

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 28 次會議及相關研討會」報告

服務機關：經濟部智慧財產局

姓名職稱：陳淑美 副局長

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派赴國家：新加坡

出國期間：98 年 2 月 22 日至 98 年 2 月 27 日

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壹、目的與過程

本次 APEC/IPEG 第 28 次會議及相關研討會於 2009 年 2 月 23 至 26 日於新加坡舉行（相關議程如附件 1、2）；本局係由陳副局長淑美率蔡組長允中、施專利審查官雅儀及吳專員怡芳出席。前述會議舉行時間如下：

- 2 月 23 日上午 9 時舉行「從意念到市場：技術移轉的優缺點」研討會，至次日下午 1 時結束。
- 2 月 24 日下午 5 時召開第 28 次 IPEG 會前會議。
- 2 月 25 日上午 9 時召開第 28 次 IPEG 會議，至次日下午 5 時結束。

此外，於前述會議舉行期間之空檔，亦陸續與澳洲、越南、泰國、菲律賓、日本、墨西哥、香港、加拿大、馬來西亞等國代表進行雙邊會談。

以下將先說明 APEC/IPEG 第 28 次會議及相關研討會之內容，然後再說明與澳洲、越南、泰國、菲律賓、日本、墨西哥、香港、加拿大、馬來西亞等國代表進行雙邊會談之內容。

貳、「從意念到市場：技術移轉的優缺點」研討會情形

「從意念到市場：技術移轉的優缺點」研討會於 APEC 主會場—Grand Copthorne Waterfront Hotel 舉行。

議程 1 係討論技術移轉在經濟發展所扮演的角色，由 WIPO 中小企業處處長 Jaiya 先生報告何謂技術移轉，並介紹 TRIPS 相關之法

條；USPTO 之 Attorney Advisor Elaine Wu 女士則報告美國之技術移轉法律及政策，美國在 1980 年之前，美國大學使用聯邦政府資金之研發成果，聯邦政府保有專利權之所有權，且僅能有非專屬之授權，且甚少有專利被商品化，而為了促進經濟發展以及鼓勵技術之商品化，美國之政策從 1980 年開始有所轉變，例如 1980 年之 Bayh-Dole 法案，即使得大學可選擇保有對於發明之權利且對於它們所選擇之發明必須去申請專利，並鼓勵其與企業之合作特別是小型企業，該法案之實施使得大學每年申請專利數大量提升並注重技術移轉之發展。

議程 2 係從大學、研究機構以及技術移轉辦公室三方面之觀點探討 IP 資產的經營，由大學技術管理人協會（Association of University Technology Managers, 以下簡稱 AUTM）之 Janna C. Tom 女士從大學之觀點報告，大學在所謂的「創新生態系統」（innovation ecosystem）中扮演一個重要但早期之角色，其與產業之夥伴關係則對於產品的發展十分重要，對於誘因的小心平衡則可導向健全的大學-產業夥伴關係；美國國家健康機構（National Institute of Health, 以下簡稱 NIH）之技術移轉辦公室（Office of Technology Transfer, 以下簡稱 OTT）Fatima Sayyid 女士則從 NIH OTT 的觀點報告，OTT 首先會先評估技術，再經由簽約之法律事務所進行專利之申請，再向市場銷售其技術並與公司與機構協商授權契約，NIH 技術移轉的目的在於有益於公眾健康、適當地使用 IP 權以作為商品化發展之誘因、吸引新的 R&D 資源、刺激經濟發展等；新加坡國立大學產業聯絡辦公室之 Jasmine Kway 女士則報告其大學之 IP 政策，以及如何幫助該大學將專利商品化，其中有約三分之一的專利可實際進行到商品化之階段。

議程 3 係由 AUTM 之 Janna C. Tom 女士報告 AUTM 如何進行技術移轉之多種不同的策略，例如策略聯盟、參予企業與合股、

spin-offs、契約研究與授權等，並以加州大學為例，說明其如何與生技公司與高科技公司連結。

議程 4 係有關技術移轉對中小企業所帶來之挑戰與機會，由 WIPO 中小企業處處長 Jaiya 先生報告有關在政策上如何提供 IP 相關的服務給中小企業，以及澳洲及新加坡代表說明中小企業在該國面臨的挑戰，並分別由澳洲、新加坡及美國代表從不同國家的觀點簡報，決策者於中小企業面臨 IP 相關挑戰之運作模式。

議程 5 係關於技術移轉於亞太地區之經驗分享，由香港簡報科技園區運作之經驗，NIH 簡報與亞太地區多個國家合作之經驗，及泰國簡報國家科技發展中心(National Science and Technology Development Agency)之實際運作經驗。至此研討會第一日議程結束。

從各國提供的運作實例可發現，從技術研發到商品化的過程中，技術研究單位（學術單位）與利用該技術予以商品化之企業間，存有某種程度的落差（GAP），因此，在政策上必須提供更多的相互連結的誘因來彌補此一落差，例如技術移轉中心（中介者、代理機構）之建立，即有助於中小企業尋求 IP 相關之技術與諮詢時提供協助。

第二日安排至新加坡製造科技中心（Singapore Institute of Manufacturing Technology, SimTech）參觀，實地參訪技術移轉之實例及其成果。

SimTech 透過發展高科技及人力資源，加強新加坡製造業的競爭力。其主要任務包括：企業協助（透過顧問諮詢、資金援助、研發升級等方式）；技術移轉（透過研究團體及研究計畫）；知識移轉（透過

工作小組、研討會、會議、訓練課程等方式)，以協助企業降低風險、增加機會，以提昇競爭力。該中心研發及合作的領域包括：電子、半導體、精密工程、醫療科技、航空、汽車、航海業等。

參、第 28 次 IPEG 會前會議情形

第 28 次 IPEG 會前會議於下午 5 時起進行，會議中主席說明會議將進行之方式及確定各會員體之報告內容，俾使明日之正式會議得順利進行。

肆、第 28 次 IPEG 會議情形

第 28 次 IPEG 會議於 2 月 25、26 日假 APEC 主會場—Grand Copthorne Waterfront Hotel 舉行，相關討論如下（會議紀錄如附件 3）：

- 一、 議程 1：主席開場致詞：由於部分會員體未出席會前會議，主席重申會議進行之原則，對會員體間仍有分歧意見之部分議題，鼓勵利用中場休息時段先行溝通，使會議進行更有效率。
- 二、 議程 2a：IPEG 秘書處於會中邀請計畫管理行政部門人員報告會員體申請 APEC 計畫項目之細節及作業方式，計畫申請以每年 3 月、5 月及 9 月三階段提出，自 2009 年開始接受跨年之計畫申請案，此項說明將便利日後會員體之申請作業。另秘書處

介紹 APEC 各項對外公關與溝通做法，透過網站、電子報、出版品及接受媒體訪問方式，使外界了解與認同 APEC 會議之具體成效。2009 年將逐步規劃形象推廣計畫、衛星網站、建立出版品資料庫與辦理 APEC 二十周年紀念活動等工作。主席詢問前述內容除英文外，是否翻譯成其他會員體國家之語言？秘書處則表示，受限於經費，目前僅提供英文版本。

- 三、 議程 2b：秘魯報告「APEC 經濟體在促進遺傳資源（Genetic Resources，以下簡稱 GR）之適當取得與傳統知識（Traditional Knowledge，以下簡稱 TK）保護的覺醒提升與政策洞察力提供」之調查報告結果，總計有 17 個會員體（81%）參與問卷調查。初步歸納，多數會員體對 GR 及 TK 等方面已採取不同的保護法規與措施。秘魯代表表示，此項問卷之調查結果有助於會員體資訊之分享，並對 GR 及 TK 等領域提供更好的對話基礎。此議題上，澳洲、印尼及韓國感謝秘魯所做出的努力，並提議將此報告建立資料庫，提供各會員體參考，研提看法與建議。

四、 議程 2c：自籌經費研提計畫（self-funded）

- （一） 美國報告該國於 2009 年 1 月辦理「APEC Supply Chain Integrity Seminar」之情形，並稱此研討會彙集產業界、行政與執法部門之意見，效益十分良好，香港發言表達，感謝美方辦理此項研討會，將有助於各界意見之交流與彙集。
- （二） 智利提出「APEC-IPEG 著作權之限制與例外調查報告」之初稿，該調查分為 5 個部分：數位科技利用（包括還原工程、網路服務提供者、暫時性重製、科技保護措施等）、教育利用（教育目的之表演及展示、遠距教學、為課堂使用之重製及散布、教科書影印等）、圖書館及檔案館之利

用、身心障礙之利用及其他非屬前述 4 種型態之利用。共計有 13 個會員體回覆其調查問卷，包括澳洲、加拿大、智利、香港、中國大陸、日本、墨西哥、紐西蘭、秘魯、新加坡、泰國、美國、越南及我國。該調查報告發現，各國有關著作權限制及例外之規定有極大的差異，包括是否存在該規定、適用的條件及其明確性程度等，並發現已開發國家較開發中國家有較多之相關規定。

五、 議程 3：IPEG 與投資貿易委員會 (CTI) 間的聯繫與互動：IPEG Selby 主席邀請 CTI 委員會主席於會中說明 CTI 近期各項活動的進展，俾利 IPEG 規劃未來會議及研究計畫之參考。有關泰國代表提出多項 IPEG 計畫並未納入 CTI 所呈現的主要項目中之提問，CTI 主席做出說明並建議各會員體參與 CTI 會議之代表應預先整合個別會員體之整體意見，有利於彙總。

六、 議程 4a-i：墨西哥簡報保護地理標示 (Geographical Indications，以下簡稱 GI) 之問卷調查結果，並表示該國支持推動討論 GI 議題之立場，承諾於會後將完成此調查結果之報告，提供會員體參考，並將於第 29 次 IPEG 會議中提出報告初稿。會中，美國及澳洲代表重申，此份調查報告之定位應屬問卷調查之事實報告，而不包含政策分析，墨國表示同意。另中國大陸代表表示，GI 的議題在其國內涉及多個部門業務，表達需更多時間方能對墨國調查結果做出回應，墨國初表反對，稱中國大陸已針對問卷提出答覆，應已於國內作出意見的整合。惟經一番爭執，墨國同意將問卷結果再行提供會員體檢視。本案，主席表示此份調查結果僅為資訊之蒐集，目前不代表各國之政策立場，並請墨國於報告完整前廣徵會員體意見。

七、 議程 4b-i：

- (一) 新加坡報告 2009 年交易構想 (Trading ideas) 規劃情形，強調 IP 能力建構上對產業發展的必要性及重要性。星方表示在下 (7 月) 次 IPEG 會議時仍計畫舉辦研討會，在 IP 管理應用及商業化的議題上，邀請產、官、學、研等部門人員及 WIPO 等國際組織參與，擴大交流層面。主席感謝星國邀請 WIPO 秘書長 Dr. Francis Gurry 擔任主講人之一，另美國、加拿大、墨西哥及泰國均表支持。主席徵詢會員體同意後，決議通過墨國之規劃，並代邀 WIPO、ABAC 及 EPO 等部門共同參與此研討活動。
- (二) 韓國提交 IP-Xpedite 計畫報告，並說明 online 及 offline 訓練所開設之課程及 e-learning 的推動情形，該計畫將於 2009 年 3 月開始執行。
- (三) 墨西哥代表更新報告「WIPO-IMPI 遠距教學課程及虛擬會議室」，目標是促進西班牙語系國家對 IP 之認識，課程內容包括著作權、商標及不正競爭等。我方代表詢問，如何評價該課程之推行是否成功？墨方表示可以內部或外部之方式來評價，但並無具體之統計資料。

八、 議程 4b-ii：首先，香港報告智慧財產資本管理 (IP Capital Management) 之最新發展，說明政府如何以政策協助企業建立 IP 管理的作法。會中澳洲肯定香港所採取的措施，並介紹澳洲將於 2009 年 4 月於坎培拉舉辦中小企業 IP 管理研討會的籌畫情形，並期會員體共同參與。

九、 議程 4c-i：

(一) 美國報告「APEC 經濟體有關新科技對智慧財產權邊境管制之最佳實行方法建議案」，書面報告中提出澳洲、加拿大、中國大陸、日本、韓國、菲律賓、美國及我國之做法，並強調透過與他國海關之合作係一有效打擊盜版之方式，並舉出美國與歐盟之合作案例供參，併請各會員體如有變動可持續更新。澳洲代表表示支持，並將提供更新資料給美國；中國代表表示，此報告應屬於資訊分享非倡議案，標題使用「最佳實行方法」(Best Practice)並不恰當，建議改為「資訊分享」以避免誤解，且是否為「最佳」實行方法，則會因每個國家之國情及環境等因素而有不同。美國代表表示，本案本屬於資訊分享之性質，並係依據仿冒品之模範指導原則而做，無更改標題之空間。主席表示，在文件內容中可以對標題做更多解釋以避免誤解。

(二) 墨西哥簡報其海關執行智慧財產權之邊境措施之相關資訊，美國詢問不同的政府部門間如何合作，墨西哥回答，透過跨部門的委員會的形成及該委員會研擬的行動計畫來加強合作。

