

行政院及所屬各機關因公出國人員出國報告書
(出國類別：其他)

出席「亞太經濟合作會議智慧財產權
專家小組 (APEC/IPEG)
第 26 次會議及相關研討會」報告

出國人：

服務機關：經濟部智慧財產局

職 稱：副局長

姓 名：陳淑美

服務機關：經濟部智慧財產局商標權組

職 稱：商標助理審查官

姓 名：陳宏杰

服務機關：經濟部智慧財產局專利一組

職 稱：專利助理審查官

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壹、目的與過程

本次 APEC/IPEG 第 26 次會議及相關研討會於 2008 年 2 月 20 至 23 日於秘魯首都利馬舉行（相關議程如附件 1~3）；本局係由陳副局長淑美、商標組陳商標助理審查官宏杰及專利一組徐專利助理審查官銘峯等 3 人出席。前述會議舉行時間如下：

- 2 月 20 日上午 10 時舉行「智慧財產保護的夥伴關係」研討會。
- 2 月 21 日上午 9 時召開為了邊境執行 IPR 保護的國際合作所舉辦「IPEG-SCCP 聯合會議」；下午 2 時召開第 26 次 IPEG 會前會議。
- 2 月 22 日上午 9 時 30 分召開第 26 次 IPEG 會議，至次日下午 1 時 30 分結束。

此外，於前述會議舉行期間之空檔，亦陸續與加拿大、香港、澳洲、美國、紐西蘭等國代表進行雙邊會談。

以下將先說明 APEC/IPEG 第 26 次會議及相關研討會之內容，然後再說明與加拿大、香港、澳洲、美國、紐西蘭等國代表進行雙邊會談之內容。

貳、「智慧財產保護的夥伴關係」研討會情形

「智慧財產保護的夥伴關係」研討會由 IPEG 主席 Mr. Sivakant Tiwari 主持，相關討論情形如下：

- 一、主席致詞表示，有關能力建構的研討會每次都接著 IPEG 會議舉辦，最好的訓練就是分享每個人所擁有的經驗與資訊，希望打擊偽藥、盜版及仿冒的議題，能提供全面性的觀點。
- 二、新加坡智慧財產局法律政策及國際事務組副組長兼法律顧問 Mr. Alvin Sim 以「什麼是揭示於 TRIPS 協定的現存國際執行要

求？」為題，針對 TRIPS 協定執行條款進行一般性介紹及導讀。執行條款主要為 TRIPS 第三部分的 1 至 5 節，是為了要平衡各國間的利益所訂定。該部分協定是對於程序架構的一般性最低標準，並在選擇履行方式上提供彈性。

- 三、 IFPMA（國際藥品廠商會）簡報「從產業面向觀察偽藥問題」，首先對 IFPMA、PSI（藥品安全協會）以及 IMPACT（國際藥品禁仿任務小組）為簡要介紹。並舉例及提供相關數據指出近年來偽藥的問題在開發中國家（如：非洲、亞洲、東歐以及拉丁美洲）日益嚴重，行銷的方式也逐漸由網路取代。
- 四、 秘魯的識別標識辦公室（Distinctive Signs Office）主管 Miguel A. Sanchez del Solar Q.以「保護病人健康」為題，介紹防衛競爭及保護智慧財產權國家協會（INDECOPI）在打擊仿冒藥品中的角色。該協會分為競爭領域的「消費者保護委員會」，以及智慧財產權領域的「識別標識辦公室（包含商標及其他識別標示）」兩部分。前者推動了回收過期藥品及空藥罐的巡迴活動，在許多藥局裡提供回收桶，以確保這些物品被處理及銷毀，避免其違法流入地下市場，該國認為這樣能減少市場上可能的仿冒藥品；後者為權利授予、註冊、保護並處理侵權程序的單位。該國認為其目前沒有醫藥商品侵權案件，是因為該單位與其他公私單位合作防止並打擊走私、不法交易及仿冒醫藥產品的成果。
- 五、 美國簡報「生命科學發明論壇（LSIF）在打擊偽藥的相關行動」，該行動由美國提出，並獲得新加坡以及我國的支持，其主要宗旨是針對 APEC 區域在健康醫療研發上所面臨的挑戰進行相關的探討並舉行一系列研討會。第一次研討會在今（97）年 1 月 13 日至 1 月 15 日在新加坡舉辦，第二次將於今年 3 月 30 日至 4 月 1 日舉辦，在拉丁美洲部分亦將跟隨新加坡研討會的模式，分為兩次進行：第一次主要是以宏觀的角度探討；第二次將以

較深入的角度切入議題。

- 六、 香港海關簡報傳統及電子媒體的著作權仿冒議題，在邊境管制措施部分，認為海關應對仿冒品的供應鏈資訊有一定的瞭解，並強調查禁仿冒以及起訴的整合和執行能力。在電子媒體部分，則強調網路監控工具以及與司法機關配合。
- 七、 拉丁美洲權利人團體簡報權利人團體對於海關查緝盜版光碟可提供的協助。報告中針對盜版光碟可能的輸入國境的方式為介紹，另外在權利人團體可提供的協助中指出可透過提供辨認仿冒品的指南以及透過權利人的鑑定，快速的確認仿冒品以達到快速打擊盜版的目標。
- 八、 澳洲專利局簡報對於公眾教育與認知（PE&A）的共同努力，報告中首先就 PE&A 努力的利益為敘述，並就建立打擊仿冒的模式建構出三個模型，以及具體的實施方式。
- 九、 秘魯著作權局簡報該國在保護著作權的推廣以及保護現況，報告中指出秘魯著作權局近年來對於保護著作權不遺餘力，並使盜版比率逐漸減少。
- 十、 美國海關及邊境保護部門的國際貿易計畫經理 Mr. David Brener 報告「與權利人的合作」，首先介紹美國國土安全部在智慧財產權執行上的夥伴，接著在「建立夥伴關係的最佳實務」中介紹智慧財產權貿易策略工作群成員，而後羅列了權利人應提供的協助，其中更深入探討產品辨識訓練、辨識材料內容及國際合作資訊交換的重要性。
- 十一、 巴西飛利浦之智慧財產與標準部門顧問 Ms. Miriam Hirahara 介紹該公司如何幫助海關辨識侵權商品。秘魯地方智慧財產及競爭領域主管兼顧問 Mr. Juan Pablo Schiantarelli 也以相同題目報告一般廠商應提供哪些資訊與協助以幫助海關辨識侵權商品，並羅列辨識侵權商品的小技巧。

十二、主席最後表示，雖然每次都辦研討會，但這次是第一次與 SCCP 共同舉辦，看到雙方人馬不論在休息時間、中午用餐及研討會中的互動，顯示互相了解與資訊交換是相當重要的，希望日後還能多多交流。

參、第 1 次 IPEG-SCCP 聯合會議情形

- 一、IPEG 主席 Mr. Sivakant Tiwari 及 SCCP 主席 Mr. Jose Armando Arteaga Quine 致詞表示，希望聯合會議能將促進 IPEG 成員與 SCCP 成員間有關「智慧財產權侵權現況與問題及對付仿冒與盜版品的行動」、「相關經濟體執行機制現況」的資訊交換。
- 二、在拍完團體照後，由日本製造產業局智慧財產保護辦公室副主任岡本正紀報告聯合會議的目標，提到智慧財產保護對直接投資的重要性、仿冒品帶來的問題、造成仿冒的因素、仿冒的全球增加情形、仿冒品在製造與販賣上的分工程度增加（例如仿冒商品與仿冒標籤分別進口後組合再出口的情形）、小包運送仿冒品的數量增加等，認為仿冒問題已經變得複雜、嚴重且國際化，邊境執行是阻止仿冒品在國際間增生的最有效也最重要方法。因此，IPEG 與 SCCP 舉辦聯合會議是非常有意義的。
- 三、接著由 IPEG 主席簡單說明 IPEG 在 2007 年的活動成果，主要聚焦在反仿冒與盜版品活動上，包含在越南、我國及美國舉辦的 3 次研討會。
- 四、日本通商政策局國際經濟課 APEC 辦公室副主任 Mr. Yuya HASEGAWA 簡報智慧財產權保護的能力建構活動，提到邊境執行體系的運作現況、問題與解決方案，說明了能力建構活動的重要性，及其對能力建構活動初步調查的成果。該國認為智慧財產權主管機關及執行機關應該充分合作，利用彼此的知識，以有效防止智慧財產權侵權商品的增加。

五、美國海關及邊境保護部國際貿易辦公室智慧財產權運作分支辦公室主任 Mr. David Brener 報告該國用於智慧財產權執行的風險模型（Risk Modeling）方法。該國指出，在邊境終止智慧財產權的盜竊是有必要的，其挑戰在於必須有效地在邊境瞄準仿冒與盜版商品的運輸，因此該國應用了智慧財產權風險評估的技術。其技術目標在於利用智慧財產權風險分析來增進瞄準並封鎖仿冒及盜版商品，敏銳地瞄準高風險貨件以增進封鎖能力、減少對低風險貨件的無益檢查，以更有效率地使用智慧財產權執行資源。瞄準的方法係以多層次手段來辨識可疑貨件，與重度依賴海關人員知識與經驗的傳統方法不同，現在的方法能以有限的資料或近乎理想地使用資料來評估智慧財產權風險，這些手段包括目視檢查包裝、手動檢查報關單及明顯的資訊、將少量且權重相等的瞄準基礎元素（例如進口人、進口國過去的紀錄，以及貨物報關價格是否合理等）電腦化。新的想法是要擴展智慧財產權瞄準方法的內容，使用統計方法來創造由資料驅動的智慧財產權風險模型，主要以海關歷史報關單及智慧財產權侵權資料的統計分析為基礎，加上其他美國政府單位對智慧財產權風險的評估，包含進口國是否列在特別 301 名單中。利用智慧財產權風險分析來增進瞄準及封鎖能力，必須使用創新的瞄準工具，也就是智慧財產權風險模型，透過系統在幾秒鐘之中動產生風險分數來指出、警示一個貨件是否包含智慧財產權侵權商品的相關風險。

六、主席隨後向美國提出問題，詢問該國為何將 301 名單列為評分因子？美國表示，每個因子都代表風險，但彼此程度不同，故須乘上不同權重，沒有一個因子代表絕對風險，還是要以總體評分來作比較。智利則追問美國，該模型最重要的因子為何？是否可以與其他經濟體分享？墨西哥也發言表示希望繼續討論

並請美國分享評分因子，美國回應表示沒有哪個因子是最重要的，但有針對重要性進行分級，因子雖然多且須乘上權重，但電腦作業很快，所以沒有造成作業負擔，該代表並以自己並非熟悉系統之人員為由，拒絕當場詳細說明評分因子為何。至於開放或分享系統之事，美國官員表示願意行雙邊對話（易言之，並未同意對外開放與分享）。

- 七、 祕魯強調，國際資訊交換很重要，應該盡量告知執行方法具體內容；值得注意的是，當美國對某一國貨件執行較高的檢查頻率，貨件就會有逐漸轉移流向的趨勢，將會藉由其他國家再流入美國，可能導致模型失效。主席總結表示，要分享內容或許可以透過雙邊會談，而事實上並沒有甚麼執行方法是神奇的，只能盡量考慮更多的因素。
- 八、 中場休息過後，日本報告本次聯合會議前請各經濟體填報之調查資料的初步彙整結果，共有兩份調查表，各由 IPEG 及 SCCP 的成員分別填報，僅有 9 個經濟體回報之結果列在日本的初步彙整表中，我國則不在已填報之列。日本請尚未填報之會員體儘速填報。
- 九、 隨後日本再提出下次聯合會議之議程作為提案，希望直接在該聯合會議中討論，當場遭到 IPEG 主席制止，表示該提案應該在後續 IPEG 及 SCCP 各自的會議中個別進行討論。
- 十、 主席 Mr. Sivakant Tiwari 最後表示，將兩個團體結合再一起開會是很不容易的事，持續維持下去也是件重要的事。雙方討論同樣面對的問題，並分享如何解決的方式，能促進更好的資訊交換。但未來議程還是請在各自團體中討論，相信大家都同意這是個很好的活動，主席鼓勵大家進一步分享。

肆、第 26 次 IPEG 會前會議情形

4.1、2008 年 IPEG 第二次舉辦地點及時間：由於下一任 IPEG 主席 Mr. Selby 表示由於其年事已高，不建議秘魯將地點選在高海拔的 Cuzco，此外在時間的安排上，中國大陸希望不要安排在奧運舉辦期間（2008 年 8 月 8 日至 8 月 15 日），然而主辦國秘魯則希望第二次 IPEG 會議是否可安排在 CTI（2008 年 8 月 14 日至 8 月 23 日）舉辦期間，以有效運用該國資源，最後 Tiwari 主席裁示第二次 IPEG 會議預定於 2008 年 8 月 15、16 日舉辦；研討會則在 8 月 17、18 日舉辦。

