1. **Quorum and approval of agenda**

Ronald E. MYRICK, President of AIPPI (United States), declared the meeting open at 09.15 and welcomed the Delegates and Members of Honour present. Mr MYRICK declared a quorum had been established. The meeting voted with approval to adopt the stated agenda.

2. **Recognition of new National/Regional Groups**

Stefan FREISCHEM, Deputy Secretary General (Germany), announced that he had the most pleasant duty to present a new National Group from Turkey for recognition by the Executive Committee. Mr FREISCHEM noted that he attended a meeting in Turkey in May 2007 with approximately 50 local IP professionals. The prospective Turkish National Group had prepared Statutes, which had been vetted by the Secretary General and found to be compliant with AIPPI's Statutes.

M. N. Aydin DERIS (Turkey) next spoke. Mr DERIS explained that after the local Statutes had been drafted over a three month period, and a Provisional Executive Committee had been elected in conformance with Turkish legal requirements regarding foundations. Mr DERIS explained that he is in attendance representing the Provisional Executive Committee as Provisional President, and has been accompanied by the Provisional Secretary. Mr DERIS further explained that this is the first association of its type constituted in Turkey and while still in the throes of being formally formed, much hard work had been undertaken by many people to get to this point. He felt that this was a positive start that was both democratic and harmonised.

Mr FREISCHEM asked the two Turkish observers to leave the room, then called for any comments or questions. No such discussion ensued, in which case Mr FREISCHEM called for a vote to recognise a Turkish National Group. The vote was passed near unanimously.

3a. **Approval of Accounts for the Year 2006 (AIPPI and AIPPI Foundation)**

Eiji KATAYAMA, Treasurer General (Japan), noted that three documents had been made available to the meeting, being an Auditors' Report for the Year 2006, an Auditors' Report for the AIPPI Foundation for the Year 2006, and a Budget for the Year 2007.

Mr KATAYAMA spoke about the results for 2006, noting that a surplus of 7,000 Swiss francs had been achieved rather than the budgeted deficit of 71,000 Swiss francs. He explained that this was due to the late hiring of an Executive Director, although there also was a significant component due to Bureau travel expenses and the cost of the joint AIPPI/ASIP Meeting in Buenos Aires.

Gunnar BAUMGÄRTEL, Chairman of the Finance Advisory Committee (Germany), said that the FAC recommends acceptance of the Year 2006 accounts.
Örjan GRUNDÉN, Member of Honour (Sweden), noted that the accounts include recommendations by the Auditors, particularly regarding an increase in the outstanding debtors, and asked what the Bureau was intending to do about this recommendation.

Michael J. BRUNNER, Secretary General (United Kingdom), explained that the increase is due to the National Groups being late in paying subscriptions and in the cost of postage of the Year Book. He commented that it is difficult to enforce such debts, rather that the General Secretariat has to continue to chase collections in the hope of having not to write-off such debts. He added that it was the National Groups who should improve their performance in meeting their debt obligations.

Mr KATAYAMA then spoke to the Balance Sheet, included in the available documents.

Mr MYRICK then moved for a vote to approve the Accounts for the Year 2006 for both AIPPI and the AIPPI Foundation. This motion was approved by a large majority.

3b. Approval of the Auditors
Mr MYRICK moved for a vote on approving the appointment of the present Auditors, Argo Consilium. This motion was approved by a clear majority.

3c. Annual Subscriptions
Mr KATAYAMA spoke of a likely result for the Year 2007 by way of a surplus of approximately 80,000 Swiss francs, which he explained was due in large measure to a surplus generated by the Congress in Sweden, realising approximately 300,000 Swiss francs. Mr KATAYAMA then turned to the Year 2008 budget and mentioned the contributions of the policy to increase AIPPI’s influence and membership, and the increased travel of the Bureau and the costs of an Executive Director. He said that a deficit of approximately 660,000 Swiss francs was predicted, however measures were being taken by the Bureau to decrease expenses and hopefully realise a lesser deficit of about 400,000 Swiss francs.

Mr KATAYAMA then introduced the proposal of an increased subscription, and how increased memberships scenarios as that would affect income. He also noted that the present subscription of 130 Swiss francs was introduced in 1998, and allowing for inflation to the present day, this equates to 158 Swiss francs. In view of these factors, and on behalf of the Bureau, he proposes an increase in the subscription to 160 Swiss francs. At current membership levels this would result in a deficit of about 150,000 Swiss francs, however, if the membership increased to the target levels, then a surplus of approximately 100,000 Swiss francs could be achieved.