十、 議程 4c-ii：日本簡報 IPR 服務中心建置過程，目前共計有 14 個會員體參與。主席表示，各會員體均有其維持 IPR 服務中心之標準，IPEG 可以考慮有一個單一窗口的鏈結提供此資訊。

十一、 議程 4c-iii：

(一) 有關 IPEG 與 SCCP 之聯合會議，主席對於會議時間及舉辦方式廣徵會員體意見，日本、泰國、印尼、澳洲及美國均表支持舉辦聯合會議，並建議可利用 2009 年 7 月 IPEG 會議期間辦理，以半天為宜。

(二) 美國提出「加強防止電影院盜錄」之倡議案，說明該國就電影院盜錄加以特別立法之背景及施行後成效，目的是使其更為明確、清楚以利於執行，目前已有加拿大、香港、日本、菲律賓及美國等國家採取此種立法方式。本議題引起各國代表熱烈的討論：泰國代表表示，在電影院盜錄之行為已可涵蓋至該國的著作權法中，故認為無特別立法之必要，應有統計調查顯示此種特別立法方式確實能造成此種違法行為之降低，才可能說服國會進行立法，並詢問是否帶錄影設備進入電影院即已觸法、及如何執行、如何蒐集證據等問題；印尼代表及我方代表均贊同泰國之意見，認為著作權法已足以規範，例如在我國最高已可處 5 年以下有期徒刑；相反的，加拿大、香港及日本代表則表示贊同，香港代表並說明自 2001 年於香港開始實行之經驗，案件量有減少；日本則表示這是一個全球化的問題，故有必要特別立法予以解決。紐西蘭代表則詢問如何執行之問題。美國代表回答，在美國也可被著作權法涵蓋，但執行上較無效率，由於電影院盜錄係一相當嚴重的侵權問題，而有必要將此種侵權型態突顯出來；至於法律涵蓋的範圍，取決於法律中的定義，目前美國法是只有涵蓋在電影院中盜錄的行為；並沒有實際的數據顯示執行後的成效，但侵權案例明顯減少，另值得注意的是，除了關心電影院盜錄行為是否因法律實施而減少之外，也應注意是否因此轉移到其他的場域（例如其他國家）；執行係由地方官員與電影利用人公會配合執行。本倡議案並未獲得會員體之共識。

十二、 議程 4c-iv：

- (一) 中國大陸提出防止智慧財產權濫用(prevention of IP abuse)調查之建議案，並更新此調查報告，惟於本次會議中並未通過，仍待進一步討論。
- (二) 中國大陸提出 APEC IPEG 就智慧財產權保護作法之標準化研討會建議案，無異議通過。
- (三) 我方報告「集體管理面臨之挑戰及未來解決方案」，說明我國集管團體面臨之實務問題及目前正在進行的各項解決方案，包括著作權法及著作權仲介團體條例之修正，及設置單一窗口、統一費率、市占率之調查及刑事節制等行政措施。印尼代表詢問，音樂團體有多家對利用人而言是否難以分辨、及我國是否已有 RRO（重製權團體）之成立？我方回答，我國不同之音樂團體均管理相同類別之權利，差異僅在其會員不同，故管理著作之範圍不同，對利用人而言確實會造成不知應向誰取得授權之困擾；我國已有 RRO 成立，即簡報中之語文著作仲介團體，但由於較晚成立而尚未實際運作。泰國代表詢問，簡報中所提的音樂著作及錄音著作團體所管理之公開演出權利有何不同？我方回答，音樂著作的公開演出權係專屬權利，錄音著作就公開演出僅享有報酬請求權，非專屬權利。會後新加坡代表並表示，該國之集管團體亦面臨類似之問題，希望與我國再進一步交換相關經驗及資訊。
- (四) 韓國代表報告「加強網路著作權保護政策措施之最新發展」，對於未符合法定義務將違法著作傳輸進行過濾之網路服務提供者（其法定義務之規範類似法國之三振條款）處以罰鍰，且發展出「自動追蹤系統」追蹤網路上違法上傳之著作，用以蒐集侵權之證據並傳送警告訊息給上傳者，並將設置 24 小時的巡查中心處理侵權之通報及諮詢。主席

Selby 詢問，該「自動追蹤系統」如何追蹤？是否紀錄上傳者的 IP 位址？韓國代表回答，使用者使用網路服務提供者的服務時，均會被要求提供 e-mail 等個人相關資訊，「自動追蹤系統」即於追蹤到違法著作後，透過 e-mail 發送警告訊息。我方代表詢問，「自動追蹤系統」的成本係由誰負擔及此追蹤系統的功能及性質？韓國代表回答，成本係由政府負擔，「自動追蹤系統」可蒐集證據並傳送警告訊息，並進行通知及取下之程序，有關其運作之詳細程序，將於會後再傳送說明之圖表給各會員體。

- (五) 美國說明「APEC IPEG 異議程序調查」(APEC IPEG Survey on Opposition Proceedings)之問卷初稿，並邀請會員體就問卷之項目提供意見。加拿大詢問關於此調查之時程，美國表示，將於 2009 年 3 月 30 前蒐集會員體之意見，於 4 月 30 日前將問卷提供給會員體填寫，並希望於 7 月 1 日前填復。

十三、議程 4c-v：美國提出 APEC 衛星及有線電視訊號竊取之研討及倡議二案，研討案共同贊助的經濟體包括香港、中國、印尼及墨西哥，透過與 APEC 智慧財產權專家小組(IPEG)、通訊及資訊工作小組(TEL)之合作來進行，並將尋求東南亞國協(ASEAN)之會員的合作及參與。印尼代表表示願意合作及參與研討案；中國大陸代表則反對倡議案，認為訊號竊取之定義並不明確，且主管單位係智慧財產權機關或其他單位較為合適？亦有爭論，加上目前並無任何案件在中國發生，故認為應將心力投注於其他更重要之議題上。故召開研討會一案通過，但倡議案本身並未通過。

十四、議程 5a-ii：

(一) 日本報告「APEC 經濟體間專利審查合作方式之調查報告」的結果，該調查報告主要係在於檢視在 APEC 各會員體之 IPO 間，針對交換檢索報告/審查結果之方式進行詳細之調查，以期找出一個交換檢索報告/審查結果之方法以促成專利審查合作，而使得專利申請人在 APEC 區域能更有效率地取得高品質的專利。日本整理了有回覆之 12 個會員體（澳洲、中國大陸、日本、韓國、墨西哥、紐西蘭、秘魯、新加坡、泰國、美國、越南以及我國）所採用之方式，其中較多會員體所採用的為 PPH（澳洲、日本、韓國、美國、新加坡）以及要求申請人檢送外國審查報告（中國大陸、紐西蘭、秘魯、泰國），與我國同樣採用加速審查方式的則有日本與韓國。日本希望藉由目前的調查報告在三方面－申請人申請之形式、IPO 要求申請人所送之文件以及 IPO 間所提供的資訊項目能更有一致性，最終並能提出一個能有效互相利用檢索與審查結果之方式。印尼詢問日本是否有專利申請案之積案（backlog）問題以及如何解決，日本表示 JPO 確實有積案的問題，目前係以與他國簽訂 PPH、檢索委外（8 家外包檢索機構）、撤回申請案可部分退款、第 3 者可遞交與申請案相關之先前技術等方式來解決積案的問題。

(二) 美國更新並簡要口頭報告「缺陷分析」(gap analysis)，其係美國先前之提案「專利取得程序之專利合作倡議－進一步合作之地圖」的一部分，「缺陷分析」之目的係在於決定每一經濟體之專利局的容量與能力（capacities and capabilities）以及其在三個領域－審查容量（examination capacity）、資訊技術基本設施（information technology

infrastructure)、局行政管理 / 人力資源 (office administration/human resources) 所可能缺乏之經驗與資源。美國表示由於之前有會員體表達不知道如何著手進行所謂的「缺陷分析」，故美國提供了特別的指引包括實例與模板 (template)。然而所有的會員體必須進行自己的缺陷分析，並使用他們認為最有效之方式以提供某種程度之一致性，建議會員體使用美國所提供之模板進行分析。日本表示支持，並認為此分析之結果將有助於國際專利審查之合作。中國大陸則建議部分文字之修正，美國若同意則亦表示支持，最後美國同意修正，故主席宣布本案通過。

十五、議程 5a-iii：

- (一) 美國簡報關於商標法之新加坡條約 (Singapore Treaty) 以及其對於商標權所有人之利益，新加坡條約係 1994 年商標法條約 (TLT) 之更新版本，其對於商標所有人延誤時間期限規定有補救措施，且保護的範圍比 1994 年之 TLT 更廣，除了原有的可見標記即傳統商標之外，更可涵蓋非傳統商標例如非傳統可見與非可見商標如聲音、嗅覺、味覺、感覺商標，故新加坡條約藉由對於國際註冊與保護創造了一有效路徑而有利於商標所有權人。
- (二) 美國提案「證明與團體標章註冊」，首先報告美國對於保護證明與團體標章之作法，並回覆會員體對於美國作法之問題，建議對於會員體進行調查，以對於 APEC 會員體現今如何保護證明與團體標章獲得最佳的瞭解。惟會中泰國提出，與其國內有關 GI 之相關規範有所牴觸，主席請美國針對其意見再溝通，故本案並未通過。
- (三) 我方就今年 1 月 1 日開始試辦之「發明專利加速審查作業

方案」進行報告，香港詢問針對申請加速審查之案件所收取之費用與一般案是否相同，例如是否須額外繳費或有減免費用之優惠，我方回答申請加速審查無須繳交任何費用，亦即該申請案在繳交任何費用方面與一般案無異；中國大陸詢問目前是否有大公司申請加速審查以及我方是否有推廣該加速審查的措施，我方回答目前申請加速審查的申請人大多是本國的小公司以及個人申請人，尚未見到有大公司申請，不過這可能是因為本計畫係今年才開始實施的緣故，而雖然我方係在局網上公告該加速審查計畫，但是仍有向專利代理人等進行宣導；日本則表示十分樂見於我方提出該加速審查計畫，此舉有助於會員體間專利審查之合作，並舉其本身之加速審查制度為例，每年約有 9 千件之申請案，且在申請加速審查約 2.2 個月後即可發出首次官方通知（first office action）。主席在現場詢問有此種類似 PPH、加速審查機制的會員體請舉手，調查結果共有 7 個會員體有此類機制，主席最後作出結論表示，既然有那麼多會員體有此類 fast track 之專利系統，應該將這項事實加以公布。

十六、議程 5b：電子化業務之發展：在此議題，並先由國企組蔡組長書面報告本局自 2008 年 8 月下旬起，專利商標電子化申辦情形及相關作業之規範，報告中對我國目前申辦量成長較緩之情況，提出目前本局所採取之因應作為（例如增加專利商標電子化申辦表格、智慧財產專屬憑證之推行及增加申請人與代理人的認知等）。會中 SELBY 主席、韓國及中國大陸代表對我收費情形及電子化建置方式等與我方進行交流。本議程中墨西哥並簡報其智慧財產局網站之建置與設計，說明如何利用網站提供

外界多種服務功能，並利用電子出版品及論壇等作法，呈現並蒐集最新資訊。

十七、 議程 5c-i：澳洲報告其新的澳洲專利檢索系統－AusPat，AusPat 係於 2008 年 4 月開放使用，是第一次提供 IP Australia 全部電子資料之使用，其特徵包括一單一且簡單之使用介面、三種檢索選擇（快速檢索、構造檢索與進階檢索）、可取得多達 200 種特殊資料要素之專利複雜資訊等，並預計於 2 年後更加提升 AusPat 的功能，包括將 1904 年起迄今之澳洲專利說明書皆進行掃描、提供專利說明書之全文檢索等。另澳洲並提出集管團體應負擔之責任之報告，介紹該國集管團體所訂定之「行為準則」（Code of Conduct）之訂定背景及其內容。

十八、 議程 5c-ii：在對外宣導 IPR 工作方面，澳洲書面報告其利用與職訓教育體系之 VET（Vocational Education and Training）計畫，設計相關 IP 知識及宣導的課程內容，澳洲智慧財產局並提供預算之贊助。此一計畫對教育體系建立其專業形象及智慧財產局推動 IPR 宣導工作上，形成互惠互利的結果；另香港在此議題中書面報告其推動企業使用合法軟體上的作法與成效；我國在此議程中則由蔡組長簡報我國智慧財產保護行動計畫及 2008 年舉辦騎乘自行車保護 IPR 之宣導活動，韓國代表詢問，想進一步了解我國 IP 法院之體系、IP 法院法官之背景是否有科技背景及著作權案件之數量，我方回復，IP 法院從去年 7 月開始運作，法官的背景不確定是否有科技背景，但本局派出 9 位技審官支援，審理的案件以專利居多。墨西哥則對其 2008 年之 IPR 宣導活動做出書面報告。

十九、 議程 5c-iv：韓國簡報智慧財產局如何建置地區性 IP 服務中

心，發揮 IP 諮詢與管理的功能，根據韓國所提出之統計，地區性 IP 服務中心有助於各地 IP 的產出，申請件數並明顯提高，對地區性中小型企業助益頗大。韓國表示，願將以此項工作之推動經驗與其他會員體分享交流。