二、目前 IPEG 的相關計劃：Tiwari 主席裁示要求澳洲將「對於中小企業在公眾教育與認知之計劃」的研討會時間再進行調整；秘魯在「APEC 經濟體的基因與遺傳資源保護的認知提升與政策洞察的提升」部分將併入 IPEG 會議中探討；日本在「植物品種保護系統」部分，將在亞洲擇一經濟體舉辦專題研討會。

三、QAF（Quality Assessment Framework，品質評估架構）團隊的組成：對於 QAF 團隊的組成，將有助於該團隊在未來 IPEG 會議前作先期的確認並在會後針對新的計劃案進行有效的評估。此部分決定由澳洲、泰國及墨西哥三國擔任，任期為一年。

四、有關美國商會所提之記者倡議訓練案：建議美國商會在下次 IPEG 會議提供更多的資訊細節以供各經濟體檢視。

五、新計劃案的提出：本次共有三個新的計劃被經濟體提出，分別是中國所提之「對於防止濫用智財權的調查」、越南所提之「APEC 智慧財產權獎的設立」以及韓國所提之「在智慧財產的創造與利用的合作」。美國對中國所提之計劃案有所保留（按美國必然是採此立場），希望中國能提供更多的細節資訊以及動機。此外日本在「APEC 經濟體在智慧財產權執行議題的國際合作」部分主張應列入 Joint Session 中，然而美國認為沒有密

集舉辦的必要，最後日本表示 Joint Session 不必然一定要在下
次 IPEG 立刻舉辦，並指出會再蒐集相關的資料以及思考舉辦
的架構後將資訊提供給各會員體參考。

- 六、 其他：新加坡指出對於非傳統商標的研究報告已完成，已把研
究報告的結果提供給各經濟體，請於三月中旬前修正意見，並
感謝各國的合作。

伍、第 26 次 IPEG 會議情形

第 26 次 IPEG 會議於 2 月 22、23 日假 APEC 主會場－利馬商
會會議中心 2 樓多功能會議廳舉行，相關討論如下（會議紀錄如附件
4）：

- 一、 議程 1、2：在地主國秘魯之防衛競爭及保護智慧財產權國家
協會主席 Mr. Jaime Thorne 致歡迎詞後，由於有部分會員未參
加前一日下午召開之會前會，IPEG 主席 Mr. Sivakant Tiwari 將
該會前會討論結果再行報告一次，並提及澳洲「對於中小企業
在公眾教育與認知之計劃」的研討會舉辦日期將改為明（98）
年 1 月；秘魯「APEC 經濟體的基因與遺傳資源保護的認知提
升與政策洞察的提升」與本年第 2 次 IPEG 會議併辦；日本「植
物品種(plant variety)保護」研討會則於本年 11 月擇一亞洲經濟
體舉辦。
- 二、 議程 3-A：越南報告 2007 年 7 月舉行「數位時代智慧財產權保
護與執行研討會」，該研討會 11 個討論議題涵蓋了「數位環境
下的著作權及相關權利法令」、「數位環境下的商標法」、「仿冒
與盜版」、「智慧財產法令執行的一般性介紹」、「數位環境下的
智慧財產執行挑戰」、「數位年代對盜版與仿冒的技術解決方
案：機會與限制」、「海關的關鍵角色」、「警察與檢察機關的角
色：線上環境的投資挑戰」、「權利人的觀點：APEC 經濟體近

期針對著作權/商標數位侵權的行動；問題與策略」、「巡迴宣導：APEC 經濟體近期針對數位盜版/網路販賣仿冒品所舉辦巡迴活動的概觀與討論」、「APEC 經濟體在數位環境下加強智慧財產執行的策略性考量：全國與地方；大眾與私人部門的合作」。泰國詢問研討會文件內容是否有公布在 APEC 網站，越南表示已將電子檔光碟寄給 APEC 秘書處，秘書處表示將回去檢查是否已放到檔案資料庫中（按據了解，已置於網站上）。

- 三、 議程 9：重製權組織國際聯盟 (IFRRO) 主席 Mr. Olav Stokkmo（按 IFRRO 去年七月與本局合辦研討會，S 君曾來台）做專案報告，說明該聯盟之組織及其合作行動，所謂「重製權組織」是指語文著作集體管理組織，該聯盟是由全球 112 個語文著作集管組織、創作與出版協會所組成，其提出「認知與執行（包含加強圖書文化研討會、智慧財產教育、反盜版等子題）」及「數位圖書館議題」的活動計畫，希望尋求 IPEG 的合作並簽署協定。主席表示，IPEG 與其他團體合作不需要簽署協定，IPEG 說了什麼就會去做。我方代表則表示，感謝 IFRRO 去年與本局合辦研討會，本局及國內團體獲益良多，並盼未來持續合作。下任主席香港知識產權署署長 Mr. Selby 表示，感謝 IFRRO 及其專家歷年來與 IPEG 的合作，希望未來也能合作，惟尋求 APEC 經費並不容易，請考量自籌經費。

- 四、 議程 4. (Interaction with CTI)：CTI 所派代表向本小組口頭說明 CTI 在來年的首要工作，表示將推動區域經濟整合，達到「自由貿易區域」(Free Trade Area)，以調和各經濟體之貿易制度，使貿易者在此區域內任何國家經商都非常便利。又 CTI 代表強調，所謂「自由貿易區域」之概念與自由貿易協定 (Free Trade Agreement) 之概念不同，後者壓力較低，可減少會員國之焦慮。

- 五、 議程 3-B.：

- (一) 新加坡就執行 IPR 公眾教育與認知平台計劃而於去 (96) 年 12 月 12 至 14 日舉行之運用市場調查以發展有效智慧財產競爭提出報告 (按本局由國企組副組長張美惠等兩位代表參加)。
- (二) 澳洲針對「中小企業之公眾教育與認知平台計畫的更新」進行簡報，該計畫係架構於公眾教育與認知規劃中 (由香港、新加坡及澳洲分三階段共同合作進行)，簡報中指出由於 APEC 經濟體內中小企業約占企業總數的 9 成以上，因此提供一套供中小企業瞭解智慧財產權的平台有其重要性。
- (三) 韓國簡報「建置 APEC 智慧財產權資料電子學習內容計畫 (APEC Project for E-Learning Content on IPR Information)」最後階段之成果報告，該計畫係由韓國、日本以及美國共同合作進行，軟體由韓國發明保護協會開發，報告中並作線上示範，該計畫係將 IPR 相關課程總共規劃成 14 個模組，並有模擬之情境案例，且該 E-Learning 內容已全部上網，可免費使用。由於該 E-Learning 內容豐富實際且使用介面十分人性化，引起許多會員體之熱烈討論及興趣。韓國並表示可開放供各會員國重製改作，但仍須簽署合約。

六、 議程 3-C.：

- (一) 智利提出「著作權例外與限制」問卷調查結果報告 (此部分問卷係由著作權組填報)。澳洲表示該報告很有意義，除了針對各會員體的著作權法例外與限制作了詳細的介紹外，亦可減少會員體在進行相關立法的資料蒐集時間。在尚未提交問卷調查結果部分，主席建議希望在下次會議前提交，俾利資料之完整性。此外針對各會員國建議下階

段加強研究主題部分，填報問卷之國家均有提出其希望研究題目，但我則未提出，可能是疏漏，此部分建議應一併補足。

- (二) 美國口頭向 IPEG 各經濟體說明商標異議制度調查的更新進展，表示其已蒐集各經濟體對該調查表之評論意見，目前在彙整階段，將俟蒐集完畢後整理調查表格式，並於下次 IPEG 會議前送請各位會員體填報。
- (三) 大陸提案調查各經濟體防止智慧財產權濫用 (abuse) 的法律體系，美國針對大陸說明文件逐句質疑，稱不了解意義為何，要求大陸說明並提供例子。大陸表示詳細要回國跟同事研討後再回答美國提問，現場僅簡單回覆部分問題。日本則表示現場無法評論，回國討論後再於下次評論。智利亦表示現場不評論，但問大陸調查的目的為何？到底想要討論哪種情形的濫用？無權利者謊稱有權利而進行假訴訟算是濫用嗎？隱匿專利並推動成為產業標準後強收權利金算是濫用嗎？應該要清楚說明想要調查的情形是什麼，以免各經濟體認知不同。大陸表示由於該國並無權利濫用相關法令，本調查僅是要蒐尋資訊，提供各經濟體參考，主要想討論以過期之無效專利收取授權金、專利不當包裹授權或搭售行為等。泰國則表示，需要回去請教他人並討論，但整體而言，並無反對本提案之既定立場。紐西蘭則問道，濫用智慧財產的意思是什麼？它有許多層面的解釋方式，例如濫用哪種智慧財產？建議針對特定智慧財產權或特定情況進行調查。美國代表再度發言表示，其不了解競爭法，要回去找競爭法律師詢問，或許契約法也會有相關規定。主席總結表示，為避免會員體認知不同，造成調查結果失去意義，再加上本提案已經超越智慧財產

法律之領域，在場代表皆難以理解及處理該議題，建議釐清或提供例子。大陸回應表示，將回去多加思考，重新審視該提案內容，釐清後再提請各經濟體表示意見。

七、 議程 5.：IPEG 現任主席 Mr. Sivakant Tiwari 交棒給香港知識產權署署長 Mr. Stephen R. Selby 擔任新任主席，Mr. Tiwari 並恢復成為新加坡代表。

八、 議程 6-A-ii-a.：我國報告地理標示的商標保護機制，簡介「證明標章、團體商標、團體標章審查基準」。泰國請我國提供已註冊的 7 個產地證明標章分別用來證明哪些商品，我方表示將以 E-mail 答覆該國。秘魯則於晚宴時向我國詢問產地證明標章審查說明性之方式，我方代表已當場說明之。

九、 議程 6-A-ii-b.：

（一）秘魯就提升「APEC 經濟體內對於遺傳資源以及傳統知識的利用上認知」進行簡報，在調查內容（草案）部分目前暫訂為基礎資訊、遺傳資源的利用、傳統知識的保護三大架構。此報告將應與會代表之意見，做小幅修正後，予以定案，請各會員國填報，俾秘魯於八月間第 27 次 IPEG 會議中提出。

（二）在韓國在「韓國傳統知識資料庫（Korean Traditional Knowledge Portal）」部分，我方首先對該資料庫表達讚揚之意，另就資料庫系統的建制者、維護者以及簡報中各階段預算所採行之貨幣單位向韓方提問，韓方指出該系統的建制者與維護者係由韓國智慧財產局與韓國首爾大學共同負責；貨幣單位為（千）美元。

十、 議程 6-B-i.：

（一）美國更新智慧財產權邊境執行創新技術的最佳實務報告，表示歡迎各經濟體對其中資料進行更新，該國將在下

次會議報告相關活動及研討會之訊息。

- (二) 日本更新 2005 年通過的反仿冒與盜版倡議的履行檢視表，鼓勵未完成填報任務的經濟體在下次 IPEG 會議前儘速完成。該倡議有「減少仿冒與盜版商品交易」、「對抗無授權重製的保護」、「防止仿冒與盜版商品透過網路銷售」等 3 個檢視表，依日本報告文件內容，其中第 1 個檢視表我國未提交，其餘 2 個檢視表已提交。
- (三) 美國提案舉辦「確保供應鏈包含供應鏈基準」研討會，與香港合辦，預計 9 月份在香港舉行，在下次 IPEG 會議召開之前會提供更多資訊給各經濟體，該活動經費由美國支出。

十一、 議程 6-B-iii.：香港針對建構良好的著作權環境提供相關資訊資料；我方則針對其對禁止真品平行輸入條文鬆綁之修法政策考量提出請教（有關為何未見 ISP 立法部分，已於會外請教謝署長，陳報在案）。另中國則就 2007 年該國在智慧財產權的相關策進措施提供簡報，惟囿於時間，並未做口頭報告。

十二、 議程 6-B-v.：日本提出「APEC 經濟體在智慧財產權侵權資訊的分享倡議」，惟主席 Mr. Selby 表示該倡議案的範圍太過廣泛，另新加坡代表 Tiwari 亦認為此倡議會導致資料整理工作之重複（duplication of work），另智利代表指出，由於智慧財產權內容有許多種類（著作權、商標…），希望日方能縮小研究範圍，整體而言，並未獲致多數之支持，日方表示願意蒐集更多資訊，並在下次會議中向各會員體報告。