3d. Budget 2008
Mr KATAYAMA explained that he had discussed the Year 2008 budget with the FAC, and reintroduced Mr BAUMGÄRTEL.

Mr BAUMGÄRTEL thanked the Treasurer General for his thorough and balanced report and introduced by name those members of the FAC present. He said that even with an increase in subscription, and assuming that there is no increase in the membership, there is still a need to study the budget more carefully. He instanced:

- the cost of salaries and office rental in the General Secretariat is approximately 935,000 Swiss francs, which is a substantial increase over the year 2006, noting the additional significant cost of the Executive Director.

- travel expenses have been budgeted at 350,000 Swiss francs which is an increase from 160,000 Swiss francs budgeted in 2006. These increases are based on a
decision of the EXCO to hire an Executive Director and for the Association to have greater profile.

He asks: Can we afford these costs? The General Secretariat’s services to membership, especially printing and mailing of the Newsletter and Year Book represent approximately 15% of the budget and there is a need to drastically reduce these costs, to be facilitated by an improved database and sourcing printing from outside of Switzerland. He believes that it is not possible to rely on an increase in membership, and the FAC wants to know from the Bureau how it will therefore increase revenue. Finally, he hopes that the Association’s assets can be maintained at their current level.

Mr MYRICK, in reply, said that the Bureau has recognised these issues and is looking at other opportunities to increase revenue. He acknowledges that expenses have increased, but this is on a mandate of the EXCO. Mr MYRICK added that the Bureau is stable in its numbers and has probably exhausted visits to the National Groups and therefore it is not likely that there will be an increase of travel expenses in the year 2008 and beyond. As to postage, the Editorial Advisory Committee has recommended an increase in the frequency of the Newsletter, meaning that there is potentially an increase in printing costs, however an electronic Newsletter is proposed, which would eliminate costs of 100,000 Swiss francs. Finally, in answer to what will be done to balance the budget if the number of members does not increase: the Bureau will consider this seriously; perhaps the cost of interpretation can be removed, with a saving of 90,000 Swiss francs.

Mr BAUMGÄRTLE asked about the possibility of increased travel costs if the Executive Director starts to travel; salaries are still high and there seems too little capacity to absorb additional travel costs.

Mr MYRICK answered that any travel by the Executive Director will replace the Bureau Members’ travel.

Bo DAVIDSSON (Sweden), speaking on behalf of the Swedish Group, said the Swedish Group is concerned about future costs. He believed the Bureau should explore income sources rather than increase subscriptions. Exhibition booths were a good source of income for the Congress in Gothenburg. Furthermore, an increase in the subscription probably will antagonise the project of increasing membership.

Mr BRUNNER replied that the subscription rate proposed simply follows inflation, and not to follow inflation represents a decrease in the subscription. The increase was therefore in the nature of a catch-up after nine years. He said that exhibitions and the like are seriously being studied, but noted that the Boston Congress will not see any income benefit flowing to AIPPI because of the contractual arrangements with the US Group, and therefore not much can be done in the Year 2008 in terms of income.

Martin LUTZ, President of Honour (Switzerland), observed that the Association cannot aim to increase visibility and cut the budget for printing and postage. Furthermore, he felt the Statutes should be amended to specifically provide that the subscription can be adjusted for inflation. In terms of the Executive Director, he recalled that in 1992 the Executive Committee imposed a requirement to hire an Executive Director, which had failed. He pointed out that the General Secretariat now has five full-time staff, and doubts that an Executive Director will serve a useful function. He believes the history has shown that
AIPPI cannot attract a “big shot” to the position and he proposes to strike the Executive Director from the Year 2008 budget until the role of that position is defined. This would bring an instant saving of 300,000 Swiss francs.

Mr MYRICK replied by saying there is simply too much for the Secretary General and Deputy Secretary General to do without the assistance of an Executive Director.

Mr BRUNNER added that the predecessor Executive Directors have had different roles, so the comparison with earlier incumbents is not fair. He believes the title “Executive Director” is probably wrong and is not meant to mean a Chief Operating Officer since the Association already has very competent staff in the General Secretariat. The Bureau has decided that an IP qualified person should be chosen. That person will need to travel to promote the Association, attending many NGO and GO meetings. He felt that the Executive Director should not add to travel costs, rather it was an exercise in switching costs by the Executive Director replacing Bureau Members.

