



PUBLIC INTEREST  
INTELLECTUAL PROPERTY  
ADVISORS



## Public Interest Intellectual Property Advisors

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## Newsletter: 1st Quarter 2005

# FAIR ACCESS: JUST RESULTS

### Mission

PIIPA is an international non-profit organization that makes **FREE** intellectual property counsel available for developing countries and public interest organizations who seek to promote health, agriculture, biodiversity, science, culture, and the environment. PIIPA has three main activities:

1. expanding a worldwide network of IP professional volunteers (the IP Corps);
2. operating a processing center where assistance seekers can apply to find individual volunteers or teams who can provide advice and representation as a public service (free or pro bono); and
3. building a resource center with information for professionals and those seeking assistance.

Volunteers, people needing assistance, and resource seekers can get in contact or obtain information by visiting [www.piipa.org](http://www.piipa.org).

### What Can PIIPA Do To Help?

PIIPA is building a network linking people who need help with IP professionals who can represent them. This establishes a framework for action. PIIPA's global approach can be scaled up as needed and ensures that IP professional resources are the right size, available at the right time, and in the right place. PIIPA's IP Corps can take the following specific types of actions for developing country organizations:

- file patent applications
- file trademark application
- attack and invalidate patents
- attack and invalidate trademark registrations
- search and analyze patent portfolios to determine freedom to operate
- negotiate bioprospecting access and benefit sharing agreements
- negotiate agreements providing access to medicine
- counsel governments on legislative initiatives involving IP protection, e.g. genetic resources, traditional knowledge, and access to medicine
- help governments and NGOs involved in treaty negotiation
- resolve disputes involving patents, trademarks, indigenous rights.

PIIPA is the only organization providing such unique services.

### Welcome!

I am honored to welcome you to the first issue of the PIIPA Newsletter. This is a proud and busy time for those of us who created PIIPA in 2002, with a vision of providing fair access to IP services worldwide. We want to share our excitement about past accomplishments and future plans as we embark on a period of renewed growth, backed by substantial funding from well known donors. The world needs us to succeed. Thanks to our hard-working Steve Price and support from all of you, we will.

*Michael Gollin, Founder and Chair*

Due to the efforts of Michael Gollin, Tina Kuklenski-Miller, Richard Wilder, John Kilama and many others, we had, as of July 2004, an impressive international advisory committee, initial funding from Venable LLP and the US NIH, and office space donated by the Smithsonian Institution. Since then, we have grown to encompass more than 150 intellectual property professionals around the world. To date we have taken on more than 30 projects. In 2005 we have received substantial funding from the Rockefeller Foundation, the Sigrid Rausing Trust, and the U.K. Department for International Development. Looking ahead, we see growth in demand for PIIPA's services, increasing participation by IP professionals, and expanding influence around the world. This newsletter will give updates on PIIPA activities, and will be part of our effort to expand communications. To make this newsletter the best it can be, we need your feedback. Please send me your comments and any suggestions about content or format, and space permitting, we will do what you ask. We at PIIPA want to take this opportunity to thank those who have helped us in the past, and to look forward to working with those who share our vision of the future.

*Steven Price, CEO/President*

### Supporters

PIIPA is grateful to the following organizations who have made substantial contributions of time, money, and other resources:

- Department for International Development
- National Institutes of Health
- Sigrid Rausing Trust
- Smithsonian Institution
- The Rockefeller Foundation
- Venable LLP