二十、 議程 5d：澳洲與中國大陸更新「APEC 會員體之 IPR 容量建構條件之策略考量的調查報告」，於 2009 年 2 月開放並分派給各會員體，會員體可上網填寫（http://www.surveymonkey.com/s.aspx?sm=GYKPTXRkMPnyFXGBKDXF6g_3d_3D）或以 Word 檔填寫（亦可由 AIMP IPEG 合作網址下載）並以 e-mail 回覆至 matthew.forno@ipaaustralia.gov.tw，該調查報告之目標係在於幫助並鼓勵會員體採取一策略性與結構性之方法以設計、執行且評估 IPR 容量建構計畫。本案通過，並請各會員體配合填覆。

二十一、 議程 5e：

- （一） 檢閱 IPEG 目前正執行中的調查報告，共計有 12 個。
- （二） 討論 IPEG 集體行動計畫（Collective Action Plan），共計有九大目標，並說明其主要會員體所採取之行動以及目前狀態（目標日）。

二十二、 議程 6a：由於澳洲、加拿大及墨西哥同意擔任計畫品質評估小組（Quality Assessment Framework, QAF）的成員，並針對 IPEG 會員所提出之新研究計畫或問卷進行初期評估，以檢視計畫之可行性與效益性。

二十三、 議程 6b：美國提出兩項自籌經費（Self-funded）計畫，分別為「IP Border Enforcement for Customs Officials」及「IP

Enforcement for Judges and Prosecutors」；另越南提出向 APEC 申請經費之「IP Award」計畫，韓國提出「Utilization of IP for Sustainable Economic Growth」計畫。會議討論中，由於美國兩項計畫均為自籌預算，並以 APEC 名義辦理，主題及內容經討論作出部分調整與修正後，主席裁示原則同意。越南所提計畫由於申請 APEC 經費之時間緊迫，且部分內容尚不符秘書處之規範，經討論後，越南同意修正計畫內容與範圍，縮小經費額度，並改由越南自籌經費方式辦理，主席裁示修正計畫送 QAF 先行檢視。韓國所提計畫由於並未明確表達經費來源及說明會員體應如何配合，且該內容部分會員體仍具爭議，主席裁示，請韓國提供更明確之資料予以說明。

二十四、 議程 7：邀請國際圖書館協會 (IFLA) 簡報圖書館之著作權限制與例外，所提出的著作權限制與例外包括以下幾個方面：保存著作、孤兒著作、館際合作、身障者之利用及科技保護措施之破解等，該協會代表表示，其目的在盡力追求雙方權義的平衡，其研究報告可至 WIPO 的網站下載。主席詢問其對「數位圖書館」的看法為何？IFLA 代表回答，圖書館提供的服務並不會區分是否為數位方式，主要仍應尋求雙方利益之平衡；印尼詢問重製權組織(RRO)如何良好運作、及是否與 IFRRO 等組織合作？IFLA 代表回答，與 IFRRO 等組織均有合作；我方代表表示，圖書館與權利人雙方之利益有極大衝突，為平衡雙方之利益，是否有可能建立一「模範條款」來回應數位圖書館的需求？IFLA 代表回答，有可能也希望可以建立。

二十五、 議程 8：香港提出法院有關於商標的判決案例，該案例係第一件由於商標名稱有欺騙社會大眾之虞（菸草的商標名稱中含有「mild」之字眼）不准註冊而訴訟之案例。另提出影子公

司濫用公司名稱之解決方案，我方代表表示，我國與香港國情類似，有相同之問題存在，香港的經驗提供了一個較和緩的處理方式；香港表示，會將書面資料再提供給我方參考。

二十六、 議程 9：討論並決定本次會議各項文件對大眾公開的項目。

二十七、 議程 10：討論下次會議之相關事宜。第 29 次會議在新加坡舉辦，時間為 7 月 28、29 日，接續兩天（7 月 30、31 日）再舉行研討會，議題為「Trading Ideas」。主席並提出 ABAC 希望與本小組舉行共同會議，將於會後將 ABAC 之信件轉給各會員體參考。至於舉行共同會議之期間，美國建議可於大會前一天召開會前會那一日舉行。此外，主席的任期至下次會議，故將於下次會議選任新主席，請有意擔任主席之會員體先向其他會員體表達意願。

伍、雙邊會談情形

一、 與澳洲雙邊會談：

（一） 澳方表示，台、澳所簽署之 IP 合作備忘錄對促進雙方之交流與合作扮演重要的平台功能，相信在此架構下，將對日後 IP 領域的合作產生互利的結果。

（二） 由於全球金融風暴衝擊澳洲經濟，近來澳洲 IP 申請量遽減，進而影響其智慧局營收。關於雙方預計於 2009 年執行之人員互訪及訓練計畫（澳方推薦 2 位專利局審查人員來台受訓及我方派遣 2 位商標審查人員赴澳受訓事宜），目前

有可能因金融風暴之影響而延遲至 2010 年方可執行，本案澳方將最遲於今（2009）年 7、8 月間正式回覆我方其最終之決定。另，澳方是否派員參加本局於 2009 年 10 月舉辦之商標國際研討會，屆時（7、8 月間）將一併回復。

- （三）固然經濟現況的發展對台澳合作造成部分干擾，惟澳方仍強烈表達雙方可進行資訊的交流（參與國際會議活動之會談、視訊會議及 e-mail 的方式），增進彼此之瞭解與互動，從另一角度進行實質的合作。

二、與越南雙邊會談：

- （一）越方已收到我方所提供我國與他國簽署 IP 合作備忘錄之背景資料及草案內容，正積極接洽相關部門之意見。
- （二）關於合作備忘錄我方提議之簽署方式，即由雙方代表處簽署，事後交由雙方智慧局執行，越方表示將在其國內尋求共識，儘速將其決定告知我方。
- （三）至於簽署備忘錄之時機及地點，我方表示本項可於日後再行適當安排，作業上並無困難。
- （四）越方表示，本案可藉由雙方已建立之聯繫窗口，推動後續接洽事宜。

三、與泰國雙邊會談：

- （一）台泰雙方簽署 IP 合作備忘錄案，目前泰方已將本案送交國會，由於泰方日前政權之轉移，政務推動多所遲滯，國會積案如山，台泰 IP 合作備忘錄預期短期內排上議程，確有困難。
- （二）泰方傾向現階段以智慧財產的保護面及審查面進行實質交流與合作。

- (三) 泰方表示，泰國智慧局局長將於近期內致函智慧局王局長，對泰方現有立場與作法提出說明。

四、 與菲律賓雙邊會談：

- (一) 台菲 2007 年簽署 IP 合作備忘錄迄今，雙方各項合作進行頗具成果。本局於 2008 年安排兩位菲方智慧局官員訪華，進行座談與交流，並安排拜會保智大隊及智慧財產法院，大幅增進彼此之瞭解。
- (二) 甫於本（2009）年 2 月於台北舉行之台菲部長會議中，對彼此在智慧財產領域的合作甚表讚許，菲方並應允於 2009 年由菲國智慧局長來台參加國際研討活動或組團參與台北國際發明展，繼續在合作備忘錄之架構下，擴大實質效益。
- (三) 我方請菲方能進一步思考提出其它更多之交流項目，菲方表示將於返國後速轉給其智慧局研究。

五、 與日本雙邊會談：

- (一) Mr. OMACHI 於 2008 年參加台日經貿會議，並於期間會晤王局長，渠對台、日在智慧財產領域進行之多項議題進展頗感振奮，並盼尋求更多議題之對話。
- (二) 有關我方曾於 2008 年會議中談及簽署 IP 合作備忘錄之構想，日方已轉由其外交部研究中，Mr. OMACHI 建議於今（2009）年雙邊會議中再行交換意見。
- (三) 我方表示，本局與日本交流協會同仁往來密切，溝通順暢，將循現有模式推動更實質性的交流與對話。

六、 與墨西哥雙邊會談：關於台、墨簽署 IP 合作備忘錄案，墨方樂見其成，並表示樂於近期內完成；並願意儘量撥空參加我國智

慧局將於今年舉辦之國際研討會，以進行實質合作。

七、 與香港雙邊會談：港方表示，香港知識產權署將邀請本局王局長於 6 月之第 1 或 2 週以工總顧問之名義訪港，進行約 5 天交流參訪，有關訪問行程與團員人數雙方可再進行細部規劃；我方表達將轉達此項訊息，並朝積極與正面的方向配合，近期將正式答覆港方。

八、 與加拿大雙邊會談：

（一） 關於雙方洽簽 IP 合作備忘錄案，由於加方智慧局目前正就該局發展策略作全面之檢討與調整，在該項工作告一段落後方可能就台加簽署備忘錄作出決定，請我方諒解。

（二） 我方提議在雙方洽簽合作備忘錄前，為增進彼此之瞭解可先進行資訊交換及人員交流等方面的合作，例如我方即將採用 EPOQUE 的資料庫系統（加方已為 EPOQUE 的使用客戶），未來雙方可在資料庫搜尋系統的經驗與資訊進行交流，建立合作關係。另外，我方將於 2009 年舉辦兩場研討會，也歡迎加方積極參與。加方對我方所提甚表同意，願將此構想帶回與其他部門進行可行性研究。

（三） 在增進彼此瞭解上，加方提議在 2009 年 7 月 IPEG 會議期間，雙方可先晤談，簡報各自業務推動內容，便於日後選定先期合作的項目與具體作法。此項提議，我方於會談中表示同意。

（四） 在 e-filing 工作推動中，加方由於正進行作業系統之改置，合作時機可納入稍後階段的重點項目。

九、 與馬來西亞雙邊會談：有關雙方簽署 IP 合作備忘錄案一案，我方已提供備忘錄之草案，雙方並指定接洽聯繫窗口，希望馬國

能儘速作出決定。馬方表示，本案將於返國後進行瞭解，並回覆我方目前之進展；並表示 Mr. TUPARI 表示將於 2009 年 6 月來台參加我國公平會所舉辦之研討會，屆時將擇機與我方面晤。

陸、心得及建議

一、心得：

本次「從意念到市場：技術移轉的優缺點」研討會，討論各國有關技術移轉之運作上所面臨的挑戰、解決方案及成功經驗，可提供給我國相關單位（如中小企業處、工業局、工總、資策會科法中心、工研院及 IP 學院等）參考，本議題對於企業型態多屬中小企業之我國，甚具參考價值。此外，IPEG 小組安排此一議題之研討會，亦使各國之 IP 主管機關進一步思考其對中小企業所面臨有關技術移轉及 IP 相關之問題，是否有可進一步著力或與相關單位合作的空間，並同時凸顯了 IP 管理及其於市場上被商品化利用之重要性。

二、建議：

- （一）有關美國提出「加強防止電影院盜錄」之倡議案，雖未獲通過，惟此項議題 IIPA 與 MPA 已訴求多時，並未為我方採納。從本次會議中各方熱烈的討論可以預見未來會有更多討論，故有就此議題更深入研究以預為準備之必要。
- （二）有關智利提出「APEC-IPEG 著作權之限制與例外調查報告」，內容相當完整，且具有參考價值，將持續追蹤報告之完整內容

及是否更新以掌握最新資訊，並建議將此調查報告之結果送我國之學者專家參考。

- (三) 日本一向致力於專利審查合作議題之研究，本次會議更提出「APEC 經濟體間專利審查合作方式之調查報告」，以期找出一個交換檢索報告/審查結果之方法以促成 APEC 區域專利審查合作，對於我國所報告之「發明專利加速審查作業方案」更是予以正面支持與肯定，會後與日本代表大町先生交換意見，其認為多邊專利審查高速公路（Plurilateral Patent Prosecution Highway）應是未來最具可行性之專利審查合作模式。10 國專利局（日本、美國、丹麥、韓國、德國、加拿大、澳洲、英國、新加坡及芬蘭）剛於 2009 年 2 月 20 日在丹麥專利商標局舉辦所謂的多邊專利審查高速公路會議，會中各國交換 PPH 經驗之相關資訊，並討論如何促進公眾對於 PPH 的認知與使用，亦討論未來 PPH 之走向，會中雖然尚未討論到如何從現行雙邊專利局之 PPH 擴展至多邊 PPH 的細節部分，但是已計畫實務層級之多邊專利審查高速公路圓桌會議將於 2009 年在東京舉行，且為了維持其討論之透明性，該 10 國專利局同意多邊專利審查高速公路會議應開放 WIPO 以及所有其它智慧財產局參與。因此，建議本局就該多邊專利審查高速公路相關訊息部分，透過日本交流協會與日本特許廳保持密切聯繫，希望我國亦能有機會參與相關會議，以期我國可從現行之「發明專利加速審查作業方案」進一步加入國際上之專利審查合作計畫，而達到審查加速與品質提升之雙重效果。