Jochen BÜHLING, Reporter General (Germany), added that the Bureau is not looking for a highly paid Secretary. The Executive Director will also participate in the scientific work of the Association to facilitate the work of the Reporter General’s team. He added that relevance comes with visibility, and the excellent work product of the Association needs to be circulated and “sold” in many places. He feels that comparative studies and harmonisation proposals still have a place, but evermore AIPPI needs to sell the value of IP systems, which means effectively that political lobbying must be done. To have a voice an Executive Director is needed. The time required to execute AIPPI’s work is now too much for the volunteer members of the Bureau. Additionally, AIPPI needs to compete with other NGOs, of which there are an increasing number.

Mr LUTZ clarified that it did not mean the Association needed an Executive Director as specified in the past, rather there was a need to see what the new Statutes will provide as a different role is now being proposed and needs further thought. He reiterated his motion to exclude the Executive Director from the budget for Year 2008.

Mr BRUNNER replied by stating that the role of the Executive Director has been thoroughly defined in terms of the representation, technical and administrative duties of such a person. Indeed, this role has not materially altered over the past three years since the Bureau was mandated to engage an Executive Director.

Robert MITCHELL, Member of Honour (Canada), made an intervention to say that the role of the Executive Director had been discussed at length at both the Geneva and Gothenburg Congresses and been thoroughly considered by the Executive Committee already. He added that Q200 too has spent a lot of time looking at the position of an Executive Director and felt that it was not necessary for an Executive Director to be enshrined in the Statutes or Regulations; it was enough that the Association had the power to employ such a person.

Jorge OTAMENDI (Argentina) said that if Mr LUTZ’s motion was carried, then the Association will be constrained in what it can achieve. He said times had changed and while the wrong person had perhaps been chosen in the first instance, there was still a need for the position. He added that he supported an increase in the subscription.

Mr GRUNDÉN said he believed the goal to increase membership was still relevant. The subscription will have an effect on this goal and he believed an increase would put off new membership at the level of 160 Swiss francs, especially younger people and those from developing countries.
Peter PLESSNER, speaking on behalf of the Danish Group, supports the idea of hiring a new Executive Director and believes the Executive Committee should follow and support the Bureau’s recommendation.

Peter SIEMSEN, Member of Honour (Brazil), added that he too supported the Executive Director position. He said it was fundamental to have a full-time person and not to overburden volunteers. He added a motion that the Executive Committee reviews the rate subscription every two years for inflationary effect.

Marlies ALLEN, on behalf of the Nigerian Group, said that she agreed with both the fee increase, but asks about the cost of hotels at AIPPI’s meetings, which observed could be obtained for a 20% lower rate if booked privately.

Lu PUSHUN (China) agreed that an increasing influence of the Association is important, but asks how to achieve this. He said this can only be done by reliance on the Association’s work product and activity within the National Groups. We all need to do the work well. Additionally, he acknowledged that an increase in the subscription can be used to balance the budget, but if too high would tend to dissuade existing or new members. He said there was a need to find other sources of income and there should be cuts in the costs of the Bureau, particularly travel, and in the cost of printing. He further added that he had received many complaints about the performance of MCI as the central professional conference organiser. He believed the price had increased and the quality decreased, and that MCI should be terminated in this role.

Mladen VUKMIR (Croatia) observed that 29 groups have decreasing membership hence it is the trend to shed members, and asks whether this is perhaps not the best point in time to increase subscriptions, even if otherwise a reasonable correction. Furthermore, he noted that only 30% of the membership speaks the official languages, and asks why they get special treatment in the provision of interpretation with its associated costs. He said also that opposition of Executive Director seemed not to have worked and thus there is a need to proceed carefully.

Yoshio KUMAKURA, speaking on behalf of the Japanese Group, said that in Japan there is an unfavourable exchange rate between the Yen and the Swiss franc, so he was not in favour of the subscription increase. He believed that such an increase could not be passed on to members of the Japanese Group.

Mr MYRICK called for a vote on the motion of Mr LUTZ, which motion was defeated.

Mr MYRICK next called for a vote on the motion of Mr SIEMSEN, which motion was carried.

Mr MYRICK then put a motion to increase the subscription to 160 Swiss francs, which motion was carried by a large majority.

Mr MYRICK next put a motion that the Year 2008 budget be approved. David HILL (US) made a comment that he found voting on an unbalanced budget as being unusual. Mr KATAYAMA replied by saying that the budgets for the years 2006 and 2007 were in deficit, so nothing new has been proposed. Mr MYRICK put the motion to a vote, which motion was accepted by a large majority.