### Active PIIPA Projects

- The **Peruvian Working Group** (headed by INDECOPI, the Peruvian patent office) asked PIIPA to help find IP counsel to challenge the validity of US patents on a Peruvian medicinal root, Maca (*Lepidium meyenii*). PIIPA arranged pro bono representation.
- The **Kenyan Wildlife Service** asked PIIPA to recruit lawyers to assert a claim for misappropriation against a company that is commercializing a product based on biological materials taken from the country without permission. PIIPA helped form an international legal team to take on this matter pro bono. Both sides are presently in negotiation.
- PIIPA was approached by the **Public Intellectual Property Resource for Agriculture** (PIPRA), a non-profit at U.C. Davis, California, to help identify attorneys that are willing to provide pro bono help in assessing freedom-to-operate issues relative to patents. PIIPA has provided PIPRA with a number of pro bono attorneys.
- PIIPA was contacted by a representative of **Sierra Leone** to determine if PIIPA could identify assistance to help that country develop legislation to meet the TRIPS requirements. PIIPA arranged for an American law school intellectual property law clinic and other lawyers to provide the needed legal assistance.
- **International Alpaca Association** in Peru: contacted PIIPA to identify pro bono assistance in a dispute regarding a Certification Mark. PIIPA identified pro bono legal assistance for the IAA, and an Opposition was filed Jan. 7, 2005.

[WWW.PIIPA.ORG](http://WWW.PIIPA.ORG)

- The **National Office of Intellectual Property for Vietnam** asked PIIPA for assistance to review its laws. A law clinic agreed to take this project on. The office has also expressed interest in training; PIIPA is awaiting specifics of this request.

- **African Agricultural Technology Foundation** contacted PIIPA for assistance in performing an ownership analysis on several patents. An attorney has been identified to work on this case at no charge.

- PIIPA is investigating the establishment of an international **Alternative Dispute Resolution** system for developing countries that would be pro bono, provide training to mediators, and focus on intellectual property including Traditional Knowledge.

- The magazine **Adios** from Argentina contacted PIIPA requesting assistance in a trade mark and copyright dispute. Several attorneys have expressed interest in this case.

- **Brazilian Institute for International Trade Law and Development**, in São Paulo approached PIIPA to facilitate the revocation of several trademarks in Europe and the United States.

### Completed PIIPA Projects

- The **Fogarty International Center of the US National Institutes of Health** requested that PIIPA assist its International Cooperative Biodiversity Groups (ICBGs) with training issues, including: sample agreements, templates, lists of frequently asked questions, “do’s and don’t’s”, and links to other relevant sources. PIIPA provided a training session for ICBGs in Bethesda, Maryland, Dec. 2003. PIIPA prepared training materials posted on PIIPA’s website ([www.piipa.org](http://www.piipa.org)), including an exhaustive Resource Manual with over 150 links to web resources on Bioprospecting, including sections on the Business of Bioprospecting, the Legal Framework, Ethical Codes and Institutional Policies and Guidelines, Negotiation Issues, Case Studies, Types of Access and Benefit Sharing Agreements, and Important Contractual Terms to Consider.

- PIIPA commissioned a pro bono legal Disclosure of Origin report from the IP clinic at **American University’s Washington College of Law**, based on an issue framed together with the Peruvian Working Group. The report was delivered to INDECOPI and made available to the public on PIIPA’s website.

- The **Fogarty International Center of the National Institutes of Health** requested that PIIPA assist its International Cooperative Biodiversity Groups (ICBGs) by arranging representation in negotiations on behalf of the developing country. PIIPA has assisted the following countries with their negotiations within the ICBG:

**Madagascar**-University of Antananarivo, University of Fianarantsoa

**Vietnam**-Vietnamese Academy of Science and Technology, Cuc Phong National Park

**Laos**-Traditional Medicine Research Center

**Panama**-Smithsonian Tropical Research Center

- PIIPA was contacted by the **Brazilian Embassy** regarding trademarks that have been filed in Japan and the U.S. on Cupuacu (*Theobroma grandiflorum*). PIIPA identified pro bono assistance to represent the Brazilian Embassy in this dispute. This dispute has been settled.

- PIIPA was contacted by an applicant from **Uganda** expressing interest in patents relative to Ankole long-horned cattle in Uganda. Project complete.

### International Advisory Committee

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