柒、附件

附件 1、「從意念到市場：技術移轉的優缺點」研討會議程

附件 2、第 28 次 IPEG 會議議程

附件 3、第 28 次 IPEG 會議紀錄（初稿）

Seminar Program

APEC-Intellectual Property Experts Group (IPEG) Seminar

23-24 February 2009

From Mind to Market: The Highs and Lows of Technology Transfer

Day 1 23 Feb 09	Conference Programme
0900 – 0915	<p><u>Opening Remarks</u></p> <ul style="list-style-type: none"> • Ms Liew Woon Yin, Director-General, Intellectual Property Office of Singapore (IPOS) • Mr Stephen Selby, Director of Intellectual Property, Intellectual Property Department, The Government of the Hong Kong Special Administrative Region
0915 – 1000	<p><u>Session 1: What exactly is technology transfer?</u></p> <p>This session discusses the role of tech transfer in economic development. It presents an overview of relevant TRIPS articles and the WIPO CDIP. It also seeks to explore law and policy frameworks such as the Bayh-Dole Act in addressing tech transfer issues and the role of IP offices/related agencies in tech transfer.</p> <p>Speaker:</p> <ul style="list-style-type: none"> • Mr Guriqbal Singh Jaiya, Director, Small and Medium Enterprises Division, World Intellectual Property Organization (WIPO) • Ms Elaine Wu, Attorney Advisor, Office of Intellectual Property Policy and Enforcement, United States Patent and Trademark Office (USPTO)
1000 – 1030	Morning Tea
1030 – 1130	<p><u>Session 2: Managing IP Assets: Perspectives from Universities, RIs and TTOs.</u></p> <p>What ownership, incentive and revenue sharing issues exist in the management of IP assets by universities, research institutes and technology transfer offices? How do these parties balance the sharing of knowledge with the need to protect IP? This session explores institutional policy in relation to the management of IP assets and the issues and perspectives of various parties.</p> <p>Moderator: Mr Ho Cheng Huat, Executive Vice President, Intellectual Property Management Division, Exploit Technologies Pte Ltd, Singapore</p>

Day 1 23 Feb 09	Conference Programme
	<p><i>Panel of speakers:</i></p> <ul style="list-style-type: none"> • <i>Ms Janna C. Tom, Former Vice President, Public Policy, Association of University Technology Managers (AUTM)</i> • <i>Ms Fatima Sayyid, Senior Licensing & Patenting Manager, General Medicine Branch, National Institutes of Health - Office of Technology Transfer, USA</i> • <i>Dr Jasmine Kway, Deputy Director, Industry Liaison Office, National University of Singapore</i>
1130 – 1230	<p><u>Session 3: Technology Transfer Strategies: Approaches and Options</u></p> <p>This session explores the various technology transfer strategies and their approaches and options such as strategic alliances, joint ventures and partnerships, spin-offs, contract research and licensing</p> <p><i>Speaker:</i></p> <ul style="list-style-type: none"> • <i>Ms Janna C. Tom, Former Vice President, Public Policy, Association of University Technology Managers (AUTM)</i>
1230 – 1345	Lunch
1345 – 1445	<p><u>Session 4: Technology transfer for Small and Medium Enterprises : Challenges and Opportunities</u></p> <p>SMEs have the potential to contribute positively to economic development and their ability to innovate is crucial to their survival. It is hence necessary to identify the primary obstacles they face with regard to technology transfer and to create policies designed to help them overcome these specific challenges. This session seeks to demystify common SME perceptions, challenges and issues they face regarding technology acquisition and development. It also identifies and explores potential commercialisation roadmaps and models which can be used to overcome the aforementioned challenges and issues.</p> <p>(A) <u>Tech Transfer: Challenges and Issues for SMEs</u></p> <p><i>Moderator: Mr Nicholas Brooke, Chairman, Board of the Hong Kong Science & Technology Parks Corporation</i></p> <p><i>Panel of speakers:</i></p> <ul style="list-style-type: none"> • <i>Mr Guriqbal Singh Jaiya, Director, Small and Medium Enterprises Division, World Intellectual Property Organization (WIPO)</i> • <i>Mr Philip Mendes, Partner, Innovation Law & Director, Ozgene Pty Ltd. and CAST</i>

Day 1 23 Feb 09	Conference Programme
	<p><i>Cooperative Research Centre Ltd, Australia</i></p> <ul style="list-style-type: none"> • <i>Mr Lee Han Boon, Vice President, Science & Engineering Commercialisation, Exploit Technologies Pte Ltd, Singapore</i>
1445 – 1545	<p><u>(B) Model Approaches for Policymakers</u></p> <ul style="list-style-type: none"> • TT from Singapore Perspective • TT from Australian Perspective • TT from US Perspective <p><i>Moderator: Mr Guriqbal Singh Jaiya, Director, Small and Medium Enterprises Division, World Intellectual Property Organization (WIPO)</i></p> <p><i>Panel of speakers:</i></p> <ul style="list-style-type: none"> • <i>Dr Mark Lim, Deputy Director, Growing Enterprises with Technology Upgrade (GET-Up) Programme, Agency for Science Technology and Research (A*Star), Singapore</i> • <i>Mr Philip Mendes, Partner, Innovation Law & Director, Ozgene Pty Ltd and CAST Cooperative Research Centre Ltd, Australia</i> • <i>Ms Fatima Sayyid, Senior Licensing & Patenting Manager, General Medicine Branch, National Institutes of Health - Office of Technology Transfer, USA</i>
1545 – 1615	Afternoon Tea
Day 1 23 Feb 09	Conference Programme
1615 – 1730	<p><u>Session 5: Technology Transfer experiences in the Asia Pacific Region</u></p> <p>This final session discusses technology transfer developments in APEC. A panel of speakers from the following regions will share their experiences and country models:</p> <ul style="list-style-type: none"> • North America • East Asia • ASEAN <p><i>Moderator: Mr Guriqbal Singh Jaiya, Director, Small and Medium Enterprises Division, World Intellectual Property Organization (WIPO)</i></p>

Day 1 23 Feb 09	Conference Programme
	<p><i>Panel of speakers:</i></p> <ul style="list-style-type: none"> • North America : Ms Fatima Sayyid, Senior Licensing & Patenting Manager, General Medicine Branch, National Institutes of Health - Office of Technology Transfer, USA • East Asia: Mr Nicholas Brooke, Chairman, Board of the Hong Kong Science & Technology Parks Corporation • ASEAN: Prof.Dr.Chachanat Thebtaranonth, Vice President, National Science and Technology Development Agency, Thailand
	End of Day 1
Day 2 24 Feb 09	Field Visit
1000 – 1030	<p><u>Singapore Institute of Manufacturing Technology (SIMTech)</u></p> <p>Welcome Address and SIMTech Overview by Dr Lim Ser Yong, Executive Director, SIMTech</p> <p><i>The presentation is an introduction to the SIMTech, a research institute of the Agency for Science, Technology and Research (A*STAR) which develops high value manufacturing technology and human capital to enhance the competitiveness of Singapore's manufacturing industry.</i></p> <p>Lab Tour</p>
1030 – 1130	
1130 – 1230	Lunch @ SimTech Tower Block Level 3 Foyer

APEC Intellectual Property Rights Experts' Group (IPEG)

Agenda for the 28th IPEG Meeting 25- 26 February 2009 Singapore

1. Opening

(1a) IPEG Chair

- The IPEG Chair will open the 28th IPEG meeting.

2. Report on Previous Activity of IPEG

(2a) APEC

- Update/ information from APEC Secretariat
- Question & Answer Session by Project Management Unit Director on the new project approval mechanism
- Presentation by APEC Secretariat Communications Team on their roles and services to APEC economies.

(2b) TILF

- Update by Peru on "Raising Awareness and Providing Policy Insights on Promoting Appropriate Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies" (CTI 23/2008T)

(2c) Self-funded

- Update by US on "APEC Supply Chain Integrity Seminar" (CTI 01/2009S)
- Update by Chile on "APEC IPEG Survey on Copyright Limitations and Exception"

(2d) Other matters

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

3. Interactions with CTI

- To be advised.

4. CTI Priorities

(4a) Support for WTO

Deepening the Dialogue on Intellectual Property Policy and Protection of Emerging Fields in IPR (Lead Economy: Convenor)

(4a-i) Protection for Geographical Indications (Lead Economy: Mexico)

- Mexico will introduce a project proposal on a Report on the Geographical Indications Regimes in APEC Economies

(4a-ii) Protection of Genetic Resources, Traditional Knowledge and Folklore (Lead Economy: Peru)

- Update by Peru on "Survey on Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies"

(4a-iii) Protection of Plant Variety Protection Systems

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

(4b) Support for APEC Investment Facilitation Action Plan

Utilising new technology to improve investment environments

- (4b-i) Providing adequate and effective protection of technology and related intellectual property rights
- Update by Singapore on “APEC IPEG Trading Ideas 2009” (CTI 04/2009T)
 - Paper by Korea on “APEC Project for Training Intellectual Property Right Information Facilitators Using e-Learning Content-IP Xpedite” (CTI 21/2009T)
 - Updates by Mexico on WIPO-IMPI Distance Learning Courses (DL101S) and the Inauguration of IMPI’s Virtual Conference Room
- (4b-ii) Developing strategies to meet intellectual property needs of SMEs.
- Paper by Hong Kong, China on “Developments in Intellectual Capital Management in Hong Kong, China” (*Information Paper without Presentation*)
 - Update by Australia on “APEC IPR Public Education and Awareness Program for SMEs” (CTI 06/2008T)

(4c) Trade and Investment Facilitation

(4c-i) APEC Anti-Counterfeiting and Piracy Initiative

Members will report the progress on implementation of the Initiative, and discuss how the IPEG should contribute to implement the initiative. (Lead Economy: Japan, Korea and USA)

- Update by the US on the Best Practice Paper on Innovative Techniques for IPR Border Enforcement.
 - Presentation by Mexico on Customs Information related to IP
- (4c-ii) APEC IPR Service Centre (Lead Economy: Japan)
- Presentation by Japan on the Progress of Establishment of IPR Service Centres.
- (4c-iii) Enforcement Related Activities
- Collective follow-up on international cooperation for IPR protection among enforcement agencies of APEC economies (Discussion of a possible further collaboration between IPEG and SCCP)
 - US will introduce a new proposal to address illegal use of recording devices to record or transmit movies off the screen
 - Updates by Mexico on IPR Enforcement-Related Activities
- (4c-iv) Exchange of Information Concerning IPR Measures/ Policies
- Update by China on a proposal for a “Survey on Prevention of Abuse of IP Right”
 - Update by China a proposal for an “APEC IPEG Seminar on Practices of IPR Protection in Standardisation”

- Presentation by Chinese Taipei on “Challenges and Solutions for Copyright Collective Management in Chinese Taipei”
- Paper by Korea “Latest development in policy measures to strengthen copyright protection on-line”
- Update by the US on a proposal for an “APEC IPEG Survey on Opposition Proceedings”

(4c-v) Responding to Cable and Encrypted Satellite Signal Theft

- Updates by the US on proposal for an “APEC Satellite and Cable Signal Theft Initiative”

(4d) Implementation of Pathfinder Initiatives

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

(4e) Implementation of Transparency Standards

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

(4f) Regional Trade Agreements (RTAs) / Free Trade Agreements (FTAs)

- Presentation by Australia on “RTA/FTA Matrix”

5. Other Collective Actions of IPEG

(5a) Support for Easy and Prompt Acquisition of Rights

(5a-i) Establishing Internationally Harmonized IPR system (Lead economy: Japan)

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

(5a-ii) APEC Cooperation Initiative on Patent Acquisition Procedures (Lead Economies: Japan, Korea, Singapore, and USA)

- Presentation of result by Japan on “Survey on Patent Examination Co-operation Practices among APEC Economies” under the 2007 APEC Cooperation Initiative on Patent Acquisition Procedures.
- Update and brief presentation on “gap analysis” by the US as part of its proposed “Patent Cooperation Initiative on Patent Acquisition Procedures - Roadmap for Further Cooperation”

(5a-iii) Papers related to Easy and Prompt Acquisition of Rights and Protection

- Presentation by Chinese Taipei on “Accelerated Examination Program in Chinese Taipei”

(5b) Electronic Processing of IPR-related Procedures

(5b-i) Electronic Filing Systems (Lead Economy: USA)

- Paper by Chinese Taipei on Chinese Taipei E-filing System (*Information Paper without Presentation*)

(5b-ii) Dissemination of Information by Electronic Means: APEC IPEG Website (Lead Economy: Australia)

- Update by Mexico on these issues

(5c) IP Asset Management and Utilization

(5c-i) Promoting IP Asset Management in APEC Economies (Lead Economy: USA)

- Presentation by Australia on AusPat – the new search system for Australian Patents (information paper)
- Presentation by Australia on the accountability of copyright collecting societies (information paper)

(5c-ii) Raising Public Awareness (Lead Economies: Australia and Hong Kong, China)

- Presentation by Australia on increasing knowledge of IP through partnerships – vocational education and training sector (information paper)
- Paper by Hong Kong, China on “Genuine Business Software Campaign in Hong Kong, China” (*Information Paper without Presentation*)
- Presentation by Chinese Taipei on “IPR Protection and Awareness in Chinese Taipei”
- Update by Mexico on Raising Public Awareness activities

(5c-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.