十三、 議程 6-E.：澳洲指出各會員體若有新簽署的 FTA 或 RTA，請向澳洲知會以進行資料的更新。

十四、 議程 6-F.：

- (一) 澳洲就「APEC 經濟體智慧財產權能力建構需求的策略性

思維」(草案)提出報告，在研究方向部分除了會針對各會員體在智慧財產權能力建構的優先順序以及需求內容上進行調查，相關調查報告預計於 2008 年 8 月之後完成。

(二) 澳洲就「澳洲著作權之集體管理」提出報告，報告內容指出著作權集體管理團體主要是負責著作權人的著作權管理與授權予使用者的相關業務。目前澳洲共有六個團體，五家為私人企業，僅有一家是由政府資金協助設立並維持其運作。報告中並針對與著作權有關之相關法規作簡要介紹。其中有所謂集管團體應遵守之執業倫理規範 Code of Conduct，值得我方參考。

(三) 中國提出「智慧財產權組織行動中的能力建構」(草案)，主席表示中國的提案內容與澳洲「APEC 經濟體智慧財產權能力建構需求的策略性思維」之內容雷同，期盼雙方可合作共同提案，中國與澳洲均表示同意。

十五、 議程 7-A-iii.：我國報告著名商標保護機制，簡介商標法第 23 條第 1 項第 12 款著名商標保護審查基準，並無國家提出問題或評論。

十六、 議程 7-A-iv.：

(一) 日本提出「APEC 會員體審查合作調查」(草案)，其主要是針對 APEC 經濟體在檢索報告/審查結果的細節部分進行調查。雖然紐西蘭代表以 IPEG 所提出的調查過多為由抱持保留的態度，然主席認為本調查案仍有其參考價值，故該調查案仍經大會通過。我方在前一天與日方雙邊會談時已當面對日方表達我方支持之意，並對近年來與日方之良好合作關係表示感謝。日方代表為去年 局長赴日諮商時之日方代表之一，其請我方代表代為向 局長致意，並希望今年台日會議，其能親自來台。

(二) 墨西哥在「墨西哥、中美洲與多明尼加共和國在專利申請案檢索與審查行動方案」並未提供相關書面資料，墨西哥表示將在下次會議提供相關內容。

十七、 議程 7-B-iii.：澳洲更新將 APEC-IPEG 會議訊息透過 APEC 網站傳播之情形，介紹將 IPEG 會議內容移至 (Migrate) APEC 網站的成果，其中主要是將「智慧財產資訊中心」、「智慧財產權服務中心」及 APEC-IPEG 會議文件 (透過 APEC-IPEG 會議文件資料庫 AIMP) 等資訊與資源移到 APEC 網站中。澳洲並請各經濟體協助檢視在智慧財產資訊中心裡的連結有無錯誤，連結內容最好是英文，如果沒有英文則其他語言也可接受，如有錯誤或需要更新部分請交給秘書處，所有會議文件都可在 AIMP、MDDDB 或 IPEG 分頁的「document and report」裡找到 (部分系統需要密碼)。多舊或多新的會議文件可以找到，並不是本工作的重點，把 IPEG 希望讓大眾知道的資訊整理出來才是重點。在智慧財產資訊中心裡，我國似有部分資料未提供連結。又主席 Selby 鼓勵全體會員國善用 AIMP 系統 (make maximum use of AIMP)，凡填報相關問卷時，都能在上面進行，如此可知道其他國家表達之意見，讓 team 各具效益與順暢。

十八、 議程 7-C-i.：香港就「香港在智慧財產權資產之管理發展」提出紙本報告 (惟並未進行口頭報告)，內容主要在介紹香港知識產權署、商業軟體聯盟及商業團體於去 (96) 年 10 月 8 日主辦的軟體資產管理諮詢計畫，該活動的主要目的是加強企業對當時剛通過的「2007 年版權 (修訂) 條例」的瞭解以及對於電腦軟體的認識。

十九、 議程 7-C-ii.：

(一) 澳洲在「強化澳洲中小企業在智慧財產權的跨國活動保護之認知 (IP Passport)」提出報告，報告內容主要是針對澳

洲專利局針對澳洲中小企業在進行跨國的發展時所可能面臨到的智慧財產權風險以及如何保護其智慧財產權所設立的一系列研討會計劃，該計畫將在澳洲 23 個城市舉行，並希望能吸引超過 2000 家中小企業參加。

- (二) 墨西哥簡報「提升智慧財產權的公眾認知」，其內容主要是在於墨西哥對尊重著作權的推廣活動介紹。主席詢問各經濟體在政府部門是否有作類似的推廣教育，加拿大代表表示多數政府部門幾乎都會有正版電腦軟體的檢查機制，較可能產生侵犯著作權的單位，是在政府部門的承包商。針對墨國報告中所載，在學校內進行類似童子軍、糾察隊之作法，坐在我方代表旁邊之 Mr. Tiwari 私下表示保留，我方亦告以，如在我國也會有道德上之關切 (moral concern)，可能也不會輕易採取，一併敘明。

二十、議程 7-C-iv.：

- (一) 美國更新其近期完成之中小企業線上智慧財產訓練指南，介紹其「STOPFAKES.GOV」網站之內容，該站希望能適用於所有型態中小企業的智慧財產訓練，並設有熱線「1-866-999-HALT」，以及針對各國智慧財產法制所推出、供中小企業使用的「工具箱」，亦請各經濟體協助檢視其工具箱內容有無錯誤。美國並表示美國專利商標局亦有中小企業專用網頁。加拿大詢問此新網頁造訪率如何？美國表示不清楚，要回去查明。智利認為該網頁無智慧財產權授權之介紹，美國表示確為疏漏並將改進，目前智慧財產學院網頁有提供智慧財產權授權的線上研討會課程。紐西蘭則詢問美國專利商標局是否有提供經費補助中小企業，美國答覆沒有。
- (二) 韓國提出新「針對中小企業與大學發展智慧財產權策進方

案之倡議」(草案)(按著重於專利商品化之倡議)，主席表示該內容應屬概念性文件，且詢問韓國是否在進行本方案之前就必須要作許多的先前研究以及上述研究的先後順序，另外在經費的來源部分，若是要向 APEC 申請，尚要將取得經費所需的時間一併考量。

二十一、 議程 8.：越南提案設立 APEC 智慧財產獎 (IP Award)，計畫頒發最佳發明獎、最佳女性發明人發明獎、最佳青年發明人發明獎、最佳創造獎 (將發明商品化之公司)、APEC 紀念獎等。主席質疑此提案經費如由 APEC 支出，將成為每年都須支出的固定項目，似與 APEC 規定不符，請秘書處詢問 APEC 有無辦過此種活動。秘書處代表表示，以往沒有這種情形，但不代表未來就不可能，將回去詢問後再告知。美國與新加坡都表示，本提案概念很好，但因涉及許多執行之細節，例如訂定規則及評審作業等，將增加許多工作，其可行性必須慎重。紐西蘭則認為此提案對行銷 APEC 很有助益。主席歸納表示，請越南回去研究是否有其他比較容易辦理的方式，例如在其既有他組織的既有比賽獎項中加入 APEC 特別獎等方式。

二十二、 議程 9.：日本就去 (96) 年 11 月 12 至 13 日於泰國舉辦之「第一次 APEC AD 智慧財產權研討會」成果進行報告 (AD 為 Automobile Dialogue 之簡稱)，該次會議主要是針對汽車產業智慧財產保護議題進行討論，共計約有 120 人與會，主要的演講議題分別是由日本以及美國報告。日本允諾第二次研討會的時間、地點將會告知予各會員體。韓國及泰國代表附和說明亦參加該次會議，所獲得之印象是汽車業者對於所涉及之 IPR 議題幾乎沒有概念，認為宜繼續加強此一研討會之舉辦。

二十三、 議程 10.：

(一) 香港就「2007 年專利 (修訂) 條例」提出報告，本次修訂

主要是針對為落實 TRIPS 協訂中與專利及公共衛生有關部分，以及附帶及相關事宜訂定條文，這將使香港在處於極度緊急的公共衛生議題時，在藥物供應上有更多選擇。新加坡表示目前也正在研擬此項議題的修法方案，並就香港的資訊分享表示感謝。

- (二) 美國就近來影響美國專利實務的法院判決進行報告，報告中就申請專利之標的、新穎性、非顯而易知性、可據以實施四大部分進行法條以及相關代表性判例的概述。
- (三) 我方則就今年 1 月 11 日施行之專利師法進行報告，主席則就參加專利師考試是否需有資格的限制向我方提出詢問，我方回答指出專利師考試科目有相關之規定；另韓國則就專利師是否可單獨進行專利侵權訴訟進行提問，我方回答依據我國民事訴訟法第 68 條規定及民事事件委任非律師為訴訟代理人許可準則第 2 條第 2 項規定，訴訟代理人原則上應委任律師為之，惟我國不採強制律師代理制度，如經審判長許可，非律師亦得作為訴訟代理人。故依據前揭規定，專利師是否得參與專利訴訟仍須由審判長依據個案予以判斷，惟若訴訟案進入最高法院時，則必須委託律師。
- (四) 加拿大就客服機制（CRM）進行介紹，CRM 主要係一套持續而不間斷的客戶反應及回應管理機制，其運行的架構主要是由線上回應、客戶需求、計劃與程序的策進以及客戶滿意度四大項依序持續運作。

二十四、 臨時動議：澳洲提出臨時動議，建議邀請 WIPO 參加 IPEG 會議並參與討論。加拿大亦提議邀請 IFLA（國際圖書館協會）參加 IPEG 會議。二動議皆獲大會通過。惟新加坡建議，因 WIPO 分工細膩，如要邀請，須邀請多個議題領域的負責人士，或者

邀請其統合之高層為宜。

二十五、 議程 13.：主席表示，其將向 CTI 提交會議召集人報告並參加 CTI 會議討論，CTI 將調整其優先工作項目，在 IPEG 會議主席參加過 CTI 會議之後，將在 IPEG 提案重新檢視並調整議程。

二十六、 主席閉會致詞表示，下次 IPEG 會議日期及地點之選擇將交由地主國秘魯處理；日後請各經濟體務必提早提交文件，避免在過於接近會議召開日期才提交文件，造成秘書處作業不及且其他經濟體無充分時間可消化文件；查詢會議文件請多利用 AIMP 資料庫。最後主席宣布散會。

二十七、 此次 IPEG 會議，舊主席 Mr. Tiwari 主持議事冗長，佔去多之時間（僅程序性事項即佔據 IPEG 第一日會議上半天時間，導致全體與會者心理壓力極大）；新主席議事又過於快速，諸多報告案均以文件本身已經足夠（self explanatory）為由，要求簡潔，導致多項報告均快速略過，使會議之目的大打折扣，一直到第二天上午才有所改善。

陸、雙邊會談情形

一、 與加拿大雙邊會談：

（一） 加拿大智慧財產局代表 Michale 向我方代表指出由於日前加拿大智慧財產局經一年試用 EPOQUE 資料庫，試用期滿，審查人員普遍反應良好，故日前已向 EPO 購買該專利檢索資料庫使用權以供專利審查人員使用。渠表示該套檢索資料庫值得購買，惟在簽約的條件與其他附帶內容（如延長試用或簽訂使用權期間之長短），為符合本局的使用效益，只要我方向 EPO 展現購買的誠意，都還會有磋商以及調整購置契約內容的彈性。

- (二) 在 MOU 部分，加拿大代表 Michell 指出將於回國後再進行瞭解，並儘快回應訊息給我方。渠表示目前加拿大僅有 WIPO 的合作計畫，由於擔心加重審查人員工作負擔，故該國在與其他經濟體簽訂 MOU 的態度上向係採較保守的態度。

二、 與香港雙邊會談：

- (一) 知識產權署署長 Mr. Selby 首先轉告我方代表希望代為向局長就任新職致意，期盼未來台、港二局間持續保持良好的合作關係。
- (二) Mr. Selby 表示已收到創意比賽訊息（此項屬國企組二科主管業務），且已同意該處理方案的進行方式（可呈現本局之全名，但不出現本局 Logo）。另礙於政治敏感度，台灣教育部、新聞局以及香港知識產權署皆不掛名。
- (三) Mr. Selby 表示香港著作權未將 ISP 立法並非對此議題不關切，而是主管當局、企業以及各界共識，認為與其採取立法的方式，不如採自願性機制來落實通知及取下機制。

三、 與澳洲雙邊會談：

- (一) 在 ISP 立法上，澳洲法務部著作權小組代表指出其過去在立法協商的過程中遭遇到許多的困難，由於 ISP 及著作權人雙方立場嚴重歧異難以作成共識。就立法角度考量，法規制度本就難以獲得各方之完全同意，因此立法者必須有所堅持，只要認為所擬之版本是可行的，即應堅持下去，just do it。
- (二) 我方代表表示本局與澳洲專利局間已有長久而良好的合作關係，惟在著作權議題部分與澳洲的主管機關互動相對較少，期盼未來雙方在此部分能加強彼此的互動。
- (三) 討論台澳 IPR 行動計畫取代 2004 年所簽署之備忘錄案：

