement cannot be reached, the Study Committee Leadership must include in the text of the Second Draft Resolution any substantive alternative proposals discussed at the Study Committee Meeting.
- 7.19. As soon as possible after the Study Committee Meeting, the Study Committee Leadership ensures that:
- (a) accurate translations of the Second Draft Resolution are prepared in French, German and Spanish, and in good time to be available at the Plenary Session; and

- (b) all language versions are provided promptly and as they become available to the General Secretariat (studyreports@aippi.org).

The English version of the Second Draft Resolution is the governing version.

- 7.20. Prior to the Plenary Session, it is the responsibility of Study Committee Members to explain the Second Draft Resolution to their NRGs in order to avoid opening matters fully debated and in relation to which consensus or a strong majority was reached in the Study Committee Meeting.

8. Plenary Session

- 8.1. Prior to the Plenary Session, the Study Committee Leadership, the Plenary Chairperson and the Responsible Reporter should confer to prepare for the Plenary Session.
- 8.2. The Study Committee Leadership and the Responsible Reporter sit with the Plenary Chairperson on stage at the Plenary Session. The other Study Committee Members sit in the audience. The Second Draft Resolution is projected overhead in the Plenary Session.
- 8.3. The Plenary Chairperson opens the Plenary Session by introducing the Study Committee Leadership and the Responsible Reporter.
- 8.4. The Responsible Reporter presents the main points of the Study Question and the Summary Report, taking no more than 10 minutes.
- 8.5. The Study Committee Chairperson provides an overview of the development of the Second Draft Resolution, taking no more than 10 to 15 minutes.
- 8.6. The Plenary Chairperson then explains the Rules of Debate, and in particular, the effect of abstentions as set out in 7.17 above. It is also important that the Plenary Chairperson explains that:
 - (a) any person present may speak; and
 - (b) any speaker must state:
 - (i) their name;
 - (ii) their NRG (if applicable);
 - (iii) whether they speak on behalf of their NRG or in a personal or other capacity; and
 - (iv) whether they propose any, and if so what, amendments to the Second Draft Resolution;
 - (c) that only delegates to the Executive Committee of AIPPI may vote at the Plenary Session.

- 8.7. The Plenary Chairperson then opens debate on the Second Draft Resolution. The Second Draft Resolution is debated paragraph by paragraph. The Plenary Chairperson introduces each substantive paragraph of the Second Draft Resolution, in each case inviting the Study Committee Chairperson to introduce and speak to that paragraph. Following any explanation from the Study Committee Chairperson, the Plenary Chairperson invites speakers from the floor, at all times observing the Rules of Debate. Any member of the Study Committee Leadership and the Responsible Reporter may respond to speakers from the floor at the invitation of the Plenary Chairperson.
- 8.8. The Secretary types all proposals for amendments to the Second Draft Resolution in mark-up, as proposals are received.
- 8.9. The Plenary Chairperson must propose a vote on each paragraph of the Second Draft Resolution and the Second Draft Resolution as a whole. It is the responsibility of the Plenary Chairperson, in consultation with the Study Committee Leadership, to ensure that the wording of the Second Draft Resolution is clear and concise.
- 8.10. At the conclusion of the Plenary Session, the Study Committee Leadership, in consultation with the Responsible Reporter, makes any edits to the text of the Second Draft Resolution so it conforms to that approved in the Plenary Session (***Plenary Approved Resolution***).
- 8.11. As soon as possible after the Plenary Session:
 - (a) the Study Committee Leadership ensures that accurate translations of the Plenary Approved Resolution are prepared in French, German and Spanish, and in good time to be available at the ExCo Session at which the Plenary Approved Resolution will be presented for adoption by the Executive Committee; and
 - (b) the Study Committee Leadership ensures that all language versions are provided promptly to the General Secretariat.
- 8.12. The English version of the Plenary Approved Resolution is the governing version.

9. Adoption of an AIPPI Resolution

- 9.1. The Reporter General presents the Approved Plenary Resolution for adoption by the Executive Committee.
- 9.2. The Plenary Chairperson and Study Committee Members (including the Study Committee Leadership) sit in the audience.
- 9.3. In general, the Reporter General or the Responsible Reporter will address any questions from the floor, but may call upon the Plenary Chairperson or the Study Committee Chairperson as appropriate.

- 9.4. Once the Approved Plenary Resolution is adopted, it is a **Resolution** of AIPPI.
- 9.5. If requested, the Study Committee Leadership approves any final proofing of the Resolution before publication.

10. Final steps

- 10.1. As soon as possible after the Plenary Session, but in any event no later than one week after the Congress, the appointed Co-Chairperson provides the Plenary Minutes to the General Secretariat.
- 10.2. As soon as possible after the Plenary Session, but in any event no later than one week after the Congress, the Secretary provides the Secretary's Report to the General Secretariat. The Secretary's Report should focus on the key points of the Resolution, areas of consensus and controversy in reaching the Resolution, and the effect and impact of the Resolution on the status quo. It should be no more than approximately 450 words or one A4 page.
- 10.3. Once the Secretary's Report has been finalised and the Plenary Minutes provided to the General Secretariat, the Study Committee is dissolved.

Reporter General

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