(5c-iv) IP Creation, Utilization and Dissemination (Lead Economy: Korea)

- Presentation by Korea on “KIPO’s SME Support Centre for Closing IP Gap”

(5d) Capacity-building

- Update by Australia and China on “Survey of Strategic Consideration of IPR Capacity Building in APEC Economies”

(5e) Strategic Development of IPEG

- Review of Inventory List of IPEG’s Surveys (IPEG Chair)
- Discussion on development of IPEG Collective Action Plan (IPEG Chair)

6. New Project Proposals

(6a) Formation of new Quality Assessment Framework Team

- Australian, Canada and Mexico will form the new Quality Assessment Framework Team for 2009

(6b) Call for new project proposals

- US will introduce two self-funded projects: an APEC program on IP border enforcement for customs officials, and an APEC program on IP enforcement for judges and prosecutors
- Viet Nam will revise and re-submit the project proposal APEC IP Awards.
- Presentation by Korea on Korea’s proposal concepts for APEC Projects on the utilization of IP for sustainable economic growth
- Proposal from U.S. on Certification and Collective Marks

- U.S. will make a brief presentation about the Singapore Treaty on the Law of Trademarks and its benefits to the trademark rights holder

7. Cooperation with Other Fora/ Stakeholders

- Presentation by IFLA on "Copyright Exceptions and Limitations for Libraries"

8. Other Business

- Paper by Hong Kong, China on "Recent trade mark court cases in Hong Kong, China" (*Information Paper without Presentation*)
- Paper by Hong Kong, China on "Developments in Addressing Abuses of the Company Name Registration System by Shadow Companies in Hong Kong, China" (*Information Paper without Presentation*)
- Updates by Viet Nam on Viet Nam's IP System.

9. Document Access

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

10. Future Meeting

- Invitation to APEC 29th IPEG Meeting in Singapore - dates and venue
- Presentation by ABAC Liaison Representative on a proposal for a new dialogue with the various stakeholders on IPR-issues in the APEC 29th IPEG Meeting
- The Chair will invite members to start inter-sessional consultations with a view to deciding at the 29th IPEG the Chair for the 30th–33rd IPEG meeting.

11. Report to the Next CTI

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

(SECOND DRAFT)

APEC Intellectual Property Rights Experts' Group
Waterfront Ballroom II,
Grand Copthorne Waterfront Hotel, Singapore

Meeting notes of the 28th IPEG Meeting

February 25, 2009 9:15 -18:00

February 26, 2009 9:00 -18:00

Introduction

1. The 28th meeting of the APEC Intellectual Property Rights Experts' Group (IPEG XXVIII) was held on 25-26 February 2009 at the Waterfront Ballroom II, Grand Copthorne Waterfront Hotel, Singapore.

2. The meeting was attended by representatives from the following APEC Member economies: Australia, Canada, Chile, China, Hong Kong, China, Indonesia, Japan, Korea, Mexico, New Zealand, Peru, Philippines, Singapore, Chinese Taipei, Thailand, the U.S. and Vietnam. The Chair of IPEG, the Program Director of IPEG, the Assistant to IPEG Chair also attended the meeting. Two representatives from the International Federation of Library Associations and Institutions (IFLA) attended the morning session of 26 February 2009.

Agenda Item 1: Opening

3. The Chair opened the 28th IPEG meeting and welcomed all Members and guests to the dynamic city of Singapore.

Agenda Item 2: Report on Previous Activity of IPEG

(2a) APEC

Update / Information from APEC Secretariat

4. APEC Secretariat thanked the IPEG Chair and his assistant for

their support in the preparations for the meeting and thanked Singapore for their excellent organisation of the Seminar on Technology Transfer, which took place before the IPEG Plenary meeting. The Secretariat informed Members that the APEC Secretariat Report on APEC Development (2009/SOM1/IPEG/017) had not been printed out for Members but had been posted on IPEG area of AIMP. The report would also be posted to the Meeting Document Database after the meeting.

5. APEC Project Management Unit Team Leader, Ms. Evelyn Loh, gave a brief presentation on the revised project approval procedures carried out by Budget Management Committee (BMC).

6. APEC Communications and Public Affairs News Manager, Ms. Carolyn Williams, gave a brief introduction to the works of APEC Communications and Public Affairs.

7. The Chair asked if APEC Communications and Public Affairs would offer translation services to Members on converting English materials into their respective local languages. Ms. Williams responded APEC Communications and Public Affairs did not provide such assistance due to limited resources.

(2b) TILF

Update by Peru on “Raising Awareness and Providing Policy Insights on Promoting Appropriate Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies (CTI23/2008T)”

8. Peru gave a presentation on the survey results of the “Raising Awareness and Providing Policy Insights on Promoting Appropriate Access to Genetic Resources and Protection of Traditional Knowledge in APEC Economies”.

9. The Chair thanked Peru for its continuous effort and passion on the issue of genetic resources and traditional knowledge. Australia also thanked Peru for the presentation, and would appreciate if a written report of the survey could be provided to Members to review. Peru welcomed this suggestion and would invite Members to review the

written report of the survey later.

10. Since many economies were running information systems to compile their traditional knowledge, Indonesia suggested that Members could share the format of how the traditional knowledge could be placed on record. The Chair invited Peru to discuss bilaterally with Indonesia on this suggestion and requested Peru to report the progress in the coming meeting.

11. Korea also commented that other social dimensions, such as natural resources could be included in the survey.

(2c) Self-funded

APEC Supply Chain Integrity Seminar (8-9 January 2009)

12. The U.S. made an oral update on the APEC Supply Chain Integrity Seminar (CTI01/2009S) held on 8-9 January 2009 in Hong Kong, China. The Seminar was well-received: over 90 participants and nine economies sent representatives to the Seminar; where speakers from various sectors joined to exchange experiences in supply chain integrity. The U.S. thanked Hong Kong, China, the co-organiser of the Seminar for its assistance.

13. Hong Kong, China, commented that the Seminar was a great success.

APEC IPEG Survey on Copyright Limitations and Exceptions

14. Chile made a presentation on the draft report of the APEC IPEG Survey on Copyright Limitations and Exceptions, where 13 economies had responded to this 34-question survey. A full draft report was available on the APEC Collaboration System.

15. The Chair, China and Japan thanked Chile for compiling this comprehensive report which was beneficial to Members. Japan further commented when establishing exceptions and limitations, the interests of both stakeholders and the public should be considered in a balanced

manner.

16. Both New Zealand and Chinese Taipei asked if the draft report would be updated from time to time or a follow-up study would be carried out, in order to reflect changes of the copyright legislation in APEC economies. The Chair echoed this call.

17. Indonesia made a further enquiry on the exact provision of copyright limitations and exceptions in each economy. Chile replied detailed information could be found in the full draft report.

Agenda item 3: Interactions with CTI

18. CTI Chair, Ms. Elizabeth Chelliah, attended the meeting and made a brief presentation on the paper “APEC Regional Economic Integration Agenda Multi-Year Work Plan”. Ms. Chelliah also gave an oral update on the FTA/RTA and the interaction between APEC and ASEAN.

19. The Chair thanked the CTI Chair for her comprehensive overview of the CTI’s work. Since most IPR-protection was done through national legislation, the Chair felt that regional harmonisation of IPR-protection would be challenging to APEC economies. Notwithstanding that, due to the WTO TRIPS agreement, the IPR-field was already relatively harmonised among APEC Economies.

20. The Chair further supplemented that by conducting surveys and studies on commonly interested topics, IPEG had greatly improved the transparency of matters relating to IPR. IPEG was keen on inter-sub-fora collaboration, for instance, the joint-meeting with SCCP held in February 2008.

21. The Chair noted that “Patent Acquisition Procedures” was not listed in the CTI Priorities, but IPEG would continue to work on the issue.

22. Thailand thanked the CTI Chair and questioned how CTI integrated all IPEG surveys into the current CTI actions. CTI Chair responded that IPEG regularly reported back to CTI and the reports

would then be discussed during CTI Meetings. The Chair also supplemented that IPEG Collective Action Plan (IPEG CAP) also summarised the current surveys to CTI.

23. Thailand pointed out that the Digital Economy and IPR Workplan of CTI did not reflect previous works of IPEG, while CTI members were given limited time to consider before being endorsed. The CTI Chair replied that FOTC put forward this Workplan. Furthermore, the CTI Chair commented that this Workplan was a CTI document and CTI members could comment on it.

24. The CTI Chair recalled that the Workplan had firstly been circulated in December 2008, while sufficient time was allowed for CTI members to consult with their internal experts. The CTI Chair conveyed her respect in how CTI members consulted their internal experts, such as IPEG Members of respective economy. Furthermore, the CTI Chair encouraged economies including Thailand to actively participate in the FOTC in order to improve transparency.

Agenda item 4: CTI priorities

(4a) Support for WTO – deepening the dialogue on intellectual property policy and protection of emerging fields in IPR

(4a-i) Protection for geographical indications

Draft Proposal – Report on the Geographical Indications Regimes in APEC Economies

25. Developed in 2006, a geographical Indications (GI) questionnaire was open to Members. On a self-funded basis, Mexico proposed to draft a report based on the economies' responses to the questionnaire, and invited members to update their information on the questionnaire. A draft report would be ready by 29th IPEG Meeting for discussion.

26. The U.S. thanked Mexico for the initiative, and asked if this

report intended to summarise national policies on GI. Mexico replied this report would be a mere summary of facts and data gathered by the questionnaire in 2006.

27. Australia and Canada thanked Mexico for the initiative and reminded the Group that GI protection was a multi-level topic. They reiterated that the report should be a factual report, and contain no policy analysis. Mexico replied this report would be a factual report and would not contain any policy analysis.

28. The U.S. asked if the work of compiling this report would be outsourced. Mexico replied that the whole task would be handled in-house.

29. China requested some extra time to coordinate with different Ministries in Beijing. Mexico emphasised that Members had responded to the questionnaire in 2006. The report would be a compilation of the results of questionnaire.

30. The Chair encouraged China and Mexico to have a bilateral discussion on this issue and come back to the Plenary Meeting later.

31. On 26 February 2009, Mexico reported to the Plenary Meeting that China had agreed to support Mexico in drafting the report. The Chair summarised the Report on GI Regimes in APEC Economies should be factual in nature without policy elements, while Mexico should seek comments from Members after finishing the Report. **IPEG endorsed Mexico to compile the Report.**

(4a-ii) Protection of genetic resources (GR), traditional knowledge (TK) and folklore

Protection of Genetic Resources, Traditional Knowledge and Folklore

32. Peru put forward an initiative on developing a living document summarising the protection of genetic resources, traditional knowledge and folklore.

33. The Chair thanked Peru for his continuous efforts on promoting the protection of the genetic resources, traditional knowledge and folklore. **IPEG agreed the initiative.**

(4a-iii) Protection of Plant Variety Protection System

There were no discussions or interventions on this item.

(4b) Support for APEC Investment Facilitation Action Plan

Utilising New technology to Improve Investment Environment

4(b-i) Providing Adequate and Effective Protection of Technology and Related Intellectual Property Rights

APEC IPEG Trading Ideas 2009 (CTI04/2009T)

34. Singapore gave a brief update on the “APEC IPEG Trading Ideas 2009” (CTI04/2009), which would be held on 30-31 July 2009 in Singapore. Prominent speakers were invited to give speeches in the event.

35. The Chair thanked Singapore for the update and noted that Director General of the World Intellectual Property Organisation (WIPO), Dr. Francis Gurry, would be one of the speakers to the event. Subject to CTI’s approval on non-member participation, the Chair suggested having an additional meeting session with Dr. Gurry to exchange opinions on important intellectual property issues.

36. Australia, Canada, Thailand, Mexico and the U.S. supported the Chair’s suggestion.

37. The Chair invited Singapore, host economy of 2009 and the project overseer, to coordinate this additional meeting session. The Chair also noted that other senior officials were also invited to speak for the event, and would like to extend the invitation to these senior officials.

38. Singapore appreciated the Chair's suggestion and would coordinate the additional meeting session with Dr. Gurry and other senior officials.

Project for Training Intellectual Property Rights Information Facilitators Using e-Learning Content – IP Xpedite

39. Korea gave a brief presentation on the latest developments of the “Project for Training Intellectual Property Rights Information Facilitators Using e-Learning Content – IP Xpedite”. The project was targeted to commence in March 2009.

40. The Chair thanked Korea for this wonderful IPR training resource and invited Members to further enrich IP Xpedite.

WIPO-IMPI Distance Learning Courses (DL101S) and the Inauguration of IMPI's Virtual Conference Room

41. Mexico gave a brief presentation on the distance learning courses jointly offered by WIPO and IMPI, with a special focus on Spanish speaking countries. Further, Mexico also introduced the Virtual Conference Room in IMPI.

42. Chinese Taipei asked Mexico how to evaluate the success of the distance learning course. Mexico replied that the distance learning course could be evaluated both internally and externally.

43. Chile congratulated Mexico on the success of this distance learning course, which brought new IPR-related training elements into the Spanish-speaking sphere.