1. 澳方首先說明，該國希望以行動計畫取代備忘錄，是因為該國認為備忘錄是粗略而無法更新之文件，行動計畫較有效率，符合該國需求，該國已與諸多國家簽屬行動計畫，因此也希望以相同方式處理此案。我方說明，由於備忘錄曾報上級同意，如欲以行動計畫取代原先已簽署之備忘錄，須再簽報上級同意，而備忘錄不可否認在地位上高於行動計畫，如欲廢止，上級機關可能會誤會，以為本局執行備忘錄不力，將造成本局困擾，因此我方提議，在體系上將行動計畫納入備忘錄之下，在具體執行上則以行動計畫為主體。澳方表示了解，並同意我方之彈性處理方式。
2. 在建議交流的國際論壇部分，我方曾建議加入 WTO/TRIPS，澳方回應表示，澳洲智慧財產局並不負責該業務，僅屬該國代表團之諮詢對象，因此將之列入將造成澳方作業困擾，建議勿將 WTO/TRIPS 列入交流之國際論壇。我方表示了解並同意。
3. 有關我方認為互邀參加之研討會及國際會議無須逐條詳列且過期項目勿列入部分，澳方表示羅列研討會是用以舉例，並認為該部分是可自由更新之部分（澳方代表稱之為活的部分），而列入已完成項目是為了管理成果，再加上該國與多國簽署之行動計畫皆是如此，為方便管理及依個別需求進行比較與預算安排，該國並不希望更動。我方亦表了解。
4. 有關邊境執行資料是否加入交換資訊部分，該國代表表示邊境執行為其他部門業務，無法列入資料提供範圍。
5. 有關年報交換部分，澳方表示該局無獨立年報，而係列入其上級機關整體年報之一個章節，又該年報雖有紙本，但考量對地球環境之友善做法，原則上並不寄送，我方如需

要年報及相關資料，同意將把我方加入 E-mail 清單，以電子檔方式寄送。

6. 有關我方增加提供澳方新式樣審查人員來台訓練之機會部分，澳方誤以為係指我方要求該國提供訓練，便表示澳洲智慧財產局審查新式樣人員每年平均僅約 6 至 7 人，每次新進訓練因人數過少，常無正式舉辦而改採個別傳授，數年前曾辦過一次正式訓練課程，如有再辦將邀請我方參加。我方表示澳方對我提議認知錯誤，我方係基於互惠之立場，提供新式樣審查人員訓練供澳方人員來台參加。澳方聽聞後欣然歡迎我方之提議，認為此係良性之交流。
7. 以上討論結果，澳方將帶回首府修改後再提供我方檢視。或許可以趕得及在本局商標權組洪組長代表赴澳參加資深商標官員會議之時，當面與洪組長討論修正結果。日後本案由澳方駐台貿易部門 Ms. Jad(即先前負責我方商標審查人員赴澳參加訓練之聯絡人)負責聯繫事宜。最後我方則再次感謝澳方展現之彈性。

四、與美國雙邊會談：

- (一) 我方代表首先對 USPTO 於 2007 年所提供 14 名之研習名額表示感謝之意，並希望今年能繼續密切合作。
- (二) 有關在 APEC 架構下，就校園 IPR 保護之事項進行合作一案，USPTO 代表 Ms. Rachel Bae 表示雙方就此事原始認知有差距，美方以為是我方起的頭，我方則認為是美方起的頭。Rachel 表示美方就此事並無具體的規劃（未來也不會有），但是如果我方能夠擬出具體項目（guideline、研討會或甚至只是資訊交換性質），美方均會支持與配合，美方並表示，尋求第 3 國之支持也相當重要，否則僅是台美兩個國家，恐怕不易獲得支持。我方表示，美方立場我方透

過此次談話充分了解，回國後進行內部研究，如有進一步具體規劃，將知會美方。

(三) 同時將教育部校園智慧財產保護行動計畫英譯本提供予美方。

五、 與紐西蘭雙邊會談：我方代表向紐西蘭經濟發展部競爭、貿易與投資部門之資深分析師 Mr. George Wardle 致意，並詢問該國政府在 2007 年 11 月發布之聲明中提到商標法及著作權法修改之進度及草案內容為何。該國代表表示，該草案預計到本年 4 月方能出爐，上周完成一研究報告資料可寄送我方參考。內容是否將包含轉運中侵權物品得依職權查扣或其他議題，目前還不明朗，在討論的過程中，海關表現相當程度的反對，擔心增加過多之工作負擔。不過紐西蘭代表在 21 日上午「IPEG-SCCP 聯合會議」中即就「海關依職權行為是否增加工作負擔」一事，向美國提出請教，美國代表表示，該國把它當成是一種可利用的工具，而不是非做不可的負擔。

柒、心得及建議

- 一、 APEC/IPEG 會議雖為以共識溝通為基礎的意見交換論壇，但其中所討論者均係在亞太地區、甚或全球市場發展中之議題，其研討之內容可與 WTO/TRIPS 理事會所討論將成國際規範之議題相互為用，並可藉由與他國交流，獲得 WIPO 等我國目前無法參與之國際組織之相關資訊與動態，因此建議本局積極參與研究與討論，加強參與之廣度及深度。
- 二、 參與 APEC/IPEG 會議及相關研討會之同仁，建議應於會中及會後儘速撰寫報告，並送交本局內部各單位及其他相關機關，以利國際訊息之即時傳遞、了解與處理，避免造成落差。如有特定議題與民間企業、代理人等私部門、團體或智慧財產培訓學

院之學習資源相關者，亦建議將訊息轉知之。

- 三、有關本次聯合會議前，日本請各經濟體填報之調查表，依日本於會中之報告資料，我國不在已填報之列，經事後調查原因有二：首先為聯合會議初步調查表填報設定對象似嫌不當，IPEG 成員填列者為 IPR 保護邊境執行之能力建構計畫之調查，SCCP 成員填列者卻為 IPR 保護邊境執行之法規資訊；其次為我國與負責調查之日本代表間之信件往返似有遺漏，導致填報資料未能於會場中展現，影響我國一直以來積極參與國際活動之形象。
- 四、有關 2005 年反仿冒與盜版倡議之「減少仿冒與盜版商品交易」履行檢視表，日本報告文件內容未見我國提交之資料，經事後調查，我方早於 2007 年 7 月 20 日將資料寄送美、日、韓等國，應是日方遺漏所致。由本項及前一項說明可知，與 APEC 秘書單位及其他國家之聯繫雖因便捷之故，而以電子郵件為之，惟電子郵件常發生漏信及誤刪之問題，因此郵件發出後之確認工作更形重要，建議於郵件中要求收信方於收執後回覆，如於一定期間內未回覆，則再發信通知或以越洋電話聯繫；另建議我國與會代表應攜帶我國提交文件之電子檔案及寄送電子郵件之影本與會，俾利於會議現場立即確認、補送、口頭說明或要求更正。
- 五、由於填報會議相關調查表或資料時相當注重時效，承辦組室通常需要加緊作業，但其內容為我國提供給國際參考之資訊，其正確性與妥適性亦非常重要，為於兩者間取得平衡，建議本局建立標準作業流程，並建議承辦組室儘早且加強與局本部長官溝通，避免因公文流程往返、內容重複修改而造成填報時效延宕。
- 六、歷次派遣代表出席國際會議，皆因預算限制或避免影響全局例行業務正常運作等事由，僅能指派少數人員代表本局出席，惟

不表示代表出席人員即應自行承擔全部責任。代表出席人員於出發前要研讀資料及準備發言稿，也要忍受路途上的舟車勞頓與抵達後的時差煎熬，在會議期間更要緊繃神經、吸收各方資訊、踴躍發言、加強與各國交流，會後還得迅速地將相關訊息寫成報告回報國內各單位，其所受壓力不可謂不大。在此等情況下，各組室便成為代表出席人員的最大後盾，建議各組室應體諒代表出席人員之辛勞，除適當調整其他業務量之外，亦應全力協助準備報告資料及消化開會文件，以利代表人員於國際會議場合中能有最佳表現。

- 七、有關 2007 年 7 月於越南舉行之「數位時代智慧財產權保護與執行研討會」，其資料頗具參考價值，建議本局相關組室參考研讀。另建議各組室養成經常瀏覽國際組織網站之習慣，主動蒐集相關資訊，以利業務規劃與推展。

捌、附件

附件 1、智慧財產保護的夥伴關係研討會議程

附件 2、為了邊境執行 IPR 保護的國際合作所舉辦第 1 次

「IPEG-SCCP 聯合會議」議程

附件 3、第 26 次 IPEG 會議議程

附件 4、第 26 次 IPEG 會議紀錄

附件 1



**Asia-Pacific
Economic Cooperation**

2008/SOM1/IPEG/SEM/001

Program

Submitted by: Hong Kong, China



**Partnership in Intellectual Property Protection
Seminar
Lima, Peru
20 February 2008**

Intellectual Property Rights Experts' Group

Program Rundown of APEC IPEG Seminar – “Partnership in IP Protection”

20 February 2008

*Lima Chamber of Commerce Convention Centre
Av. Gregorio Escobedo 396 Jesús María, Lima 11
Lima Peru*

Time

- 9:30 – 10:00 Registration
- 10:00 – 10:15 Opening remarks
Mr. Martin Moscoso, Head of Copyright Office, the National Institute for the Defense of Competition and the Protection of Intellectual Property - INDECOPI
Mr. Sivakant Tiwari, Chairman of IPEG
- 10:15 – 10:35 What are existing international requirements relating to IP enforcement as set out in the TRIPS agreement?
Mr. Alvin Sim, Deputy Director and Legal Counsel, Legal Policy and International Affairs Department, Policy Division, Intellectual Property Office of Singapore

Theme 1: The Fight Against Counterfeit Pharmaceutical Products

- 10:35 – 11:00 The manufacture and trade in counterfeit drugs and the risk to public health
Mrs. Cinthya Ramírez, Policy and Project Manager, The International Federation of Pharmaceutical Manufacturers and Associations (IFPMA)
- 11:00 – 11:20 Coffee break
- 11:20 – 11:45 Safeguarding patient health
Mr. Miguel Sanchez, Head of Trademarks Office, INDECOPI
- 11:45 – 12:00 Question and Answer Session
- 12:00 – 1:45 Lunch Break (Malabar Restaurant)
- 1:45 – 2:00 Sharing of LSIF's work on IP and anti-counterfeiting matters
Dr. Diane Hannemann, Science & Foreign Affairs Officer, Bureau of East Asian & Pacific Affairs, U.S. Department of State
- 2:00 – 2:30 Panel Discussion: Meeting the Regional Challenge on IP Enforcement for Pharmaceuticals through Collaboration – How?
Moderator: **Mr. Stephen Selby**, Director, Intellectual Property Department, Hong Kong
- Participants: **Mrs. Cinthya Ramírez, Mr. Miguel Sanchez, Ms. Diane Hannemann**

Theme 2: Copyright Piracy in Traditional and Digital Media

- 2:30 – 2:45 Customs border enforcement – traditional and digital media
Mr. Ben Ho, Head of IP Investigation Bureau, Customs and Excise Department, Hong Kong

2:45 – 3:00	Right-holder's support to Customs – providing evidence for criminal proceedings Mr. Clive Tricker , Intelligence Analyst, IFPI, Latin America
3:00 – 3:15	Joint efforts on public education and awareness Mr. Matthew Forno , Director, International Cooperation, IP Australia
3:15 – 3:30	Mr. Martin Moscoso , Head of Copyright Office, INDECOPi
3:30 – 3:40	Question and Answer Session
3:40 – 4:00	Coffee Break
Theme 3: Counterfeiting of Brand-name Products	
4:00 – 4:15	Customs enforcement: The supply of data to right-holders/ Enforcement through Customs-Industry Cooperation (TRIPS Article 57.) Mr. David Brener , International Trade Program Manager, U.S. Customs and Border Protection
4:15 – 4:30	Right-holders support: How to help Customs to identify infringing goods? Ms. Miriam Hirahara , IP Counsel of Philips Intellectual Property & Standards, Brazil
4:30 – 4:45	Mr. Juan Pablo Schiantarelli , IP Counsel, Head of the IP and Competition Area of Rosselló Abogados, Lima Peru
4:45 – 5:15	<u>Panel Discussion</u> : Regional Collaboration on Identifying Infringing Goods Moderator: Mr. Stephen Selby , Director, Intellectual Property Department, Hong Kong
	Participants: Mr. Ben Ho, Mr. Clive Tricker, Mr. Matthew Forno, Mr. Martin Moscoso, Mr. David Brener, Ms. Miriam Hirahara, Mr. Juan Pablo Schiantarelli
5:15 – 5:30	Closing Remarks Mr. Sivakant Tiwari , Chair of IPEG
5:30	End of Seminar



**Asia-Pacific
Economic Cooperation**

2008/SOM1/IPEG-SCCP/001

Program

Purpose: Information
Submitted by: IPEG & SCCP



**Intellectual Property Rights Experts' Group -
Sub-Committee on Customs Procedures Joint
Session for International Cooperation in the
Border Enforcement for Intellectual Property
Rights Protection
Lima, Peru
21 February 2008**

IPEG-SCCP joint session - for international cooperation in the border enforcement for IPR protection

1. Background

On July 6, the ministers responsible for trade encouraged economies to “undertake greater information exchange among IPR authorities and enforcement authorities” in their joint statement. This statement is based on the agreement of both IPEG and SCCP, which recognizes the importance of taking further steps to stop the proliferation of the counterfeit and piracy goods through international cooperation among IPR authorities and enforcement authorities.

