

# 2021 - 2023



## AIPPI STRATEGY

The purpose of this document is to summarise AIPPI's strategic objectives during the 2021-23 timeframe.



# 01

## **Extending reach of AIPPI during and after the pandemic**

When many have been isolated and opportunities for a collegiate exchange of views have been extremely limited, keeping members in touch during the pandemic has never been more important. To this end, AIPPI has offered attendance to the 2020 Online Annual Congress (exceptionally) as well as a number of webinars at no cost to members. Post-pandemic, there is no reason to not continue with targeted webinars when warranted, e.g. on:

- Internationally significant hot topics and updates on developments
- Thought-provoking presentations designed to initiate discussion in national and regional groups on different areas of IP law

A key advantage of these webinars is that they enable members to reach a global audience, much greater than that enabled by webinars and meetings organised by national and regional groups.

It goes without saying that AIPPI is focussed on returning to in-person Annual Congresses as soon as that is possible (especially when, during the pandemic, members have in many cases been overloaded with webinar-based content). However, occasional webinars every now and then provide a complementary addition by allowing members to stay in touch on an international level between Annual Congresses.

AIPPI is also considering various other forms of online meetings, to better allow members to stay in touch in between Annual Congresses.

## Broadening the range of discussion

A benefit of AIPPI has always been that its Annual Congresses bring members together, at which they can informally share and exchange views on not only developments in the law, but also on IP practice management, the impact of technology, prosecution platforms, etc. During the pandemic, there was no option but to provide opportunities for these discussions virtually, e.g. at certain virtual round tables at the 2020 Online Congress. It is envisaged that occasional online discussions to provide training and information sessions on current practice management could continue post-pandemic. This could include e.g.:

- Changes brought about by COVID 19, and how IP practice may adapt to the new challenges
- Changes brought about by technology, how IP practices may adapt and if suitable embrace automation e.g. social listening, global prosecution platforms etc.

The continuation of such discussion appears a worthwhile endeavour, because it allows the members of the association to stay more closely in touch, also in between Annual Congresses.

A number of issues, e.g. social listening, involve the consideration of ethical issues which AIPPI will be ready to comment on provided that a sufficient consensus of views is achieved within the association. Similarly, automated global prosecution platforms involve consideration of concerns about whether rights to represent clients before IPOs have been circumvented, and whether automated systems can be said to comply with such requirements. These are all facets of modern IP practice which AIPPI cannot shy away from, and to assist with the development of a consensus on these topics, online discussions (and discussions during Annual Congresses) will be a valuable tool.

# 03

## Harmonisation and improvement of substantive IP laws

Over the last century, it has been AIPPI's objective to seek to harmonise IP laws to provide for a more consistent, predictable and uniform legal environment especially for international businesses. This effort has been very successful, but it may not always fully solve problems that accompany modern businesses and systems, which put new pressures on traditional legal frameworks, e.g.:

- The protection of intellectual creativity, in connection with online and streaming distribution of musical and video content
- The protection of intellectual creativity, in connection with the assembly and creation of large data sets which underpin the operation of AI systems
- The identification of IP protection mechanisms more appropriate to e-commerce platforms

AIPPI would like to move to the next level and consider whether the improvement of laws can assist with more effective protection of the products of intellectual creation where traditional approaches have become over-complex, relatively cumbersome and multi-layered which can be both expensive to enforce and expensive to defend against.

For example, copyright laws, first conceived several hundred years ago to protect intellectual creation in written and artistic works now find themselves shoehorned into a new role which is to protect musical and video works through online exploitation. The complexity of using traditional IP laws to protect new media works results in greater costs, which can itself create barriers to effective protection.

Similarly, the protection of large volumes of data, e.g. in AI systems, can be challenging using patents/copyrights/database rights. The data itself is mundane, being just binary ones and zeros, and the generation of data using neural network training can often be automated to large extent in the right conditions and thus the creation of the dataset might not even be carried out by a human. Identifying the protectable creative input is a difficult process and the IP protection should follow the identification of the creative input, rather than specific forms of IP being adapted to protect various aspects of the result of creation.



## Additional opportunities for a stronger voice

AIPPI's position has been one of the strongest in the IP sector, with substantive Resolutions being arrived at, and distributed and advocated at IP offices and governments around the world. However, there are further opportunities to advocate AIPPI's positions, including through amicus curiae submissions/neutral third party interventions.

04

Interventions are not always possible, and not all courts accept third party observations. However, in the past year AIPPI has intervened in the EPO in the context of double patenting and there is clearly more that can be done in that arena. This is a useful activity for AIPPI since new laws can be developed not only through the codification of laws following a Resolution, but also as a result of advocating a position and the development of case law that reflects AIPPI's positions.

AIPPI has an operational Amicus Brief Committee as well as a large collection of operational Standing Committees. Together with the co-ordination of the Reporter General Team, these committees have proven in the past that they can produce amicus briefs and interventions, and are capable of increasing activity in this area going forward.

## More engagement with the IP community

05

AIPPI intends to adopt more popular and efficient formats and approaches in disseminating information and materials in order to increase and modernise our online presence. For example, a more active use of social media, also on a more rapid basis to enable AIPPI to lead with "rapid reaction" messaging on developing topics (the recent TRIPs waiver paper and communication around that being a good example).

It is a reality now that conventional ways of distributing information are not enough. Twitter feeds, social media-distributed content and other electronic formats may well be the most popular and most well-followed content. This is therefore where AIPPI needs to be as well.

The electronic distribution of content will also assist with educating the public about IP, innovations and cultural development so as to extend AIPPI's influence outside of its membership and even outside the sphere of IP stakeholders. There is, of course, a natural limit on AIPPI's influence outside the IP field but there is also, conversely, plenty of room for AIPPI to comment more e.g. with links to press organisations who may be looking for input from time to time on IP on news items which have an IP aspect to them.

## A refresh of AIPPI's presentation to its members and to others

There will be a continued focus on updating and upgrading the overall image of AIPPI, e.g. via:

- A members directory (accessible to members and non-members, and including only those members who wish their details to be published)
- The encouragement, facilitation and – when appropriate – sponsorship of innovations and cultural development, especially in lesser privileged countries and areas
- Further improve AIPPI's representation at WIPO, WTO, IP5, EPO, EUIPO, etc. on a substantive level to improve dissemination of AIPPI Resolutions and positions
- Further improve AIPPI's coverage of issues important to the IP professions on every level, including in response to the changing technological landscape, and to ensure that AIPPI is at the forefront of advocating issues relevant to the IP professions

The General Secretariat, and in particular the Communication and Marketing manager, will be encouraged to develop and lead new marketing campaigns together with appropriate involvement from the Bureau and the Communications Committee.

## New format events

AIPPI must always be prepared to adapt. AIPPI's response in adapting to the pandemic has allowed AIPPI to develop and broaden its range of activities. This creates an opportunity, going forward, for AIPPI to continue to develop new events with, e.g.:

- Co-hosting events with other sister organisations in countries or regions in which AIPPI has lesser exposure, such as Africa
- Smaller but more frequent regional meetings, which may attract those who are not in a position to travel too far away from home

These additional events would be strictly additional, e.g. a strong focus would still remain on an Annual Congress, which is international in coverage, and contains AIPPI's unique mix of content such as Study Questions, Resolutions and strong debate.