(4b-ii) Developing Strategies to Meet Intellectual Property Needs of SMEs

Developments in Intellectual Capital Management in Hong Kong, China

44. Hong Kong, China gave a brief presentation on the latest development of intellectual capital management (ICM) in Hong Kong, China aiming at helping SMEs to elevate their efficiency and competitiveness, resulting in more business opportunities.

45. Australia supported the ICM idea and said that the APEC Seminar to be held in April 2009 would also have some coverage in ICM . Besides, the “APEC SME IPR Commercialisation and Management Resource” to be available by end 2009 would also cover ICM.

APEC IPEG Public Education and Awareness Program for SMEs

46. Australia gave a brief presentation on the APEC IPEG Public Education and Awareness Program for SMEs.

(4c) Trade and investment Facilitation

(4c-i) APEC Anti-counterfeiting and piracy initiative

Best Practice Paper on Innovative Techniques for IPR Border Enforcement

47. The U.S. introduced the “Best Practice Paper on Innovative Technique for IPR Border Enforcement” developed in 2007 and invited Members to update the Paper if there were changes in the border enforcement practices. The U.S. proposed to develop this Paper as a live document.

48. Australia supported the proposal and would provide an update on border enforcement practice in Australia.

49. China thanked the U.S. and would provide updates to the U.S. China also raised a concern over the title of the Paper as “Best Practice” might prejudice one border enforcement practice over another and result in confusion. Since there were no international standard of best practices in border enforcement, China proposed to change the title from “Best Practice” to “Experience Sharing”.

50. The U.S. referred in the first two paragraphs of the Paper, where it was stated explicitly that this Paper intended to share experiences among members. Further, this Paper was under the APEC IPEG Counterfeiting Model Guidelines, which left little room in changing the title.

51. China responded that it would feel more comfortable to state explicitly that the Paper intended to share experience on the title.

52. Thailand welcomed the Paper as it was a good opportunity to share good enforcement practices among economies. Notwithstanding, it left an impression of standard-setting on border enforcement practices among APEC economies.

53. The Chair commented for documents with finalised titles, the contents of the documents should explain the document title better with more elaborations in order to avoid any misunderstanding. The discussion of this Agenda Item was adjourned.

Customs Information Related to IP - Mexico

54. Mexico gave a brief presentation on the IP enforcement and border control in Mexico.

55. The U.S. thanked Mexico and asked how to perform the inter- departmental collaboration in the border enforcement. Mexico replied that a dedicated committee with representatives from all related departments had been formed and an action plan had been drawn up by the committee to steer the collaboration.

(4c-ii) APEC IPR Service Centre

Progress of Establishment of IPR Centres

56. Japan gave a brief update to their initiative on up-dating

information on the IPR Service Centres. 14 economies had responded while Japan further encouraged remaining economies to give more information.

57. The Chair noted that each economy had their own standard of maintaining the IPR Service Centre. Having a one-stop links to economies' IPR Service Centre could be one of the deliverables of IPEG.

(4c-iii) Enforcement related activities

Collective Follow-up on Possible Further International co-operation for IPR Protection among Enforcement Agencies of APEC Economies

58. The Chair reported his brief visit to the meeting of the Sub-Committee for Customs and Procedures (SCCP), in which he gave a presentation on the IPEG Collective Action Plan of 27th Meeting. The Chair also noted that Peru in SCCP had sought TILF-funding for a seminar on border enforcement which was similar to the U.S.'s proposal. The Chair encouraged Members to suggest any possible further collaboration with SCCP.

59. The U.S. replied that Peru's proposal in SCCP would be implemented in Peru, while the U.S.'s proposal in IPEG intended to seek some collaboration with ASEAN and Pacific Islands Forum. The U.S. welcomed any opportunity to share experiences with Peru.

60. The Chair thanked the U.S. and appreciated any suggestions on further co-operation with SCCP, such as holding a second joint session.

61. Japan welcomed the discussion regarding further IPEG-SCCP collaboration. Japan would like to support this exercise based on the experience of the previous joint-session in 2008, though Japan did not have any specific plans at this moment. Indonesia supported another joint-session with SCCP, as it would help harmonise the systems. The Chair asked Members' advice about the proposed joint-session with SCCP.

62. Australia welcomed the proposal of having further joint-sessions with the SCCP from time-to-time, where they focused on particular topics and did not duplicate other international work. Thailand further proposed to have a joint-session focusing on issues such as appropriateness of conducting search and seizure of goods in transit and transshipment, taking into account WCO's guidelines.

63. The Chair proposed to focus on innovative technique in combating counterfeiting goods in transit, with a particular interest in RFID. Chinese Taipei echoed goods in transit could be one of the starting points.

Proposal to Address Illegal Use of Recording Devices to Record or Transmit Movies off the Screen

64. The U.S. gave a brief introduction to a new proposal to address illegal use of recording devices to record or transmit movies off the screen. The U.S. intended to have an inter-sessional discussion on this proposal. Ultimately, the U.S. proposed that IPEG should propose draft a text for inclusion in the 2009 APEC Ministerial Meeting Statement. The U.S. also noted a best practice paper would be developed.

65. The Chair thanked the U.S. for the proposal and asked what it was exactly that the legislation against unauthorised recording behaviour was intended to target. The U.S. replied the legislation targeted the behaviour of unauthorised recording inside cinemas, instead of a mere possession of recording devices inside cinemas.

66. The Chair queried whether it was right to target video recording in cinemas if similar activities such as recording of music performances was not similarly targeted. The U.S. considered that unauthorised recording inside cinemas was often relating to organised criminal activities; and cinema audiences were warned against any unauthorised recording before entering the premises of cinemas.

67. Thailand doubted the necessity of enacting new provisions against the unauthorised video recording off the screen, since current copyright law in general and TRIPS Agreement already provided adequate protection against such infringing activities; where copyright infringers would be liable to both criminal and civil legal liabilities. Thailand, therefore, suggested economies whose laws had complied with the TRIPS would not need to enact such provisions. Thailand further suggested it was discriminating to enact a legislation for one activity only, while the similar infringing activity occurring to other kinds of copyright works were not covered.

68. The U.S. replied that under the current U.S. copyright law, unauthorised video recording off the screen was liable to both civil and criminal proceedings. The U.S. Congress passed the provision of targeting unauthorised video recording off the screen, which intended to highlight a special kind of criminal behaviour. The U.S. had no intention of setting any standard on combating unauthorised video recording off the screen among APEC economies.

69. The U.S. added that the number of unauthorised video recording cases in the U.S. had declined after the legislation. Before the legislation on the federal level, there was evidence the unauthorised video recording off the screen migrated from states with relevant legislation to those without.

70. Canada and Hong Kong, China supported the initiative on combating unauthorised video recording off the screen in cinema. Hong Kong, China highlighted that the movie industry was one of the important pillars of the creative industries in many APEC economies, for example a Peruvian film won the best film award in the Berlin Film Festival in February 2009. Hong Kong, China further commented that for some years there had already been provisions in its existing copyright law to deal with this kind of illegal activities. To further strengthen protection in this area, since April 2001, Hong Kong, China had had in place legislative provisions preventing the possession of video recording equipment in cinemas etc. Since the enactment of the new provisions, only

two cases had been brought to court. Hong Kong, China emphasised that apart from legislation, strong public education plus effective enforcement were the keys to combat unauthorised video recording.

71. Indonesia said that landlords in Indonesia were liable to prosecution if unauthorised video recording off the screen was found in their cinemas. Indonesia had experienced some difficulties in implementing the legislation, but he stressed the importance of close collaboration between the legislature and the enforcement agencies. Indonesia added as background that many people found that cinema tickets were expensive.

72. Australia welcomed further discussion of this issue at the IPEG noting that it was a legitimate concern for the film industry. China stated this issue involved at least two ministries to consult before taking it forward, and would need more time to discuss, preferably inter-sessionally, with the U.S.

73. Japan supported the initiative and commented there were US\$82 million losses in 2005 due to the unauthorised video recording off the screen in cinemas.

74. New Zealand asked about the effectiveness of the new legislation in the U.S., with a specific question on how to implement the new legislation. Chinese Taipei shared the view of Thailand and Indonesia that existing copyright law already offered enough protection against unauthorised video recording off the screen in cinemas. Furthermore, Chinese Taipei regarded effective public education as more important.

75. Thailand said that existing laws already provided protection against unauthorised video recording off the screen in cinemas. Thailand further suggested that good collaboration from copyright owners and cinema owners in providing deposit boxes at the entrance of the cinema would help guard against such infringing activities. Thailand also proposed to record all the previous discussions verbatim by APEC Secretariat. Given the diverging

views over this issue, Thailand also proposed to conduct a survey to reveal the current practices on combating unauthorised video recording off the screen in cinema among APEC economies and to find a common starting point to work on further.

76. The Chair replied that the practice of the APEC Secretariat was not to document the meeting verbatim; but he invited individual members to document the meeting according to their own needs.

77. The U.S. replied to New Zealand that usually the enforcement of the new legislation involved local / state law enforcers, while it was rare to involve federal officials. Upon receiving requests from cinema owners, local officials would visit the cinema to investigate. Furthermore, local officials were working closely with movie associations. With the help of technology, it was easier to trace back the location where the unauthorised video recording took place, which made the establishment of evidence easier.

78. The U.S. replied to Indonesia that the management of the cinemas could call police if they suspected any unauthorised video recording off the screen in the cinema.

79. The Chair concluded the discussion and encouraged members to share the methods used to address the problem of unauthorised video recording off the screen in cinemas. The Chair invited members to provide comments to the U.S. in writing within three weeks after the meeting and continue to discuss this agenda item in the coming meetings. The discussion of this Agenda Item was adjourned.

Enforcement Related Activities – Mexico

80. Mexico gave a brief introduction to the enforcement-related activities in Mexico.

(4c-iv) Exchange of information concerning IPR Measures/ Policies

Survey on Prevention of Abuse of IP Rights

81. China gave a brief update on development of the Survey on Prevention of Abuse of IP Rights.

Seminar on Practices of IPR Protection in Standardisation

82. China gave a brief update on his development of the Seminar on Practices of IPR Protection in Standardisation.

Challenges and Solutions for Copyrights Collective Management in Chinese Taipei

83. Chinese Taipei gave a presentation on the copyright collective societies in Chinese Taipei.

84. Indonesia asked about service scopes provided by these copyright collective societies, and questioned if these societies provided overlapping copyright licensing services. Chinese Taipei replied some areas of copyright, such as musical works, were covered by more than one collective society; while it was difficult for all organisations to find a suitable collective society.

85. Thailand questioned the classification of different copyrights as described in slides. Chinese Taipei briefly explained the classification.

Latest Development in Policy Measures to Strengthen Copyright Protection Online

86. Korea made a presentation on the latest development in policy measures to strengthen copyright protection online.

87. The Chair asked how the automated system traced the unauthorised uploaders. Korea replied all users had to register with the online service providers and log-in the system before uploading; while the automated system would screen the content for

authenticity.

88. Chinese Taipei asked Korea how this automated checking system was funded. Korea replied this system was funded internally by the Ministry of Culture, Sports and Tourism.

89. New Zealand thanked Korea for the introduction of this system, and commented that colleagues responsible for copyright protection would like to learn further about the system from Korea.

90. Chile showed an interest in learning further if there were any limitations and exceptions in copyrights during the transfer of information through digital means; and would like to invite Korea to update the Chilean report on copyright limitations and exceptions. Korea replied that current copyright laws had provided copyright limitations and exceptions.

APEC IPEG Survey on Opposition Proceedings

91. The U.S. gave a brief presentation on the draft questionnaire and invited Members to comment on the items.

92. Canada asked about the timeline for this Survey. The U.S. planned to solicit feedback from Members by 30 March 2009 and circulate the final draft to Members for completion by 30 April 2009. Members were expected to return the completed questionnaire by 1 July 2009.

(4c-v) Responding to cable and encrypted satellite signal theft

APEC Satellite and Cable Signal Theft Initiative

93. The U.S. gave a brief update on the development of the APEC Satellite and Cable Signal Theft Initiative. The U.S. put forward a self-funded “Workshop on Effective Implementation of Best Practices Concerning Cable, and Satellite Signal Piracy and Enforcement” for IPEG to consider and endorse. This Workshop would also partner with a working group in ASEAN, where

members of ASEAN would like to have some collaboration with various developed economies.

94. Thailand thanked the U.S. for this project proposal, and would suggest the U.S. to invite speakers as well as audience from various stakeholders since the topic of cable and satellite signal theft was a multi-disciplinary issue.

95. Subject to CTI's approval on the non-member participation, **IPEG endorsed the Workshop.**

96. China suggested this topic was a multi-disciplinary issue and involved different stakeholders.

97. The Chair reminded Members that under the 2007 Annual Ministerial Meeting Statement, it had been decided to discuss the topic of Cable and Signal Theft. Consequently, the Chair encouraged Members to continue to work on this issue.

98. The U.S. thanked Members for suggestions and agreed that the Cable and Satellite Theft initiative was a cross-fora topic while other stakeholders were also welcome to join the Workshop as endorsed by the IPEG.

99. The Chair encouraged Members to discuss inter-sessionally and adjourned the discussion on this Agenda Item.

(4d) Implementation of Pathfinder Initiatives

There were no discussions or interventions on this item.