Thus, IPEG and SCCP will hold a joint session to study and discuss the current situation of IPR infringement at the borders as well as the efficient way to strengthen its capacity in the border enforcement.

2. Purpose

- 1) The joint session will be expected to foster information exchange about the following items and better understanding among IPEG members and SCCP members.
 - The current situation and the problems of IPR infringement as well as activities to cope with counterfeit and piracy goods.
 - The current situation of enforcement mechanisms in the respective economies
- 2) The joint session will be expected to foster discussion about the ways to enhance information sharing among customs regarding IPR infringement

3. Date and venue

9:00AM-12:30PM, 21st February 2008,
Lima Chamber of Commerce, Lima, Peru

4. Draft agenda

9:00-Opening remarks (Mr. Sivakant Tiwari, IPEG chair, and Mr. José Armando Arteaga Quiñe, National Associated Superintendent of Customs)

9:10-Official photograph

9:20-Agenda Item 1 - Objective of the joint session (Mr. Masaki OKAMOTO, Deputy director, Office of Intellectual Property Protection, METI, Japan)

Introduction of the current situation of the counterfeit goods proliferation – globalization, international specialization, sophistication.

9:40-Agenda Item 2 - Presenting the updated activity at IPEG

9:40- Achievement of IPEG activities in 2007 (Mr. Sivakant Tiwari, IPEG chair)

Summary of 2007 IPEG activities (focusing on the anti-counterfeit and piracy goods activities)

10:00- Capacity-building activities for IPR protection (Mr. Yuya HASEGAWA, Deputy director, APEC Office, METI, JAPAN)

Presentation of the result of survey on capacity building activities of IPEG members

10:10- Innovative technique of IPR border enforcement (Ms. Rachel Bae, Director for Intellectual Property and Innovation, Office of the U.S. Trade Representative
Mr. David Brener, Chief, IPR Operations Branch, Office of International Trade, U.S. Customs and Border Protection)

Presentation of the U.S. initiative namely “Best practice paper of innovative technique of IPR border enforcement”.

10:30- Discussion about agenda Item 2

11:00- Coffe break

11:15-Agenda Item 3 - Information exchange of IPR enforcement mechanisms at customs

(Moderator : Mr. Rafael Antonio Reaño Azpilcueta, Manager of Customs Procedures, Harmonized System and International Trade Operators,

Presentation : Mr. Yosuke KAWAKAMI, Counselor for International Organizations, Ministry of Finance, Japan)

The current situation and regulations of each economy concerning the border enforcement.

11:35- Discussion about agenda Item 3

12:15- Agenda Item 4 – Discussion of the future agenda

12:30- Closing Remarks (Mr. Sivakant Tiwari, IPEG chair, and Mr. José Armando Arteaga Quiñe, National Associated Superintendent of Customs)

附件 3



**Asia-Pacific
Economic Cooperation**

2008/SOM1/IPEG/001
Agenda Item: 2

Agenda

Purpose: Consideration
Submitted by: IPEG



**26th Intellectual Property Rights Experts'
Group Meeting
Lima, Peru
22-23 February 2008**

Intellectual Property Rights Experts' Group

Agenda for XXVI IPEG Meeting

To be held on 22-23 February 2008 in Lima, Peru

1. Opening

The Chair will open the IPEG XXVI meeting.

Mr. Jaime Thorne, President of INDECOPI, will deliver a welcome speech.

2. Adoption of the Agenda

3. Report on Previous Activity of IPEG

3-A. APEC

APEC Secretariat Report on APEC developments, including a presentation on outreach activities by the APEC Secretariat Communications Team

Report by Vietnam on the Workshop on Protection and Enforcement of IPRs in the Digital Era

3-B. TILF

Report by Singapore on APEC IPR Public Education and Awareness Market Research Best Practices

Update by Australia on the APEC IPR Public Education and Awareness Campaign for SMEs

Report by Korea on APEC Project for e-Learning Contents on IP Information

3-C. Self –funded

Update by Chile on the APEC IPEG Survey on Copyright Limitations and Exceptions

Update by the US on the APEC IPEG Survey on Opposition Proceedings

Proposal by China on Survey on Prevention of Abuse of IPR

3-D. Other matters

Any member that wishes to identify its interests and make presentations will be invited to do so.

4. Interactions with the CTI

Address by CTI Chair on CTI priorities for the year ahead

5. Appointment of the new Chair

The current IPEG Chair, Mr. Sivakant Tiwari, Special Consultant (International Affairs Division), Attorney-General's Office, Attorney-General's Chambers, Singapore, will hand over the chairmanship to Mr. Stephen R. Selby, Director, Intellectual Property Department, Hong Kong, China, the incoming IPEG Chair.

6. CTI priorities

6-A. WTO Matters

Deepening the Dialogue on Intellectual Property Policy – WTO Doha Development Agenda and Protection of IPR in New Fields (Lead Economy: Convenor)

6-A-i. WTO Doha Development Agenda

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-A-ii. Protection of Emerging Fields in IPR

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-A-ii-a. Protection for Geographical Indications (Lead Economy: Mexico)

Information paper by Chinese Taipei on Trademark Protection for Geographical Indications in Chinese Taipei

6-A-ii-b. Protection of Genetic Resources, Traditional Knowledge and Folklore

Update by Peru on Raising Awareness and Providing Policy Insights on Access to

Genetic Resources and Protection of Traditional Knowledge in APEC Economies

Presentation by Korea on the Recently Completed Korean Traditional Knowledge Portal (KTKP)

6-A-ii-c. Protection of Plant Variety Protection Systems

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-B. Trade and Investment Facilitation

6-B-i. APEC Anti-Counterfeiting and Piracy Initiative (Lead Economy: Japan, Korea and USA)

Members will report the progress on implementation of APEC Anti-Counterfeiting and Piracy Initiative, and discuss how the IPEG should contribute to implement the initiative.

Update by the US on the Best Practices Paper on Innovative Techniques for IPR Border Enforcement

Update by Japan on the implementation templates for the IPR Guidelines adopted under the 2005 Anti-counterfeiting and Piracy Initiative

Proposal by the US on a workshop on securing the supply chain including implementation of the supply chain guidelines

6-B-ii. APEC IPR Service Center (Lead Economy: Japan)

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-B-iii. Enforcement Related Activities

Update by Japan and collective follow-up on proposal for international co-operation for IPR protection among enforcement agencies of APEC economies (taking into consideration the joint IPEG-SCCP session)

Information paper by Hong Kong, China on A Better Copyright Regime in Hong Kong, China

Presentation by China on New Progress of IPR Protection in China in 2007

6-B-iv-a. Establishment of Enforcement Guidelines

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-B-iv-b. Exchange of Information Concerning IPR Infringement

Presentation by Japan on APEC IPR Infringement Information Sharing Initiative

6-C. Implementation of Pathfinder Initiatives

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-D. Implementation of Transparency Standards

Any member that wishes to identify its interests and make presentations will be invited to do so.

6-E. Regional Trade Agreements (RTAs) / Free Trade Agreements (FTAs)

Reminder by Australia for economies to update the FTA/RTA matrix developed by Australia

6-F. Capacity Building

Presentation by Australia on a Strategic Consideration of IPR Capacity Building Requirements in APEC Economies (building on the IPR Guidelines on Capacity Building)

Presentation by Australia on collective management of copyright

Proposal by China on Recommended Form on Capacity Building in Organizing IPR Activities

6-G. IPR and Standardisation

Update by China on a proposed APEC-IPEG Survey on Practices of IPR Protection in Standardisation

7. Other collective actions of IPEG

7-A. Support for Easy and Prompt Acquisition of Rights

7-A-i. Participation in International IP-related Systems (Lead Economy: the USA)

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-A-ii. Establishing Internationally Harmonized IPR Systems (Lead Economy: Japan)

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-A-iii. Well-known Trademarks (Lead Economy: Thailand)

Information Paper by Chinese Taipei on Protection of Well-Known Trademarks in Chinese Taipei

7-A-iv. APEC Cooperation Initiative on Patent Acquisition Procedures (Lead Economies: Japan, Korea, Singapore, USA)

Proposal by Japan on the Survey on Examination Co-operation Practices among APEC economies

Update by Mexico on the project between Mexico, Central America and Dominican Republic regarding the Establishment of a Mechanism for Searches and Examination of Patent Applications

7-A-v. Non-traditional Trademarks (Lead Economy: Singapore)

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-A-vi. Plant Variety Protection Survey

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-B. Electronic Processing of IPR-related Procedures

7-B-i. Electronic Filing Systems (Lead Economy: USA)

Any member that wishes to identify its interests and make presentations will be invited to

do so.

7-B-ii. Electronic commerce (Lead Economy: Australia)

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-B-iii. Dissemination of Information by Electronic Means: APEC IPEG Website (Lead Economy: Australia)

Update by Australia on the dissemination of APEC IPEG information through the APEC website

7-C. IP Utilization

7-C-i. Promoting IP Asset Management in APEC Economies (Lead economy: USA)

Information Paper by Hong Kong, China on Developments in Intellectual Asset Management in Hong Kong, China

7-C-ii. Raising Public Awareness (Lead economies: Australia and Hong Kong, China)

Presentation by Australia on the IP Passport Series.

Update by Mexico on Efforts to Raise IP Public Awareness

7-C-iii. Facilitation of Technology Transfer through Ensuring of IP Protection (Lead Economies: Australia)

Any member that wishes to identify its interests and make presentations will be invited to do so.

7-C-iv. IP Information Utilization and Dissemination (Lead Economy: Korea)

Update by the US on the recently completed on-line SME IP Tutorial

Initiative by Korea for Cooperation in IP Creation and Utilization

8. New Project Proposals

Formation of QAF team

Proposal by Vietnam for APEC IP Awards

9. Cooperation with Other Fora

Presentation by Mr. Olav Stokkmo, CE of the International Federation of Reproduction Rights Organisations (IFRRO) on possible co-operation between IPEG and IFFRO

Comments by Japan on the co-operation with Automobile Dialogue

10. Other Business

Information Paper by Hong Kong, China on Amendments to the Patents Ordinance

Update by the US on recent case law from the Court of Appeals for the Federal Circuit and the US Supreme Court that affects patent examination at the USPTO

Information Paper by Chinese Taipei on Patent Attorney Act in Chinese Taipei

Presentation by Canada on Engaging Clients - A CRM Model

Update by Vietnam on its IP system

11. Document Access

Members will decide whether each document is to be made public or to be restricted.

12. Future Meetings

13. Report to the Next CTI

The Chair will provide CTI with the Convenor's Report on the IPEG and forward that on to IPEG economies for information.

Notes of Meeting

February 22, 2008 9:30-18:30

February 23, 2008 9:00-1:30

Introduction

1. The 26th meeting of the APEC Intellectual Property Rights Experts' Group (IPEG XXVI) was held on 22-23 February 2008 at the Lima Chamber of Commerce Convention Centre in Lima Peru.

2. The meeting was attended by representatives from the following APEC member economies: Australia, Brunei Darussalam, Canada, Chile, China, Hong Kong, China, Indonesia, Japan, Korea, Malaysia, Mexico, New Zealand, Peru, the Philippines, Singapore, Chinese Taipei, Thailand, USA and Vietnam. The Program Director of IPEG (IPEG PD), the ABAC representative and the representative of International Federation of Reproduction Rights Organizations (IFRRO) also attended the meeting. In addition, the CTI Chair intervened the meeting to give a brief on the CTI priorities in 2008.

Agenda Item 1: Opening

3. The Chair of IPEG, Mr Sivakant Tiwari opened the meeting and welcomed all colleagues to Lima. He thanked Peru for the excellent arrangements for the meeting. He noted that Peru is a country rich in heritage, culture, history and scenery and those colleagues who are able to do so may wish to visit some of the well-known places. He hoped that the IPEG would have a fruitful meeting.