Mr BRUNNER, in reply to Mrs ALLEN and Mr PUSHUN, said that hotel costs under present arrangements were handled by the local PCO, and not MCI. He said that the block booking of rooms requires a single rate to be struck, and rates do change. If no block booking was made, then there could be no guarantee of a room. He added that mailing costs for the Year Book are charged to members, although there is a fixed cost for

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producing the Year Book. Lastly, since MCI has been involved as the CPCO, registration fees have decreased by between 20-30%.

Mr BRUNNER next mentioned an initiative of the Bureau concerning non-members wishing to attend the next and future Congresses. The Boston Organising Committee will facilitate a form of expedited/instant membership so that non-members can join on-site and then attend. The proposal is that twice the subscription fee be added to the registration costs for new members, and an amount corresponding to the single subscription fee would be returned to the General Secretariat. This arrangement would be made available to Americans, and other National Groups could opt-in, although he urged for such answers to be provided to the General Secretariat by 31 December 2007.

4. Amendment of Regulations, Rule 25.2 “Register of Members” and Rule 26.2 “Payment of Subscriptions”

Mr BRUNNER noted that a paper had been tabled dealing with the proposed Rule changes. No discussion of the Rule changes ensued.

Michel DE BEAUMONT (France) on the point of order, noted that the text of the Rule changes was not in the three official languages and that a vote could therefore not be taken.

Mr BRUNNER agreed with this intervention and postponed this item of business.

5. Approval of the Work of the Officers

Mr MYRICK called for any comments on this topic, of which there were none. Mr MYRICK put the motion that the work of the officers of the Association be approved by the Executive Committee, which motion was approved near unanimously.

6. Report Q197 - Editorial Advisory Committee

Esmé DU PLESSIS (South Africa) to give a presentation as Chair of Editorial Advisory Committee Q197. Mrs DU PLESSIS began by naming and thanking the members of her Committee. The EAC had submitted two reports to the Bureau in 2007. She pointed out that the full Reports of the EAC will be made available on the AIPPI website.

Mrs DU PLESSIS noted that some features of the dynamic new strategic plans for AIPPI were derived from recommendations made to the Bureau after her attendance at the 2005 WTO Ministerial in Hong Kong, namely reaching out to members and reaching a wider audience.

She said that the EAC has dealt with only phase 1 of its mandate concerning the Newsletter, and its format, contents, distribution, production and management. The EAC concluded that a single publication would not suffice. In that case, the EAC has recommended two separate publications with differentiated content, layout and ethos, and different distribution means. One such publication is to be a paper Journal, published both in paper and electronically.

The EAC felt that the current Newsletter’s content was adequate, however the Newsletter needs to be more frequent, requiring greater resources. There is a need to identify an Editor and establish editorial policy.

She said that the distinguishing features of AIPPI - represented by these publications - are that it is truly international, has coverage of the entire range of Intellectual Property Rights and has good relationships with GO and NGOs.
She advised that the Bureau had now conferred with the EAC, and the Bureau proposes to implement the electronic Newsletter as soon as possible, aiming for editions every two months. The next due edition of the Newsletter will be the last in printed form. Mrs DUMPLESSIS asked for the meeting’s view on the proposal of an electronic Newsletter. No such comments were received.

Mr MYRICK indicated that the Bureau supports the initiative of an electronic Newsletter and will so proceed. The proposed Journal will not be taken up as yet.

7. Report –Q200 – Statutes Committee
The Chairman of the Bureau Advisory Committee Q200 (Statutes), Robert MITCHELL, Member of Honour (Canada), commented that the Bureau has had many discussions with Q200 over the year, and he understood the Bureau supports the Committee’s proposals.

Mr MITCHELL explained the working methods of Q200, resulting in draft amended Statutes and Regulations. He indicated that no vote on the proposed amendments was being sought today.

Mr MITCHELL noted that he had made a full report earlier to the Council of Presidents. The proposed amendments dealt with governance of the Bureau, and particularly the role of the President and Vice-President. Q200 also had recommended the formation of new Committees, having led already to establishment of a Bureau Advisory Committee for Membership, designated Q201, which is to serve as a form of Ombudsman for the general membership. Additionally, a Communications Committee is proposed, which would take over from the present EAC Q197.