(4e) Implementation of Transparency Standards

There were no discussions or interventions on this item.

(4f) Regional Trade Agreements (RTAs) / Free Trade Agreements (FTAs)

100. Recognising RTAs/FTAs was a priority of CTI, Australia encouraged those who had not responded or wished to submit an update to do so.

Agenda item 5: Other Collective Actions of IPEG

(5a) Support for Easy and Prompt Acquisition of Rights

(5a-i) Establishing Internationally Harmonized IPR system

There were no discussions or interventions on this item.

(5a-ii) APEC Cooperation Initiative on Patent Acquisition Procedures

Survey on Patent Examination Co-operation Practices among APEC economies

101. Japan gave an overview presentation on the findings of the “Survey on Examination Co-operation Practices among APEC Economies”. The Chair thanked Japan for the presentation and encouraged Members to have more collaboration in patent examination.

102. Indonesia asked if Japan had patent application backlogs and questioned how Japan would address the challenge. In reply, Japan said that the period from the request for substantive examination to the final decision in substantive examination (total pendency), as an index of patent application backlogs, was slightly more than 30 months on average, and that the total number of pending applications had been in decline since mid-2008. Japan were making every effort to clear pending applications. Japan also noted the number of pending patent application had declined recently. Japan noted that her efforts in coping with backlogs included, apart from international collaboration in patent examination:

(i) outsourcing of a part of examination work (prior-art searches) from the Japan Patent Office to qualified organizations; (ii) partial refund of the examination request fee where an application was

withdrawn by the applicant after the fee payment and before the first office action; and

(iii) facilitation of the use of the information provision system, in which any interested party might submit such information as prior-art documents relevant to a patent application to be examined, with the facilitation including the launch of the online submission system.

103. Thailand thanked Japan for the presentation and would like to clarify with Japan the difference between “modified examination” and the system of the submission of foreign examination results at on Japan Patent Office’s request. Furthermore, Thailand asked if Japan would accept the patent examination results done by ASEAN member economies.

104. Japan replied that “modified examination” was a term specifically used in the Australian patent system. The system of modified examination differed, Japan noted, from the system of the submission of foreign examination results at the Japan Patent Office’s request, in that in the former system foreign examination results were adopted where certain conditions were met, while in the latter system such adoption was not prescribed. Japan further explained that although she had no system of adopting foreign examination results she did have the system of accelerated patent examination applicable to cases where the examination results as to foreign corresponding patent applications were submitted to the Japan Patent Office, with a view to assisting foreign patent applicants in expeditious patent acquisition.

Patent Co-operation Initiative on Patent Acquisition Procedures – Roadmap for Further Co-operation

105. The U.S. gave a brief update on the development of the Patent Co-operation Initiative on Patent Acquisition Procedures – Roadmap for Further Co-operation. With the intention of seeking endorsement from IPEG on this initiative, the U.S. proposed to conduct a gap analysis on patent acquisition among APEC economies before proceeding to work on the Initiative. The U.S.

would give Members a completed sample of a gap analysis, which was done based on the U.S.'s own situation. The gap analysis on patent acquisition would serve as a starting point for Members to work towards endorsing the Initiative.

106. The Chair thanked the U.S. for her effort on bringing this Initiative forward. Japan expressed her general support to the U.S. initiative and stated that she was looking forward to seeing more international co-operation in patent acquisition.

107. China supported this Roadmap on condition an extra clause "Each member economy has its own right to choose the appropriate approach and method" would be included in the first paragraph of the Roadmap. The U.S. agreed and reiterated that the participation in the gap analysis was voluntary. The U.S. indicated that it would welcome further comments on the Gap Analysis and would further refine the proposal in response to comments. **IPEG endorsed the Patent Co-operation Initiative on Patent Acquisition Procedures, as well as the Gap Analysis.**

(5a-iii) Papers related to Easy and Prompt Acquisition of Rights and Protection

Accelerated Examination Program in Chinese Taipei

108. Chinese Taipei gave a presentation on its accelerated patent examination programme.

109. Hong Kong, China thanked Chinese Taipei and asked if there had been any increase of application fee for the accelerated application channels. Chinese Taipei replied the patent application fee was the same as the traditional channels.

110. China appreciated the accelerated examination programme, and would like to learn further if there were any promotions or incentives given to encourage applicants to use the new accelerated channels. Further, China would like to know if multi-national corporations were the major users of the new accelerated channels.

Chinese Taipei replied that the new accelerated examination programme had been implemented for just two months. The new channel was mainly used by local applicants.

111. Mexico asked who carried out the accelerated patent examination other than the existing full-time staff. Chinese Taipei replied that there were about 70 outsourced patent examiners from universities and research institutes. But they didn't participate in examining patent applications which were requested for accelerated examination.

112. Japan paid tribute to the initiative by Chinese Taipei and shared its current practice of accelerated patent examination, where approximately 9,000 requests for accelerated patent examination were received annually.

113. The Chair thanked Australia, China, Chinese Taipei, Singapore and the U.S. for the active participation in the experience sharing of developing the accelerated patent examination channel. The Chair also suggested that this accelerated patent examination facilitated regional trade integration and could be of interest to the APEC Communications and Publications team.

(5b) Electronic Processing of IPR-related Procedures

(5b-i) Electronic Filing Systems

Chinese Taipei E-filing System

114. Chinese Taipei gave a brief presentation on the E-filing System. The Chair asked if there were any measures to encourage electronic applications. Chinese Taipei replied that the electronic application itself was attractive to patent agents. Furthermore, the electronic application offered a discount on the application fee, while there would be some promotional campaigns in future.

115. Hong Kong, China asked about the development of the electronic application computer system, as well as the technological

support. Chinese Taipei replied the in-house information and technology experts had developed the computer system, while users had to register with an electronic certificate and install a free software programme before using the electronic application system.

116. Thailand asked Chinese Taipei if the electronic application system was open only to lawyers and foreign IP practitioners. Chinese Taipei replied that local users could make application through the e-filing system, while foreign users could use the e-filing system through local IP practitioners.

117. The Chair asked if the e-filing system provided a database for members of the public to search for free. Chinese Taipei replied an IP database was accessible to the public for free. The Chair invited Chinese Taipei to provide some screenshots on user-interface of the e-filing system as a follow-up for Members.

(5b-ii) Dissemination of Information by Electronic Means: APEC IPEG Website

e-Filing Systems and Dissemination of Information

118. Mexico made a brief introduction to its comprehensive electronic system. The Chair thanked Mexico and commented the Mexican e-filing system was one of the most comprehensive systems.

(5c) IP Asset Management and Utilization

(5c-i) IP Asset Management and Utilization

AusPat – the New System for Australian Patents

119. Australia had introduced a free on-line patent search system in April 2008, and gave a brief introduction on the system.

120. The Chair asked both Australia and Mexico whether the patent database systems could search the content of each patent or just image scans of the whole document. Australia replied the

AusPat contained searchable text, where keywords could be one of the criteria to search the patent database. Mexico said that users could enter the barcode number to navigate in the patent database.

121. The Chair shared Hong Kong, China's experience in developing an online database. Before 2003, the online database in Hong Kong, China scanned only the bibliographic data. Non-searchable image documents were uploaded to the database. However, the non-searchable image documents made the database less user-friendly. Consequently, Hong Kong, China had revamped the entire online database by converting every record to text to allow users to search the content of every document.

Accountability and Copyright Collecting Societies: The Role of the Code of Conduct

122. Australia gave a brief oral presentation on the paper of 'Accountability and Copyright Collecting Societies', which outlined the code of conduct that had been developed on a voluntary basis by collecting societies as an additional accountability mechanism. Australia noted that this Paper followed on from previous papers that it presented at the Peru IPEGs that focussed on the Copyright Tribunal of Australia and other accountability mechanisms.

(5c-ii) Raising Public Awareness

Intellectual Property (IP) Training Within Australia's Vocational Education and Training (VET) Sector

123. Australia gave a brief presentation on "Intellectual Property (IP) Training within Australia's Vocational Education and Training (VET) Sector", where the accredited trainers could provide training to up to 1.6 million students.

124. The Chair shared Hong Kong, China's experience in offering IPR training in vocational schools, where many enrolled students mistook intellectual property management as a kind of real estate management. Australia further suggested avoiding any use

of jargon and preventing misunderstanding.

Genuine Business Software Campaign in Hong Kong, China

125. Hong Kong, China gave a brief presentation on the information paper of “Genuine Business Software Campaign in Hong Kong, China” which was a successful partnership between the public and private sectors.

IPR Protection and Awareness in Chinese Taipei

126. Chinese Taipei gave a brief presentation on recent activities relating to IPR protection and awareness.

127. Korea asked about the IP Court System in Chinese Taipei, and would like to learn more about qualifications of the judges in IP Court. Chinese Taipei replied that the IP Court was a part of the judiciary in Chinese Taipei, and would have more information later as it had just been established.

128. Thailand asked whether the IP offices of other APEC economies had the authority to enforce IP laws. Indonesia replied his IP office could initiate civil investigation against suspected IP infringements.

129. Korea asked Chinese Taipei about any collaboration between business sector and the authorities, and the annual number of cases in the IP court. Chinese Taipei responded to Korea that the IP court was set up in July 2008. Currently the court mainly handled patent cases.

130. The Chair reminded Members that Chinese Taipei had tabled a paper on the establishment of the IP court in 2007 and invited Members to study the paper. Further, the Chair encouraged Members to provide more information to Thailand on his question on the authority of IP offices in enforcing laws.

Raising Public Awareness Activities

131. Mexico gave a brief presentation on her public campaigns in raising awareness on IPR. The Chair thanked for the presentation and the interesting public campaigns in Mexico.

132. Chinese Taipei asked if Mexico had experienced any resistance from the business sector when carrying out inspections. Chinese Taipei asked if the IP office of Mexico required a warrant from a court before carrying out inspections. Mexico said that its IP office had constitutional authority to carry out inspection on suspected IPR infringements. Notwithstanding, Mexico experienced much resistance from stakeholders.

133. Indonesia appreciated the efforts of Mexico in raising the public awareness in IPR, and asked if there was a significant decline in the number of IPR infringement cases after collaborating with Canada and the U.S. Furthermore, Indonesia asked about the legal consequences of those IPR infringers, as well as the balanced between IP protection and innovation.

134. Mexico replied that with international collaboration and public-private partnership, Mexico had organised some successful campaigns to raise public awareness on IPR. On the other hand, during inspections of the business sector, the Mexican IP office could prosecute and seize any pirated goods or computers loaded with pirated software. Finally, the various contests on IPR also encouraged creativity.

(5c-iii) Facilitation of Technology Transfer through Ensuring of IP Protection

There were no discussions or interventions on this item.

(5c-iv) IP Creation, Utilization and Dissemination

KIPO's SME Support Center for Closing IP Gap

135. Korea gave a paper presentation on a SME support centre

for closing the IP gap.

136. Thailand thanked Korea and wondered how Korea quantified the level of IP awareness among SMEs and translated the level of awareness into figures. Furthermore, through various supportive schemes, the number of patent applications by SMEs had increased. Thailand asked Korea how it could safeguard the quality of patent applications made by SMEs.

137. Korean said that it was difficult to quantify the level of IP awareness among SMEs. On the other hand, Korea had deployed IP consultants to SMEs for free and assisted their developments on the patent application in order to improve quality.

138. Australia thanked Korea for the innovative programme for SMEs, and shared that there were some similar programmes in Australia targeting SMEs. Australia would like to learn further if the IP consultants deployed to SMEs would constitute a competition to other IP attorneys. Korea replied for the patent consultancy service, there was another programme which provided patent attorney and matching funds to SMEs and innovators.

(5d) Capacity Building

Survey of Strategic Consideration of IPR Capacity Building in APEC Economies

139. Australia gave a brief update on the development of the “Survey of Strategic Consideration of IPR Capacity Building in APEC Economies”. Australia stressed that participation in the Survey was on a voluntary basis in hope to share experiences among Members. This Survey would be made available online and in printed format. The Chair thanked Australia and China for the update, and commented on the importance of having some strategic collaboration with other stakeholders.

140. The U.S. welcomed the Survey and regarded it was beneficial to all economies. However, the U.S. questioned the purpose of the Survey,

as it stated on the Survey that it would assist IPEG to undertake a more strategic approach in delivering capacity building projects. The Chair replied that the information gathered from the Survey was for IPEG Members to consider internally.

141. Australia stressed the Survey would identify similarities of the needs for capacity building among economies, and allowed IPEG to develop specific activities to address those needs.

142. The U.S. asked if this strategic consideration would be used in the MRT Meeting for prioritising the capacity building activities intended for seeking APEC-funding. The Chair emphasised the overriding priority of IPEG was set by AMM/MRT, whereas the result of the Survey would help identify the individual needs of each economy and match appropriate capacity building activities more efficiently.

143. Australia echoed the views of the Chair and reiterated that the Survey would not set any standard for future prioritisation of project proposals. Rather, the Survey helped economies assess their own strengths and weaknesses and encouraged them to design projects according to their own needs.