4. On behalf of the host economy Peru, Mr Jamie Thorne, President of National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI) delivered a welcome speech. He noted that intellectual property is a key part in promoting the economies' activities, innovation creation and technology transfer and commended IPEG's work in fostering the

cooperation among economies in this region. He briefly introduced the development of IP work in Peru such as the various kinds of public campaigns that Peru had been keen to do for promoting the IP awareness and enforcement in the public as well as the business sector particularly to the small and medium sized enterprises (SMEs).

Agenda Item 2: Adoption of the Agenda

5. The Agenda was adopted with a minor adjustment to the running order.

6. The Chair informed the meeting that as Mr Olav Stokkmo, Chief Executive of the IFRRO, had to leave early he would make his presentation at the agenda item 3-A. instead of item 9 as originally slotted in.

7. The Chair also briefed the IPEG on the discussions at the IPEG pre-meeting on 21 February 2008 and the agreements reached. So as to save time, the meeting endorsed the following agreements reached at the pre-meeting: –

- (i) it had been provisionally agreed that the next meeting would be held on 5-6 August 2008, together with a 2-day workshop on genetic resources and traditional knowledge that to be held on 7-8 August 2008. In the light of the incoming Chair's concern, instead of the proposed place Cuzco, Peru would work on and suggest another place for the next meeting.
- (ii) To coordinate the timing of various IPEG projects in 2008, Australia, in consultation with Hong Kong, China and Singapore, requested a rescheduling of the date for a workshop under the project "APEC IPR Public Education and Awareness Program for SMEs" (CTI 06/2008T) to January 2009. The informal meeting had agreed to the request.
- (iii) Australia, Thailand and Mexico had agreed to Chairman's request to form the QAF team for IPEG for a term of 1 year. The team also kindly agreed to make the best endeavor to evaluate the completed projects.

- (iv) The pre-meeting agreed to circulate the US Chamber of Commerce proposal of journalist training initiative to allow the economies more time to study it before the IPEG decides how to interact with the Chamber in future.
- (v) The pre-meeting agreed to allow economies to have sufficient time to reflect upon and put into practice the outcomes of the 1st IPEG-SCCP joint session before deciding whether, when, and in what format the next IPEG-SCCP joint session should take place.
- (vi) Singapore also mentioned that in respect of the Survey on Non-Traditional Trade Marks which closed in June 2007, it had circulated a draft report and invited participating economies to correct factual errors by 15 March 2008. Thereafter, the report (with corrections incorporated) would be filed with the APEC Secretariat.

Agenda Item 3: Report on Previous Activity of IPEG

3-A. APEC

Presentation by International Federation of Reproduction Rights Organisations (Originally scheduled at Agenda Item 9)

8. Mr Olav Stokkmo, Chief Executive of the International Federation of Reproduction Rights Organisations (IFRRO) was invited to make a presentation at the agenda item 3-A. such that he could be able to meet his flight schedule.
9. Mr Stokkmo thanked IPEG for having invited him for the third time. He introduced the works of IFRRO in the area of public awareness and the development of system for IPR enforcement, notably a WIPO-ARIPO-IFRRO education program, the promotion for governmental collaboration and the digital initiative. He also briefed IPEG on a European Commission i2010 Digital Library Initiative.
10. The Chair requested Mr Stokkmo to comment how IPEG could better

work with the IFRRO. Mr Stokkmo said that the two potential cooperation areas could be on the book culture conference and digital initiative.

11. Regarding the suggestion of signing an agreement, the Chair explained that IPEG is not in a position to sign any cooperation agreement but would certainly continue to foster cooperation with IFRRO and IFLA. Chinese Taipei thanked IFRRO for their expertise and experience provided to an earlier seminar held in Chinese Taipei. The incoming Chair encouraged IFRRO to approach individual economies for cooperation and bring back experience for sharing at IPEG. Chile hoped that more experience sharing sessions would be arranged with IFRRO with the aim of complementing the work done by IPEG.

APEC Secretariat Report on APEC developments, including a presentation on outreach activities by the APEC Secretariat Communications Team

12. The APEC Secretariat presented the outreach activities that the Communication Team had completed in past few years and introduced their priorities in 2008. It noted that the communication via various channels such as website, e-newsletter had fostered better communication with stakeholders.

13. In response to a comment on the subscription fee for the e-newsletter, the APEC Secretariat clarified that no subscription fee was required for the e-newsletter.

14. The IPEG PD informed member economies that instead of printing the APEC Secretariat Report on APEC development, it was posted at the APEC website. She invited interested economies to download and study the report.

Workshop on Protection and Enforcement of IPRs in the Digital Era (CTI 07/2007)

15. Vietnam reported that an APEC Workshop on the Enforcement of Intellectual Property Rights in the Digital Era had been successfully held in Nha Trang, Vietnam from 4 - 6 July 2007. The workshop had promoted interaction among the experts and between the experts and participants. The participants generally supported organizing similar workshops in future. Thailand enquired whether the material of this workshop would be accessible at the APEC website. Vietnam said that material in the form of a CD had been

distributed to all economies and the APEC Secretariat. The IPEG PD said that the material should reach at the public education manager and she would check whether it was being distributed to Members.

Brief on 2008 CTI Priorities. (Originally scheduled at Agenda Item 4)

16. Ms Mary Elizabeth Chelliah, Chair of APEC Committee on Trade and Investment (CTI) was invited by the Chair to address the meeting at this point. She informed IPEG that much work had been done by APEC in the area of trade and investment facilitation throughout 2007, but there were still many tasks listed in the REI report that required all fora to work together. One of the goals is to achieve greater economic integration in the APEC region.

17. The IPEG Chair asked how IPEG could contribute more to achieving the free trade area in the region and support the WTO works on multilateral system. The CTI Chair noted that APEC is indeed in the infant stage in term of free-trade area achievement and she understood the difficulties in promoting it, since APEC is not a negotiation forum. She pointed out that CTI would study what APEC could do toward promoting economic integration.

18. The IPEG Chair noted that IPEG has been doing lots of work in the area of integration by working on projects which showed the commonalities among the economies so as to facilitate regional trading and business activities. The CTI Chair commented that finding out the commonalities in the IP regime is a good approach in helping economic integration and encouraged IPEG to continue to work and reflect on any other innovative initiatives toward this goal. Japan commented that APEC Cooperation Initiative on Patent Acquisition Procedures is a good example of the IPEG's deliverable which contributes to the regional economic integration.

3-B. TILF

APEC IPR Public Education and Awareness Market Research Best Practices (CTI 12/2007T)

19. Singapore reported the successful completion of the APEC IPEG IPR Workshop "Using Market Research to Develop Effective IPR Campaigns" which had been held in Singapore from 12-14 December 2007. The project

included the following three key deliverables: (i) a 'How to' guideline for conducting market research; (ii) a survey instrument that could assist member economies in undertaking market research to support IPR education and awareness programs; and (iii) a three-day workshop focusing on "Conducting effective market research on IPR awareness and sharing of best practices" and "Using market research to develop effective IPR campaigns to address ongoing and emerging piracy activities".

20. Singapore further noted that to build on the successful collaboration with Australia and Hong Kong, China in this and the previous project, "APEC IPR Public Education and Awareness Platform" (CTI 03/2006), the three IP Offices would undertake another project on "APEC IPR Public Education and Awareness Program for SMEs" in 2009 (CTI 06/2008T).

APEC IPR Public Education and Awareness Campaign for SMEs (CTI 06/2008T)

21. Australia updated IPEG on the project "APEC IPR Public Education and Awareness Program for SMEs". The project is the third and the last phase of the APEC Public Education and Awareness Program delivered by Australia, Hong Kong, China and Singapore. Australia said that the two deliverables of this project would be (i) a "Conducting effective IPR PE&A campaigns for SMEs" workshop, and (ii) an "APEC SME IPR Commercialization and Management Resource" which could assist the SMEs in using and protecting their IPRs. To harmonize with other IPEG projects, Australia had consulted with Hong Kong, China and Singapore to reschedule the workshop to January 2009, with the resource to be delivered at the end of the same year.

APEC Project for e-Learning Contents on IP Information

22. Korea made a presentation on the successful completion of Phase II of APEC Project for e-learning contents on IP information (CTI 17/2007T). Phase I of this project consisted of eight modules aimed at introducing intellectual property and the way to search and analyze them. Phase II consisted of six modules aimed at providing information on advanced searching for patent information and strategies for international application and an understanding on drafting and interpreting patent documents.

23. Korea informed the meeting that it had set up a display booth outside the meeting venue and gave a demonstration how to use the product “IP eXpedite”. It recommended interested member economies to distribute “IP eXpedite” in the form of CDs, since there will be different licensing arrangements for governments, non-governmental entities and educational institutions. The Chair encouraged interested economies to contact Korea for the details of the licensing agreement for disseminating the result.

3-C. Self –funded

APEC IPEG Survey on Copyright Limitations and Exceptions

24. Chile made a presentation on the preliminary findings of a survey on copyright limitations and exception. Chile said that the report, as the first phase of its project, only incorporated input from thirteen member economies that had responded to the survey. Chile particularly thanked New Zealand and Hong Kong, China as the first two economies to provide their input.

25. Chile proposed a one-month period for collecting economies’ comments before the final report is prepared. In the second phase, further work would be conducted to collect information on models or practices to identify and evaluate the need for exceptions and limitations in each economy. The IPEG Chair encouraged members to update and contribute to the survey on these issues. Canada and Australia thanked Chile for the work done. Canada said that it would study the report and comment on it if necessary.

APEC IPEG Survey on Opposition Proceedings for trademarks

26. The US gave a brief verbal update and said that the aim of the survey were (1) to provide an easy access for economies to obtain information concerning the procedures of the proceedings, and (2) to provide resources to those wish to review their own opposition proceedings. The US said that six economies had contributed and encouraged other economies to submit responses to the survey. The US would notify those who had not replied. They hoped that the final report could be approved inter-sessionally.

Survey on Prevention of Abuse of IPR

27. Following a brief on the background of its proposal in the IPEG pre-meeting, China gave a more detailed presentation on the proposed survey and said that a sound IPR system should achieve a balance between protecting IPR and promoting fair competition. China said that since it had no detailed legal provisions on prevention of abuse of IPR, they hoped to collect and share experience in this area through the survey.

28. The US asked for China's clarification on what "abuse" meant. Canada, Japan, Chile, Thailand commented that they would have to consult with their experts in their respective capitals before making further comment on the proposal. Thailand also said this was an interesting topic and the questions listed in the survey were very simple. In response to the comments received, China gave some examples of the abuses such as coercive package licensing, and said that since each economy had different legal provisions and guidelines to deal with the abuse of IPR, the survey would just serve to collect and share information among IPEG members. China welcomed any comments on their proposal.

29. The Chair suggested that China provide some specific examples of IPR abuse to help the economies to understand the proposal, so that useful feedback could be solicited. New Zealand requested China to refine the questions and consider classifying them into different IP categories. The US commented that they could not immediately respond concerning the specific section of the US anti-competition laws quoted by China. The Chair said that since this proposal had just been received and touched on the general principles of TRIPS, he suggested that members use this chance to understand the proposal first. China agreed to refine the proposal and re-table it later for IPEG consideration.

3-D. Other matters

30. There were no presentations or interventions.

Agenda Item 4. Interactions with the CTI

31. CTI Chair spoke during the meeting during discussion of agenda item 3-A. to give a brief on the CTI priorities in 2008.

Agenda Item 5. Appointment of the new Chair

32. The current IPEG Chair, Mr Sivakant Tiwari, Special Consultant (International Affairs Division), Attorney-General's Office, Attorney-General's Chambers, Singapore, handed over the chairmanship to Mr Stephen R. Selby, Director, Intellectual Property Department, Hong Kong, China, the incoming IPEG Chair.

33. The outgoing chair, Mr Sivakant Tiwari thanked all economies for their pro-active work and excellent support for and participation in the IPEG activities during his two-year tenure. He commended IPEG members for the progress made in various important areas including capacity building and development of IPR guidelines. He added that all economies were encouraged to continue to work towards economic integration which is one of goals of the CTI. Mr Stephen R. Selby, the Director of Intellectual Property Department, Hong Kong, China assumed the Chair of IPEG for a term of two years (2008-10) and he particularly thanked Mr Tiwari for the leadership that he had brought to IPEG and the valuable experience shared with him. The US also thanked Mr Tiwari for leading the IPEG in moving forward and assisting member economies in achieving resolution of many challenging IP topics in the past few years.

34. The IPEG Chair, Mr Stephen Selby thanked economies for their support for him to take up this post. In view of extensive agenda remaining, he requested economies to express themselves concisely or to consider leaving out oral presentations in this meeting if the submitted papers were self-explanatory.