Mr MITCHELL reminded the meeting of the previous work of Q120, as dealt with particularly at a Council Presidents Meeting in Cape Town some years ago, leading to the establishment of the Nominating Committee. Q200 believes the choice of President and Vice-President decided by the National Group hosting the next, and next but one Congress is an anachronism; there is a need for a more democratic arrangement. The selection of the President and the Vice-President should be merit-based, meaning that persons coming from countries not having the infrastructure to hold a Congress could hold these positions. Q200 proposes that the Nominating Committee selects candidates for these positions, from which a number form the proposal of the Council of Presidents to then be elected by the Executive Committee.

He noted that the current Statutes provide that the President is the Chair of the Bureau and the public face of the Association. The Secretary General is the “CEO” of the Association since that person is responsible under the Statutes for administration.

Q200 has expressed a desire for greater geographical diversity for members of the Bureau. He emphasised the aspect of Q200’s report dealing with the role of the President in AIPPI as principally to provide leadership. He concluded by noting that Q200 felt the Assistants to the Reporter General and the Assistants to the Secretary General should be more adequately defined in the Statutes and Regulations.

Mr MYRICK commented that the coming year is one for discussion of the work of Q200, in which case the taking of questions were contemplated for today. The Bureau will publish a Paper in reply, and will move on implementing the work of Q200 before the Boston Congress.

8 Confirmation of Resolutions from Working Committees

Mr BÜHLING began by introducing the three Working Committees: Q193: Divisional, Continuation and Continuation in Part Patent Applications; Q194: The impact of Co-
ownership of Intellectual Property Rights on their Exploitation; and Q195: Limitations of Trade Mark rights.

Mr BÜHLING explained that the work of the Working Committees was an example of a change to the working methods, which had brought a change to the quality of the resolutions. Mr BÜHLING thanked all members of the Working Committees for their hard work and noted that Chairs and members had been very active in preparing resolutions. He explained that the Working Committees focus on preparing draft resolutions and noted that the draft resolutions had already been debated in EXCO.

Mr BÜHLING advised that the Q193 resolution had been fully adopted in EXCO and indicated that mere confirmation of the resolution was being sought today. He further explained that each of the Q194 and Q195 resolutions had one issue held over for today.

Nicolai LINDGREEN, Assistant to the Reporter General (Denmark), spoke next. He explained that the Q193 resolution was very similar to that set out in today's draft. He advised that a definition section had been built into the resolution in the EXCO session. He further advised that the good aspects of these types of patent applications were noted in sections (d) to (f) in the, so called "Noting" sections of the resolution and that the negative aspects were set out in sections (g) to (i).

Mr LINDGREEN then moved to discuss paragraphs 1-11 of the resolution. He explained that divisional applications are dealt with in paragraphs 1-6 of the resolution. He said that the resolution defines divisional applications narrowly and excludes applications filed with the same claim scope. He explained that applications filed with the same claim scope are called continuations.

Mr LINDGREEN noted that paragraph 5 of the resolution deals with the true consequences of new matter added to a divisional, i.e. matter not in the parent application. He explained that so long as the added matter is deleted afterwards, it does not render the whole application invalid.

Mr LINDGREEN then advised that what had just been said about paragraphs 2-6 of the resolution also applies to continuations.

Mr LINDGREEN next commented that there had been consensus that patent offices should expedite steps in relation to these types of applications to reduce delay and legal uncertainty. He explained that this had been dealt with in paragraph 8 of the resolution which had been inserted during the EXCO session.

Mr LINDGREEN then said that paragraph 9 of the resolution had been the most controversial part at the EXCO session. He explained that paragraph 9, which deals with possible restrictions as to time of filing of continuation applications, had been heavily debated. The debate resulted in a vote which led to an amended wording for the paragraph. According to the amended wording, the possibility of time limits only applies to continuation applications.

Mr LINDGREEN announced that there was a motion by the Belgian Group to amend paragraph 9 to adapt wording to include limitations to timing of divisional applications. He noted that this suggestion had been voted down at EXCO and debated in RGT. He urged the assembly not to entertain this. Mr BÜHLING added that he thought this point had been overcome. He said that he did not want to re-open it and that it should not invoke a fresh discussion.

David HARRISON (UK) commented that the Committee should not re-debate this and pointed out that the current group of people was the same as at EXCO. He then raised a
drafting point, suggesting to include paragraph 9 in paragraph 7. He commented that paragraph 9 had been there in the first draft and that he had given the proposed wording to Mr LINDGREN.