144. Indonesia commented that IPEG had not covered all topics of interest, such as trade secrets and integrated circuit lay-outs. The Chair thanked Indonesia and recorded their comments.

145. Thailand appreciated that the Survey was jointly drafted by a developed and a developing economy, where capacity building could be a forum for both developed and developing economies to collaborate with each other. The Chair encouraged Members to participate in the Survey, so as to help identify any areas for improvements, while the report of the Survey would only serve as an internal reference within IPEG.

146. Australia stressed the Survey was intended to draw out experiences from both developing and developed economies and share experiences among Members.

147. The U.S. would like to give comments on the questions in the Survey, since previous comments were not included in the current Survey. Australia noted that the survey had been approved but it was happy to make further revisions to the survey where appropriate. Australia invited economies to complete the survey intersessionally.

(5e) Strategic Development of IPEG (continuation)

List of Surveys in Progress in IPEG

148. The Chair invited Members to update the List of Surveys in IPEG, which would be submitted together with the IPEG Chair's Report to CTI. Natalie Nii noted that a dedicated folder with survey currently in progress was set up in the APEC Collaboration System.

IPEG Collective Action Plan

149. The Chair invited Members to update the IPEG Collective Action Plan, which would be submitted together with the IPEG Chair's Report to CTI.

Agenda item 6: New Project Proposals

New Quality Assessment Framework Team

150. Australia, Canada and Mexico would form the new Quality Assessment Framework Team for 2009. The Chair thanked Australia, Canada and Mexico.

Workshop on Effective Practices in the Border Enforcement of Intellectual Property Rights

151. The U.S. introduced a self-funded "Workshop on Effective Practices in the Border Enforcement of Intellectual Property Rights". Peru would also sponsor a similar event in SCCP on IP border enforcement for custom officers. The Chair reminded the U.S. that the proposed date of the Workshop might clash with the Trading Ideas 2009, and asked if the US would collaborate with Peru in SCCP.

152. Thailand reminded members that transshipment and goods in transit were two different concepts, where World Custom Organisation had addressed the issues of inspecting transshipments. The U.S. accepted to include both transshipments and goods in transit into the Workshop.

153. New Zealand asked if the Workshop would collaborate with ASEAN or Pacific Islands Forum. The U.S. replied she was initiating discussions with ASEAN and Pacific Islands Forum, and after seeking formal endorsement from CTI, the U.S. would invite ASEAN and Pacific Islands Forum to collaborate.

154. Japan and Peru agreed to co-sponsor the Workshop. Without further comments, **IPEG endorsed the Workshop.**

APEC Workshop on Judges and Public Prosecutors on Developing a Successful Intellectual Property Enforcement Regime

155. The U.S. introduced a new project initiative for judges and public prosecutors on intellectual property enforcement. Australia and Viet Nam supported the Workshop. Australia further commented the Workshop would be an important opportunity for judges and prosecutors from APEC economies to share experiences about IP enforcement and develop solution to emerging challenges. Australia also welcomed the proposed involvement of the ASEAN Working Group on IP Cooperation and the Pacific Islands Forum.

156. New Zealand expressed concerns over involving judges in the training. New Zealand would like to consult the Ministry of Justice first. She further noted the roles of law enforcers and prosecutors were carried out separately in New Zealand, while putting both law enforcers and prosecutors into one single workshop might hinder the exchange of information.

157. The Chair asked to clarify with New Zealand whether the judges in New Zealand would object this Workshop. New Zealand replied she would like to consult colleagues back home first.

158. Chinese Taipei supported the Workshop and thought that it would provide good exposure to participants. The U.S. emphasised the Workshop

did not intend to educate judges: it was primarily for experience sharing between judges. The U.S. would make efforts to avoid any educational elements. Furthermore, members could nominate either prosecutors, judges or both to attend the Workshop.

159. Indonesia commented that the Workshop should allow participants to share information on voluntary basis only. Also, Indonesia suggested that the Workshop should cover a limited scope of topics. Chile suggested the U.S. to send invitations to individual economies' contact points, which would forward the invitation to appropriate parties.

160. Mexico thanked the U.S. for the good initiative, and advised the U.S. to be careful when holding an event for judges. Furthermore, the nature of the Workshop should experience sharing rather than training.

161. The U.S. emphasised there was no intention to train judges. The proposed Workshop would be a mere peer-to-peer occasion where judicial officials could come together to discuss. More importantly, the U.S. suggested this kind of Workshop had been done in APEC before.

162. Thailand would be glad to endorse the proposal if the U.S. would invite IPEG members to comments on the programme run-down. The Chair concluded to **endorse the Workshop on condition that the programme run-down would be open to members to comment on in advance.**

APEC Intellectual Property Awards

163. Viet Nam gave a brief presentation on the project proposal of the APEC Intellectual Property Awards. In the view of the limited TILF-funding allocated to the first approval session, Viet Nam would not put forward the Seminar as included in the proposal. Instead of organising the Seminar, Viet Nam would develop a set of guidelines for the IP Awards Competition.

164. The Chair concluded that around US\$ 20,000 would be sought from TILF, while the Chair further suggested Viet Nam to comply with APEC-funding requirements. Indonesia, Singapore, Thailand and the U.S. supported the project proposal. Indonesia and Thailand would be co-sponsors of the project proposal.

165. Viet Nam replied to send a revised project proposal to QAF Team for assessment by 1 March 2009. The Chair encouraged Viet Nam and QAF Team to try the first approval session, and **IPEG endorsed the proposal.**

APEC Projects on the Utilisation of IP for Sustainable Economic Growth

166. Korea gave a presentation on the three separate project initiatives. The Chair thanked Korea for the good initiatives, and asked how Korea would put forward these initiatives as they were targeting three different groups of stakeholders. Korea replied the three initiatives shared a common objective on assisting the public on utilising IPR for economic growth.

167. The Chair invited Korea to further clarify how APEC IPEG would assist Korea of carrying out these initiatives. Korea further explained the variations of scope in these initiatives. Since these initiatives varied greatly in terms of service scopes, the Chair encouraged Korea to proceed with one initiative at a time.

168. Indonesia suggested Korea to pursue the “One Village One Brand” Initiative and move step by step. Furthermore, Indonesia commented that it would be difficult to develop a collective mark for a village. Thailand thought that under the financial turmoil, the utilisation of IPR would be highly appreciated. However, Thailand regarded the education of the utilisation of IPR as a difficult area to be implemented collectively. Thailand, therefore, invited Korea to outline how IPEG Members could offer assistance. Thailand further suggested Korea to incorporate the concept of geographical indication into the “One Village One Band” Initiative.

169. The U.S. echoed the views of Indonesia and Thailand that the scope of three initiatives was rather big without any concrete implementation plans. Japan commented that the proposal was comprehensive through it was not clear how the project proposal would be implemented. After all, both Japan and the U.S. supported this initiative in concept.

170. The Chair invited Korea to further develop one or two initiatives of the project proposal and to discuss again with more details in the coming meetings. Specifically, the Chair encouraged Korea to list out the assistance

sought from APEC, the manpower plan, budget and the implementation time table.

171. Korea agreed with the suggestions and welcomed inputs from Members. Korea would come up with more detailed project proposals in the coming meetings.

Certification and Collective Mark Registration at the USPTO

172. The U.S. gave a presentation on the development of certification and collective mark registration in the U.S.

173. Thailand wondered what kind of protection an owner of a geographical indication would get if the owner registered his geographical indication as a certification mark in the U.S.; though the owner of the certification mark could not use the certification mark under the U.S.'s laws. The U.S. replied that only a member of an association could use a certification mark in the U.S.

174. Thailand pointed out the inconsistency of the information provided by the U.S. on this issue in other occasions. Thailand was concerned that it could affect her public awareness campaign on GI protection abroad. Thailand therefore asked the U.S. to review this information again and inform Members at the next meeting. The U.S. replied in the U.S. a geographical indication could either be registered as a certification mark, a collective mark or a trademark; where the trademark scheme in the U.S. had already offered protection similar to geographical indications. The Chair further pinpointed that the difference between certification mark, collective mark and trademark differed in terms of the ownership.

175. The U.S. stressed there were three distinctive avenues for stakeholders to choose between collective mark, certification mark and trademark. The Chair invited Thailand and the U.S. to have a bilateral meeting to discuss this matter further.

176. Mexico agreed that certification marks and geographical indications were complex topics. Further, Mexico noted that in Mexico only the State could own a geographical indication; while a company could not obtain a

licence for geographical indication from the State. The U.S. appreciated the difference between economies in handling the issues of geographical indications and certification marks.

177. Chile asked if an application for the certification mark, collective mark or trademarks could be cancelled. The U.S. replied that under the current practice, if these applications were no longer in use, they were subject to cancellation.

178. IPEG endorsed the U.S. to develop a survey on certification and collective marks registration.

Singapore Treaty on the Law of Trademarks

179. The U.S. gave a brief presentation on the Singapore Treaty on the Law of Trademarks.

180. Mexico commented that the Singapore Treaty was an important document, and would like to know which economy would be the tenth economy to ratify the Treaty. The U.S. replied that Australia would become the tenth to ratify the Treaty.

Agenda item 7: Cooperation with Other Fora/ Stakeholders

181. President-Elect of The International Federation of Library Associations and Institutions (IFLA), Ms. Ellen Tise, gave a presentation on "Copyright Exceptions and Limitations for Libraries". The Chair solicited IFLA's views on the copyright limitations and exceptions for digital libraries.

182. IFLA regarded digital library as being no different to traditional libraries. However the existing copyright legislation could not cope with the development of digital libraries.

183. Indonesia asked if there were any constraints on copying digital books in digital libraries. Furthermore, Indonesia commented it would be beneficial if some historical books in developed economies were digitized and made available to developing economies through digital libraries. IFLA replied that copyright owners had developed some harmonised protections

for digital libraries.

184. The Chair reminded members to make reference to the TRIPS Agreement and Berne Convention 'three-step-test' on the copyright front. IFLA continued that there was some progress in developing copyright agreements with publishers on books in digital library.

185. Chile and Thailand thanked IFLA for the presentation and appreciated their efforts on the digital library front. Thailand would like to learn further on who would benefit from the copyright exceptions and limitations for libraries. IFLA replied that the copyright exceptions and limitations for libraries were applicable mainly for individuals, but not for organisations. These exceptions and limitations depended on the extent of copying and the purpose of making such copies.

186. New Zealand solicited IFLA's views on the perpetual copyright of some special publications. IFLA commented that information should be made available to the public, while the topic of perpetual copyright often fell outside of the existing copyright law protection.

187. Chinese Taipei asked about the possibility of developing international model guidelines on copyright limitations and exceptions for library. IFLA replied it would like to see the progress on developing these model guidelines.

Agenda item 8: Other business

Recent Hong Kong Court Judgement Concerning a Deceptive Trademark for a Tobacco Product

188. Hong Kong, China gave a brief presentation on a recent court case concerning a deceptive trademark for a tobacco product.

Developments in Addressing Abuses of the Company Name Registration System by Shadow Companies in Hong Kong, China

189. Hong Kong, China gave a brief presentation on the abuses of the company name registration system by the shadow companies and the active

steps that had been taken by the Government to address this, including some proposed legislative steps enabling the Registrar of Companies to act on a court order to substitute an infringing company name with the company registration number.

190. Chinese Taipei said that Chinese Taipei was facing a similar problem. Currently there was a provision of the amendment to the “Corporate Act” under consideration. The provision suggested that, the Registrar of Companies could terminate a company registration if it was found to have infringed any previous trademark registrations. However, Chinese Taipei thought that the proposal of Hong Kong, China offered a softer approach to tackle this problem.

Update on Viet Nam’s IP System

191. Viet Nam gave a brief presentation on its updates on the IP system.

Agenda item 9: Document Access

192. Members decided at the meeting which documents could be made public or to be restricted.

Agenda item 10: Future Meeting

193. Director-General of Intellectual Property Office of Singapore, Ms. Liew Woon Yin, invited Members to attend the coming 29th IPEG Meeting to be held on 28-29 July 2009 in Singapore, as well as the Trading Ideas 2009 Symposium on 30-31 July 2009.

194. The Chair informed Members ABAC had sent him a letter and suggested to have a half-day seminar with representatives from ABAC and other business sectors before the pre-meeting. The U.S. supported the ABAC’s suggestion.

195. The Chair would discuss with ABAC further and would share the communication between ABAC with members.

196. The Chair encouraged Members to initiate an inter-sessional

discussion over the next IPEG Chair, whom would take up the responsibilities the Chair starting from 30th IPEG Meeting. The Chair informed Members he would not draft the agenda for the 30th IPEG Meeting on behalf of his successor, although he would willingly offer any support that he could. Furthermore, the Chair said that it was important for those who would like to take up the position of IPEG Chair to provide an assistant to handle daily administrative matters of IPEG.

Agenda item 11: Report to the Next CTI

197. The Chair would prepare an IPEG Chair's Report to CTI by the end of March 2009. Before submitting to CTI, the Chair would like to solicit comments and feedback from Members.

Closing remarks

198. The Chair thanked Members for actively participating in the two-day meeting, and appreciated their further inputs inter-sessionally on the pending items.