Agenda 6. CTI priorities

6-A. WTO Matters

6-A-i. WTO Doha Development Agenda

35. There were no presentations or interventions.

6-A-ii. Protection of Emerging Fields in IPR

36. There were no presentations or interventions.

6-A-ii-a. Protection for Geographical Indications

Trademark Protection for Geographical Indications in Chinese Taipei

37. Chinese Taipei briefed IPEG that it protects Geographical Indication (GIs) under the already existing trademark system in order to harmonize the protection for GIs and other trademarks, as well as to economize on administrative costs. In addition, the “Examination Guidelines on Certification Marks, Collective Trademarks and Collective Membership Marks” had been promulgated and took effect on July 2007 to strengthen examiners’ ability to carry out examinations.

6-A-ii-b. Protection of Genetic Resources, Traditional Knowledge and Folklore

Raising Awareness and Providing Policy Insights on Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies (CTI 23/2008T)

38. Peru updated IPEG on its planning for this project, which included a survey on access to genetic resources and protection of traditional knowledge among the member economies. In addition, a two-day seminar was planned to be held in conjunction with the 27th IPEG meeting. It shared its draft proposal for the survey and invited economies to comment on it. The final questionnaire is expected to be circulated in March through May. The Chair thanked Peru for the update. He suggested that Peru review the necessity of including a strong link between ‘indigenous population’ and ‘traditional knowledge’ in its proposal, given that some economies were multi-cultural and did not have the concept of ‘indigenous population’.

39. Australia asked about the deadline for providing comments on the draft and how the analysis of results would be carried out. Peru noted that economies were encouraged to make comments up to the end of March this year. The data would be collected and analyzed by a Peruvian consultant and result would be available by June in the form of a preliminary report for IPEG to comment. The US asked who would select the consultant and what fund would be used to pay the consultant. Peru said that the consultant would

be financed by the APEC funding.

40. The Chair reminded and encouraged economies to make use of the APEC AIMP portal as a platform for making comments and exchanging ideas. Singapore requested Peru to refine the questions in the survey to make it generally applicable to different economies. Peru thanked Singapore for their comment and would further refine the survey and upload it to the portal for economies' comment.

Korean Traditional Knowledge Portal (KTKP)

41. Korea made a presentation on its recently completed Korean Traditional Knowledge Portal (KTKP) that had been launched on December 6, 2007. The Portal had been developed since 2004 and now consisted of two databases that contained vast amount of information such as herb compounds, ingredients and prescriptions for traditional Korean medicine. Korea pointed out that the Portal was also linked up with the Korean Journal of Traditional Knowledge (KJTK) that contained articles that qualified as prior art and could be searched and viewed at no cost.

42. Chinese Taipei asked who maintained the portal and what currency had been used to calculate the development cost. Korea clarified that the portal was developed and managed by KIPO and US dollars were used in calculating the cost. Chile asked whether KIPO patent examiners used the articles posted for patent prior art examination. Korea said that was not a requirement use the articles for prior art in examination, but examiners could do so at their discretion.

6-A-ii-c. Protection of Plant Variety Protection Systems

43. There were no presentations or interventions.

6-B. Trade and Investment Facilitation

6-B-i. APEC Anti-Counterfeiting and Piracy Initiative

Best Practices Paper on Innovative Techniques for IPR Border Enforcement

44. The US reiterated that it welcomed further comment and submissions on the paper. IPEG noted that the US planned to develop a capacity building program on innovative techniques for border enforcement, probably in 2009.

Implementation templates for the IPR Guidelines adopted under the 2005 Anti-counterfeiting and Piracy Initiative

45. IPEG noted the progress toward the completion of the three guideline implementation templates and thanked Japan for its work on these. Japan reported that as of 14 February 2008, 10 economies had completed the templates relating to (i) Reducing Trade in Counterfeit and Pirated Goods and (ii) Preventing the Sale of Counterfeit and Pirated Goods over the Internet; 11 economies had completed the template of (iii) Protecting against Unauthorized Copying. Japan encouraged the remaining economies to contribute so as to complete these three templates by the next IPEG meeting. The Chair supported Japan's appeal. Hong Kong, China said that it would update the templates in view of legislative changes on the copyright side after its submission of the templates earlier.

A workshop on securing the supply chain (including implementation of the supply chain guidelines)

46. The US briefed the meeting on a proposal to organize a workshop or seminar on securing the supply chain, including implementation of the supply chain guidelines. The aim of the workshop is to increase awareness among enterprises in APEC economies about effective supply-chain management to prevent IP infringement. A case-study approach would be used to increase participants' understanding on the protection of IP along the supply chain. Representatives from the public and private sectors including government officials and SMEs will be invited to participate. This self-funded project is to be held in Hong Kong in September 2008. Hong Kong, China will be the co-sponsor of this project. The US would provide more information inter-sessionally. IPEG endorsed this self-funded project.

6-B-ii. APEC IPR Service Center

47. There were no presentations or interventions.

6-B-iii. Enforcement Related Activities

Collective follow-up on proposal for international co-operation for IPR protection among enforcement agencies of APEC economies – Second IPEG-SCCP Joint Session

48. IPEG discussed this proposal at length. Members supported promoting lateral communications with other fora. IPEG agreed to allow economies to have sufficient time to reflect upon the outcomes of the 1st IPEG-SCCP joint session before deciding whether, when, and in what format the next IPEG-SCCP joint session should take place. The Chair said that information sharing was the key to contributing to the Anti-counterfeiting and Piracy Initiative. Member economies agreed on the Chair's comment. Singapore encouraged members to enhance communication with its own enforcement agencies within their home economies.

A Better Copyright Regime in Hong Kong, China

49. Hong Kong, China said that its presentation was self-explanatory. It highlighted that the copyright legislation amendment aimed at providing Hong Kong, China with a strong system of copyright protection to facilitate the development of a knowledge-based economy and creative industries. Hong Kong, China invited economies to express any views and to approach it for any comment or question at the margin of meeting. In response to Chinese Taipei's query, Hong Kong, China said that the issues arising from parallel import could be controversial and that under the amended legislation Hong Kong, China relaxed the relevant provisions.

New Progress of IPR Protection in China in 2007

50. China said that the progress of IPR protection in China in 2007 had been made available in the material put forward at the meeting. The Chair drew Members' attention to a WIPO report dated 21 Feb 2008 that in 2007, China was the world's 7th largest international patent filer under the PCT system, according to the WIPO statistics and appreciated the progress that China made.

6-B-iv-a. Establishment of Enforcement Guidelines

51. There were no presentations or interventions.

6-B-iv-b. Exchange of Information Concerning IPR Infringement

APEC IPR Infringement Information Sharing Initiative

52. Japan gave a presentation on its proposal on establishing a platform for the sharing of information which would permit easier identification of infringing copies of works and counterfeit articles to facilitate enforcement by IP enforcement bodies. IPEG had extensive discussion on this proposal and noted that it was a very important but major initiative. The ABAC representative gave support to this initiative and said that Japanese electronic companies found that sharing the IPR infringement information facilitated more effective enforcement.

53. In response to the Chair's query, Japan noted that it had no such IPR infringement information sharing system operating in Japan currently. The Chair further asked whether other member economies had any government level information sharing system. New Zealand noted that criminal enforcement responsibility usually rested with Police and in some cases Customs, rather than IP offices. New Zealand therefore questioned whether IPEG was the right forum for such a platform to be developed. The New Zealand delegation attending IPEG was unlikely to have either the competence or a mandate to enter into discussions concerning matters that are the responsibility of Police or Customs.

54. Some economies indicated possible constraints in supporting the system and suggested to focus more on tackling counterfeiting activities utilizing existing effective communication channels.

55. Japan agreed to start a dialogue inter-sessionally. The Chair encouraged Japan to upload the revised proposal to APEC AIMP Portal for convenient discussion.

6-C. Implementation of Pathfinder Initiatives

56. There were no presentations or interventions.

6-D. Implementation of Transparency Standards

57. There were no presentations or interventions.

6-E. Regional Trade Agreements (RTAs) / Free Trade Agreements (FTAs)

58. Australia presented an update on the RTA/ FTA matrix. Economies which had not responded were requested to make their contributions, so as to support the goal of economic integration in this region.

6-F. Capacity Building

Collective management of copyright

59. IPEG noted a paper submitted by Australia on the collective management of copyright. Australia said that non-governmental copyright collecting societies operating in an open and accountable manner helped to secure an economic return for copyright owners and provide the convenience of a one-stop shop for users. In response to the Chair's query, Australia said that it had statutory licensing system.

A Strategic Consideration of IPR Capacity Building Requirements in APEC Economies (building on the IPR Guidelines on Capacity Building)

60. Australia proposed to conduct a study using the survey approach among member economies to understand the capacity building requirement, so as to assist IPEG in strategic planning on capacity building activities.

61. The Chair said that China had proposed a similar initiative and asked if both economies could collaborate. China noted that it had consulted Australia at the margin of meeting and agreed to work jointly with Australia to refine the proposal inter-sessionally and would re-table later for IPEG consideration. The Chair appreciated the team work between Australia and China.

Recommended Form on Capacity Building in Organizing IPR Activities

62. China said that the submitted paper was self-explanatory. China would

work jointly with Australia to merge and refine the proposal for later submission to IPEG.

6-G. IPR and Standardisation

A proposed APEC-IPEG Survey on Practices of IPR Protection in Standardisation

63. China gave an oral update on its proposed survey and said that it was in the process of analyzing different views and comments received. China would provide new material for discussion at the next meeting. The Chair thanked China for their update and looked forward to the revised paper. The Chair further advised China to carefully study the scope of organizations to be covered in the survey as standardization bodies in some economies were non-governmental.

Agenda Item 7. Other collective actions of IPEG

7-A. Support for Easy and Prompt Acquisition of Rights

7-A-i. Participation in International IP-related Systems

64. There were no presentations or interventions.

7-A-ii. Establishing Internationally Harmonized IPR Systems

65. There were no presentations or interventions.

7-A-iii. Well-known Trademarks

Protection of Well-Known Trademarks in Chinese Taipei

66. IPEG noted the information paper submitted by Chinese Taipei.

7-A-iv. APEC Cooperation Initiative on Patent Acquisition Procedures

Survey on Examination Co-operation Practices among APEC economies

67. Japan presented a proposal to conduct a survey on examination cooperation practices among APEC economies. The objective of the proposed survey was to pave the way in the long term for potential greater sharing of patent examination data among APEC economies. This could avoid duplication of efforts among patent offices and ultimately lead to quicker grant of patent rights.

68. The Chair pointed out that worldwide, the volume of patent applications was reaching a critical level and how to efficiently handle it was becoming a key concern.

69. New Zealand said that the issue had been under discussion with Australia for several years, but remained unresolved because of a number of issues including differences in law and jurisprudence. New Zealand welcomed Japan's proposal.

70. China thanked Japan for their presentation and suggested that Japan review the existing information before embarking on this survey. The Chair asked Japan whether there was sufficient information available either from the websites of APEC economies or from the past surveys undertaken by IPEG. Japan thought that the existing information was either insufficient or not available. The US echoed Japan's view and gave support to the proposal.

71. Canada supported Japan's proposal but said there were a number of previous IPEG surveys that had not been completed. It suggested that economies complete other surveys before going forward with another. The Chair noted Members' concern about the number of outstanding surveys that had not been fully completed. Apart from this general concern, there was no specific objection to Japan's proposal and accordingly it was endorsed.

72. New Zealand suggested that IPEG consider setting a limit to the number of surveys each year. The Chair commented that one of the values of IPEG was information sharing, which enhanced understanding among economies and could ultimately facilitate trading activities in the region. He did not believe that any pre-determined limit on the number of surveys each year would be appropriate.

A project between Mexico, Central America and Dominican Republic regarding

the Establishment of a Mechanism for Searches and Examination of Patent Applications

73. Mexico said that since the update last year, it had launched a site portal and was planning to conduct technical meetings with these the project members as to see if the portal was working effectively. It noted that it would provide Japan with the details on the cooperation arrangement at a later time.

7-A-v. Non-traditional Trademarks

74. There were no presentations or interventions.

7-A-vi. Plant Variety Protection Survey

75. There were no presentations or interventions.

7-B. Electronic Processing of IPR-related Procedures

7-B-i. Electronic Filing Systems

76. There were no presentations or interventions.

7-B-ii. Electronic commerce

77. There were no presentations or interventions.

7-B-iii. Dissemination of Information by Electronic Means: APEC IPEG Website

The dissemination of APEC IPEG information through the APEC website

78. Australia gave a presentation on the outcomes of the migration of the APEC-IPEG website to APEC website, so as to avoid duplication of effort and better utilize resources. It provided an online demonstration on how to locate the migrated information at the APEC website. Members were also encouraged to update or check for any missing or incorrect links. It added that public education resources were put under an external website www.apecipeg.org, which could be used to profile the other education and capacity building projects of this group such as Korea's "IP eXpedite". Chile

asked if the materials need to be translated in English for posting at the external website. Australia clarified that the content linked to the website did not have to be in English. The Chair appreciated the flexibility but thought that ideally it should be in English since English is the APEC official language.