Fernand DE VISSCHER, speaking on behalf of the Belgian Group, explained that their proposal was not discussed as such. He said that the debate focused on hypotheses regarding abuses with divisional applications. He explained that all that was proposed was to open the door regarding the possibility of abuse in relation to divisional applications. He commented that (g) and (h) of the resolution deal with divisional applications and observed that paragraph 9 sets out conditions appropriate for continuation applications. He said that there was an inconsistency between paragraph 8 and 9 of the resolution and queried whether APPI was satisfied with this. He indicated that the approach was incoherent and that APPI was blind to the realities.

He noted that AIPPI has experience of misconduct by patentees of delaying filing to go after infringers or to achieve examination a second or third time. He also noted that long patent applications amounting to more than 100 pages represent potential scope for misuse. He felt that divisional applications should not be excluded from paragraph 9 and noted that there were difficulties in defining the hypotheses/rules. He proposed to have wording which is not too restrictive and which does not exclude divisionals. He added that he had spoken to several people including the Chairman of the Working Committee about this.

Mr BÜHLING commented that this issue had already been debated at length. He felt that there was not a clear majority to say that explicit wording on divisionals should be included. He observed that the wording of the resolution did not suggest the possibility of abuse and said that he did not feel it was necessary to go into this debate again.

Mr BÜHLING called for a vote on the suggested amendment to paragraph 9. This motion was rejected. The results of the vote were:

Yes – 77
No – 93
Abstain – 7

Mr BÜHLING then called for a vote on the confirmation of the resolution as a whole, which motion was approved by overwhelming majority. The results of the vote were:

Yes – 160
No – 10
Abstain 6

Mr BÜHLING commented that the resolution was very meaningful and thanked the Committee and EXCO.

Dariusz SZLEPER, Deputy Reporter General (France) spoke next. He explained that the Q194 resolution was the same as the one discussed at EXCO yesterday, save for the wording in the preamble relating to the co-ownership of IPR which had been proposed by the Swedish Group.

Mr Steffen NAUMANN (France) proposed an amendment to paragraph 4 (c) of the resolution relating to copyright. This had been defeated yesterday by a 52% majority.

Mr NAUMANN accepted to withdraw. Therefore there was nothing to add to the resolution.
Mr SZLEPER explained that the paragraphs relating to assignment and use of IPR as collateral/security involved a lot of issues for study in relation to co-ownership, types of licences, origin of co-ownership etc. He said that AIPPI will recommend further study on these issues and ask EXCO to obtain a recommendation from the Programme Committee on what is the correct forum for further study.

Margaret DOBROWITZSKY speaking on behalf of the US Group urged delegates to vote no to the Q194 resolution. She said that the Q194 resolution states that one co-owner must have consent from other co-owner to grant licences. She noted that this does not allow for a co-owner to have products made by sub-contractors without consent from other co-owners. She observed that each co-owner should be able to a) licence; and b) subcontract manufacture without consent. She felt that the default position should be to allow co-owners to proceed to commercialise without consent and commented that "Not to be unreasonably withheld" was not a good enough caveat. She said that the US Group would vote against Q194.

Mr BÜHLING replied by saying that this had been fully debated yesterday and that the debate should not be re-opened.

Wouter PORS (the Netherlands) intervened by saying "here we go again" and commented that this was the third time this issue had been raised. He noted that the only issue remaining is whether there is a need for consent for licensing and assignment. He further explained that there was no consensus on “have made" rights, sub-contracting etc – and noted that this was also a subject for further study. He then proposed to support the resolution.

Mr BÜHLING moved to formal approval of the resolution, which motion was approved by overwhelming majority. The results of the vote were:

Yes – 141
No – 37
Abstain – 5

Thierry CALAME, Deputy Reporter General (Switzerland), spoke next. He said that he would be very brief on the Q195 resolution adopted in EXCO. He explained that the initial title "Limiting Trademark Protection" had been changed to "Limitation of Trademark Rights" as the resolution was not about registerability or protectability.

He then explained that the wording at the start of paragraph 1 and in subsequent paragraphs had been changed in EXCO to "exclusive rights of the trademark owner" rather than “trade mark rights”. He further noted that in relation to paragraph 3(g) there had been clear consensus on ensuring that trade mark use by a third party that indicated compatibility and which could not be replaced by another means of indicating compatibility and which could not be replaced by and other means of indicating compatibility should be allowed.

He explained that the wording at 3(g) had not made grammatical sense in English and had therefore been re-drafted. He said that he hoped the wording still captured what was agreed.

Mr CALAME then noted that the additional insert in paragraph 4 regarding the fact that prior use must be "bona fide" had been accepted at EXCO. He explained that Mr OTAMENDI of the Argentinean Group had requested that the EXCO should first deal with if there should be a prior user right/defence. Next, EXCO should deal with the second aspect, namely how prior use defence/rights should be implemented.
Mr CALAME then noted that the text in paragraph 4 had been adopted yesterday at EXCO but only by 50%. It had therefore been decided to defer the question and look at it from a drafting perspective.

Mr CALAME commented that the new text captured Mr OTAMENDI’s proposal and that he is content with it. Mr OTAMENDI confirmed this.

Mr BÜHLING commented that the resolution reflects what was intended by the EXCO vote and then moved to vote on the resolution without the text in square brackets. This motion was approved by an overwhelming majority.

The results of the vote were:
Yes – 174
No – 7
Abstain – 3

Mr. BÜHLING thanked everyone on the Committees and the Chairs and commented on the good, positive progress of AIPPI on these questions. He also thanked all members of RGT.

Thierry SUEUR, Chair of the Programme Committee (France), congratulated the RGT on the excellent work and said that the Programme Committee will examine the resolutions for follow up work. He noted that for Q193, issues relating to abuse of divisionals had to be considered further. He also noted that Q194 raises issues in relation to co-ownership and explained that there were recommendations for further study. He said that Q194 was short on anti-trust issues and that a special committee or workshop on this topic should be considered for Boston.

He noted that other questions for the Boston Congress were:

- **Q202**: Impact of Public Health Issues on Patent Rights. Mr SUEUR commented that the question was difficult and that significant work on this should be expected.
- **Q2003**: Damages for Trade Mark Infringement Through Piracy and Counterfeiting.
- **Q204**: Contributory Liability. Mr SUEUR noted that there were recommendations to define "contributory infringement" narrowly.
- **Q205**: Exhaustion of IPR – recycling/repair. Mr SUEUR commented that a definition of recycling was needed.

Mr SUEUR concluded by saying that the Buenos Aires questions will be prepared soon. He invited all members to contribute and asked for ideas to be provided to the Programme Committee.

4. **Amendment of Regulations …… resumed**

Mr BRUNNER noted that the proposed amendments to the Rules as discussed earlier in the day were now available in the three official languages. Mr BRUNNER moved for a vote on whether the amendments could be taken together, and this motion was approved by a large majority. Mr BRUNNER then moved a motion that the amendments be approved, which motion was approved by a large majority.

9. **The Election of a Replacement Assistant to the Secretary General**

Mr Brunner explained the circumstances leading to the reluctant resignation of Bertrand MICHELI (Switzerland) as an Assistant to the Secretary General. Mr MICHELI's
resignation has led to Mr FREISCHER, as Deputy Secretary General, assuming responsibility for the Association’s meetings.

The Bureau has consulted with the Nominating Committee and with the Council Presidents regarding a replacement for Mr MICHELI. The candidate, Renata RIGHETTI (Italy) has agreed to serve if elected. Mr BRUNNER moved the motion that Mrs RIGHETTI be elected as an Assistant to the Secretary General, which motion was approved near unanimously.

Mrs ALLEN asked that Mrs RIGHETTI identify herself. Mrs RIGHETTI rose to the acclamation of the meeting.

Alain GALLOCHAT, Chair of the Nominating Committee (France), presented a report. Mr GALLOCHAT began by saying that he was pleased for Mrs RIGHETTI to join the Bureau, but sad that she will now leave the service of the Nominating Committee.

Mr GALLOCHAT said there had been excellent cooperation between the Nominating Committee and the Bureau in working together for the good of the Association. He named and thanked the members of the Nominating Committee who he said were active, enthusiastic and participative members of that Committee. He reported that the Nominating Committee has been active in meeting requests to make nominations for the Program Committee, an Assistant to the Secretary General and various Bureau Advisory Committees. He said that the Nominating Committee would be happy to take on expanded tasks according to the proposed Statutes and Regulations.

Mr GALLOCHAT pointed out that there are a small number of positions for election at the Boston Congress, but a larger number subsequently at the Paris Congress. He asked the meeting to bear this in mind. Mr GALLOCHAT concluded by saying that the Association needs competent people, and that geographical diversity, professional (sectorial) diversity and subject matter diversity must all be taken into account. As far as possible, he hoped to encourage women and younger members to take leadership roles in the Association. While age brings experience he felt that relatively young people are still needed to take positions to learn, contribute and serve the future of the Association.