79. The Chair acknowledged and deeply appreciated Australia's efforts over the years, which had resulted in IPEG having a high-profile Internet presence in the early period of its work. He also thanked Australia for moving the resources to the new platform under its own funding. Members were encouraged to better utilize the online infrastructure that had been developed.

80. Singapore enquired whether there was any webmaster to maintain or manage this website. The IPEG PD said that there was one person in APEC Secretariat who would upload and maintain the content in a format consistent with the overall website. She however noted that the Secretariat has no domain knowledge or expertise in IP and therefore welcomes any assistance from members in managing the IPEG webpage.

81. In response to Thailand's enquiry on the availability of the past meeting documents, the IPEG PD noted that the past documents were available both in AIMP and APEC public website. Australia gave an online demonstration on how to search those materials. It further commented that some important achievements of IPEG such as the model guidelines are not easily accessible by simply visiting the IPEG webpage and suggested to review them.

7-C. IP Utilization

7-C-i. Promoting IP Asset Management in APEC Economies

Developments in Intellectual Asset Management in Hong Kong, China

82. IPEG noted the information paper submitted by Hong Kong, China.

7-C-ii. Raising Public Awareness

IP Passport Series

83. Australia highlighted that IP Passport Series was an important public-private partnership initiative of Australia. The IP Passport Series contained a number of seminars that aimed at providing SMEs with IP advice relating to export markets and a number of IP fact sheets covering the top six export markets of Australia. These fact sheets were also available online. In response to members' questions, Australia noted that the top six export markets were Korea, China, the US, India, Indonesia and Japan.

84. The Chair noted that the fact sheets were developed by Australia itself and enquired how the APEC economies, particularly those amongst the top six markets could provide updates to Australia. Australia said that it welcomed economies to direct their suggestion and comments by any mean to IP Australia.

Efforts to Raise IP Public Awareness in Mexico

85. IPEG noted Mexico's presentation that many campaigns had been carried out by Government, private sector and non-government organizations, notably the campaigns targeting the children and youngsters, and the government genuine business software campaigns. The Chair commented that IPEG may consider making statement to reflect that many economies had embarked on the government genuine software initiative. Canada noted that when it had submitted its initial comments on this issue, it had raised concerns on how economies would monitor independent consultants working under contract for the government. Canada thus advised IPEG to consider such factors before making any public statement. Singapore noted that the past AMM statements had included some statements on government using genuine software.

7-C-iii. Facilitation of Technology Transfer through Ensuring of IP Protection

86. There were no presentations or interventions.

7-C-iv. IP Information Utilization and Dissemination

Recently completed on-line SME IP Tutorial in the US

87. The US introduced its "STOPFAKES" initiative that included a number

of activities such as a “China Roadshow” Series in China and the development of IPR toolkits for a number of economies. The US also gave a detailed online demonstration on the IP tutorial that had recently been completed and said that the tutorial was designed using a practical approach to assist enterprises -- particularly the SMEs -- on understanding and protecting various kinds of the IPRs. Member economies were invited to visit the website and make comments for further improvement. The US said that it would put the website as a link to the IPEG external website.

88. Canada enquired whether there were any statistics, such as number of people who had visited the website that may reflect the effectiveness or popularity of the website. The US said that there was no data on the number of people visiting, but it had recorded the number of incoming calls seeking professional advice on IP matter. It would further study other indicators for the website’s effectiveness.

Initiative by Korea for Cooperation in IP Creation and Utilization

89. Korea introduced the IP policies of KIPO on SMEs, the universities and commercialization and put forward a concept paper on a survey leading to possible development of measures to promote creation of IP by enterprises in the APEC Region. The first phase of the initiative would be self-funded, and depending on the results, APEC funding may be sought for subsequent phases.

90. The Chair suggested that Korea consider the possible load that the proposal might add to the outstanding surveys in IPEG. In response to the US query, Korea clarified it would submit a revised paper for economies to comment. Hong Kong, China noted that it was planning a non-APEC high-level seminar on intellectual asset management which would be held in late 2008. Hong Kong, China would provide more information when more concrete information on the project became available. Singapore enquired whether the survey would be conducted as a research project by a consultant employed at the research stage and if so, whether such consultant would be self-funded by Korea. Korea clarified that at this moment it had not been decided whether a consultant would be employed; but the first stage of research work would be self-funded.

91. Members were encouraged to provide comments inter-sessionally. Based on comments received, Korea would prepare a paper for formal consideration in IPEG.

Agenda item 8. New Project Proposals

Formation of QAF team

92. The Chair thanked Australia, Thailand and Mexico, who had volunteered to form the QAF team of IPEG for a term of one year. In addition to evaluating the new project proposals, the team had agreed to make its best endeavors to evaluate all completed projects.

APEC IP Awards by Vietnam

93. Vietnam proposed establishing an award for individuals in the APEC Region for excellence in areas such as inventiveness, creativity or use of IP by enterprises. Such awards might be offered to enterprises, women and youth categories.

94. The US commented that the proposal was a good concept and shared with the member three IP-related awards that were currently run in the US and noted that administering the awards could be very burdensome. Singapore suggested IPEG to study to cooperate with ABAC in which ABAC may administer the selection process and provide financial support. The Chair added that the financial support may also be sought from the private sector.

95. New Zealand thanked Vietnam for its proposal and wondered whether the awards would diminish, dilute or complement the WIPO awards. The Chair noted that it was difficult to determine the final effect. He added that since most of the IPEG members are registrars of IP, there may be merit to step back in administering the awards so as to avoid conflict of interest. He noted that another possible way would be to contact the administrator of a renowned IP Award in the region and invite them to manage the APEC IP Awards.

96. IPEG supported the idea in principle but noted there were many practical difficulties in administering such awards. Vietnam agreed to further study on its proposal -- especially on the management of the awards -- and

would re-table their proposal later for IPEG consideration.

Agenda Item 9. Cooperation with Other Fora

Presentation on possible co-operation between IPEG and IFRRO

97. Representative of IFRRO made a presentation at agenda item 3-A.

Co-operation with Automobile Dialogue (AD)

98. Japan reported on the outcomes of the APEC AD IPR Seminar which was held on 12-13 November 2007 in Bangkok. It noted that the Automobile Dialogue would like to invite IPR experts to another coming AD IPR seminar that may be held this year. The Chair enquired how IPR experts would be financed to participate in the seminar as speakers. Japan noted that it did not have information on funding and would provide members with necessary information later.

99. Based on their observations in the November AD IPR Seminar, Thailand and Korea commented that more education is required to the automotive industry especially on the IPR guidelines. The Chair noted that the US had proposed supply chain workshop, which may complement the coming AD IPR Seminar. He suggested that Japan to let AD aware of it.

Agenda Item 10. Other Business

Hong Kong, China on Amendments to the Patents Ordinance

100. IPEG noted the paper submitted by Hong Kong, China. Hong Kong, China highlighted that the amendments to the Patents Ordinance aimed to implement the TRIPS Protocol which could enable Hong Kong, China to import drugs dealing with public health problems in circumstances of extreme urgency, and that Hong Kong, China might also make use of the legislation to export drugs. Singapore informed the meeting that it was similarly looking into amendments to implement the TRIPS Protocol.

Sharing of recent case law from the Court of Appeals for the Federal Circuit and the US Supreme Court that affects patent examination at the USPTO

101. The US shared with IPEG two cases that significantly affected patent examination at the USPTO. Member economies were invited to study the paper and contact the Ms. Elaine Wu of the USPTO for further discussion or clarification. The Chair thanked the US for sharing and asked where the members could pick up the entire text of the judgment given in the power point presentation. The US said that those could be found as LexisNexis or www.findlaw.com, where lots of case-law and patent laws information are available.

Patent Attorney Act in Chinese Taipei

102. IPEG noted the information paper on the Patent Attorney Act submitted by Chinese Taipei. Chinese Taipei noted that the Act was expected to improve the quality of patent attorneys, ensure patent attorneys' professionalism as well as the rights and interests of the applicants through the working of a mandatory patent attorney association.

103. In response to a comment on the qualification requirement for the patent attorney examination, Chinese Taipei explained that according to the "Regulations for the Senior Examination for Professional and Technical Personnel, Patent Attorney", any person who wants to be a patent attorney must have educational background in science, engineering, medicine, agriculture, life sciences, intellectual property rights, design, law, or information management. Singapore inquired whether a qualified patent attorney needed to work under another patent attorney for a minimum period before setting up a patent firm. Chinese Taipei said that there was no such requirement. In response to Korea's question about whether a patent attorney may act as an advocate for the client, Chinese Taipei said that in the high courts and district courts, a patent attorney may represent his client at the court's discretion. However, in the supreme courts, the client must appoint a legal attorney to serve as his/her advocate.

Engaging Clients - A CRM Model in Canada

104. Canada gave a short presentation of its paper on client relationship management. Canada indicated that following an internal assessment by an independent consultant, a formal survey mechanism had been developed to

better monitor the changing needs of their clients and consequently to tailor products and services to meet these changing needs. Economies were invited to approach Canada for more information on the program.

Update by Vietnam on its IP system

105. IPEG noted a paper submitted by Vietnam. Member economies were encouraged to study it and provide comments.

Other matters

(i) Cooperation with WIPO

106. Australia proposed that IPEG invite WIPO to send a representative to make a presentation at the next IPEG meeting concerning its work in the APEC region. Chile reminded members that to consider the participation of WIPO's Latin America office and to consider what topics WIPO should present on. Singapore noted that as of the current WIPO structure, IPEG should consider sending invitations to both WIPO Asia and Latin America offices if representatives from these regions are to be invited. Chile also suggested IPEG to consider inviting the International Federation of Library Associations and Institutions (IFLA). Members supported Australia's and Chile's proposals to invite WIPO and IFLA to present. WIPO might be invited to remain as an observer at the 27th IPEG meeting.

(ii) Review of agenda format and content

107. Australia suggested reviewing the format and content of agenda taking into the account the possible changes of CTI priorities. New Zealand and the US supported the suggestion. The Chair said that he would review agenda accordingly and share a proposed new format with member economies in due course.

(iii) Patent Prosecution Highway (PPH) with the US

108. Australia and Canada said that they had entered the PPH trial with the US.

Agenda Item 11. Document Access

109. The Secretariat inquired which meeting documents should be made accessible to the public and which should be restricted. The Chair noted that it was customary for IPEG to restrict papers that were preliminary or under draft. IPEG decided to restrict the following papers:

- Document Classification List - 25th Intellectual Property Rights Experts' Group Meeting 2008 (2008/SOM1/IPEG/000)
- Survey on Examination Cooperation Practices Among APEC Economies (2008/SOM1/IPEG/024)
- APEC Cooperation Initiative to Develop Efficient IP Promotion Policies for SME's and Universities (2008/SOM1/IPEG/032-0rev1)
- APEC Cooperation Initiative on IP Creation and Utilization – Presentation (2008/SOM1/IPEG/032-1)
- Viet Nam's Proposal for APEC Annual Intellectual Property Awards (2008/SOM1/IPEG/032a)
- Basic Concept of APEC IPR Infringement Information Sharing Initiative (2008/SOM1/IPEG/039)
- Basic Concept of APEC IPR Infringement Information Sharing Initiative – Presentation (2008/SOM1/IPEG/039a)

Agenda Item 12. Future Meetings

110. As discussed in IPEG pre-meeting, in light of the practical arrangements and taking account of comments received, IPEG the tentative date of the next meeting would be 5-6 August 2008, in conjunction with a workshop on genetic resources and traditional knowledge to be held on 7-8 August 2008. Peru said that if the meeting is not held in Cuzco, IPEG could hold its next meeting in the period of 14-23 August 2008 before the CTI meeting. In addition, Peru said that it could select another meeting location

and propose it to IPEG in due course.

111. Taking up comments made earlier in the session, the Chair suggested that member economies should consider limiting the number of surveys put forward at future meetings. He also requested all members to put forward any important papers as early as possible so that Members could prepare themselves better for fruitful discussion. He also reminded Members to better utilize the APEC AIMP platform.

112. The Chair thanked Peru for the excellent logistics arrangements and support and the warm hospitality given to all members.

Agenda Item 13. Report to the CTI

113. The Chair said that the Convenor's Report would probably be ready on the afternoon of 23 Feb 2008 and would be sent to all economies and CTI.