10. Forum/Executive Committee Meeting 2011 – Presentations and vote
Mr BRUNNER explained that the Bureau had followed the due procedure to request interested National Groups to invite AIPPI to hold an Executive Committee Meeting in their country in the year 2011. Four offers had been received, and each meets the technical relevant requirements.

There followed presentations from the four National Groups being, in order:

- Pravin ANAND of the Indian Group for the city of Hyderabad
- Argis BITANIS of the Latvian Group, for the city of Riga
- Karen ABRAHAM of the Malaysian Group, for the city of Kuala Lumpur
- Charles GIELEN of the Dutch Group, for the city of Amsterdam

After four rounds of voting, the Executive Committee awarded the Executive Committee Meeting for 2011 to the Indian National Group for the city of Hyderabad.
11. Miscellaneous
Phil SWAIN (United States) as Chair of the Boston Organising Committee made a presentation regarding the Congress to be held in 2008. Mr SWAIN emphasised the location, climate and history of the host city Boston. He presented the facilities of the new Boston Convention and Exhibition Centre. He said that the Organising Committee had secured the best low price hotel costs, and was aiming for a low registration fee. He also emphasised the "instant membership" proposal upon registration (requiring National Groups to opt-in).

Manuel SOTO (Mexico) invited the members present to attend a joint ASIPI/AIPPI/IPO Seminar in Mexico City in April 2008. Mr SOTO outlined a little of the environs of Mexico City and said the topics and social program were well-planned. He encouraged people to attend the Seminar and become a friend of Mexico City!

Thierry MOLLET-VIÉVILLE, Vice-President of AIPPI (France), introduced a Symposium to be held in Cairo in late 2007. Mr MOLLET-VIÉVILLE explained the topics for the Symposium are directed to challenges for developing countries in intellectual property rights and systems. The Symposium was to be jointly organised by WIPO/AIPPI and the Egyptian Ministry of Trade and Industry. He mentioned that a number of members of the Bureau will attend to make presentations. He indicated that Hoda SERAGELDINE, President of the Egyptian National Group, has been very active in organising this event.

Luis-Alfonso DURÁN, Member of Honour (Spain), as Chairman of the Membership Advisory Committee Q201, next addressed the meeting. Mr DURÁN explained that this Committee was only newly constituted and had now met for the first time during the course of the EXCO Meeting. He asks why AIPPI is not attracting enough members? He agrees there is a need to grow, but observes a lot of talk without results. He believes the need is to take action which the Bureau has done, in his view, in constituting Q201, but urges that this is the responsibility of the National and Regional Groups too. He requests the National and Regional Groups to look for ways for increasing membership in their own group.

12. Investiture of New Member of Honour
Mr MOLLET-VIÉVILLE advised the meeting that the Committee of Presidents has decided to appoint Charles GIELEN (The Netherlands) as a Member of Honour. He said that Mr GIELEN has been a long-serving President of the Dutch National Group. He has had a long career both professionally and in AIPPI. His qualifications include a Doctorate in Law and an appointment as a Professor of IP Law. He also is a Patent and Trade Mark Litigator, has written several books and more than 50 articles. He is a Councillor to the Dutch Government. In AIPPI he has been serving as the Chairman of Q114 (Biotechnology) and also on the Program Committee. Mr GIELEN has served in other sister Associations as well.

Mr MOLLET-VIÉVILLE said that Mr GIELEN is a very deserving winner of the Member of Honour Award and hopes Mr GIELEN will continue to serve AIPPI and give us his friendship.

Mr GIELEN next spoke, and said it was a great honour indeed to belong to a small group of esteemed colleagues who were holders of this prestigious award. He also felt the award was an honour and compliment to the Dutch National Group. Mr GIELEN paid tribute to his professional mentors, going back as far as an AIPPI Meeting in Munich in 1973. He said that he remains enthusiastic to serve AIPPI and finds the scientific work of the Association very satisfying, and also values the great friendships he has gained. He said the challenge for the Association is obvious: it needs to be more creative and should involve more younger people. He concluded by saying he was deeply appreciative of receiving this honour.
13. Closing Speeches
Mr MYRICK commented that he finds AIPPI a truly wonderful world. He expressed his thanks to the people of Singapore and to the Singapore Organising Committee. He asks that any comments regarding the work of Q197 and Q200 be sent to the General Secretariat quickly. Finally, he noted that another aspect under consideration by the Bureau was the admission of observers to Executive Committee Meetings, for example attendees of the companion Forum.

Mr MYRICK declared the meeting closed at 17.00.