



PUBLIC INTEREST
INTELLECTUAL PROPERTY
ADVISORS



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Property Advisors**
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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.

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.

PIIPA's First International Survey

PIIPA has received funding from the United Kingdom's Department for International Development to conduct a survey on the world-wide need for intellectual property assistance. For intellectual property we include patents, copyrights, trademarks, geographic designations, traditional knowledge, plant variety protection, licensing, contract negotiation, lawsuits, alternative dispute resolution, and drafting IP legislation. This survey will be broadly distributed to governmental and non governmental organizations, universities, industry, and private individuals. It will be conducted via a **web-based survey**, as well as surface mail and personal interviews.

This survey will help focus PIIPA's resources on particular types of IP needs. The other benefit, of course, to this survey is that we hope to uncover immediate needs for *pro bono* assistance. For example, we have an interest in starting an international alternative dispute resolution system, but we don't know which IP area it would be MOST needed in—traditional knowledge, trademarks? And in what countries? Answers to this would dictate, for example, what type of training would be required for the mediators and what structure the dispute resolution system would take. Similarly, is there more of a *pro bono* need for professional IP assistance in patent work compared to trademarks? What is the level of need in the area of biopiracy?

We would like to solicit your help in distributing the survey, and/or suggesting organizations and/or people we should mail it to. For example, can you forward it through your organization? Do you have email addresses to which you can forward the survey? Do you have an email distribution list that you could send PIIPA? Electronic formats would be superior, of course, but we can also work with hard copies.

Intellectual Property Corps—the group of individuals who have expressed interest in helping PIIPA with its *pro bono* IP assistance—now approaches 200. Although we have representation in many parts of the world, we are deficient in Southeast Asia, India, the mideast, and many parts of Africa. If you know of an IP professional from these areas, please encourage them to register on our website at www.piipa.org.

Supporters

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

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

PIIPA is seeking additional sources of funding to provide its free services. Please contact Steve Price if you are aware of potential donors.

A Sampling of 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 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.

WWW.PIIPA.ORG

- International Alpaca Association in Peru: contacted PIIPA to request *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.

- The National Office of Intellectual Property for Vietnam asked PIIPA for assistance reviewing its laws. A law clinic has agreed to take this project on and has completed one project.

- 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.

- 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.

- PIIPA arranged patenting assistance for the Office of Technology Transfer at the University of Costa Rica.

- The World Intellectual Property Association asked PIIPA if it could assist in finding IP professionals in selected developing countries (Bangladesh, Bhutan, Cambodia, Laos, Maldives, Myanmar, Nepal and Samoa in Asia and Eritrea Ethiopia, Gambia, Lesotho, Liberia, Malawi, Sierra Leone, Uganda, Tanzania and Zambia) to prepare country-specific additions to the WIPO publication Exchanging Value. **If you know of someone who can help, please contact PIIPA.**

- Wild Earth Pvt. Ltd. in Kathmandu, NEPAL, approached PIIPA for assistance on various trademark issues.

A Sampling of Completed PIIPA Projects

- 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.

The Jamaican University of the West Indies and their National Environment and Planning Agency contacted PIIPA to help negotiate an MTA. This project has been completed.

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Member Benefit

PIIPA has negotiated a special subscription rate with Technology Innovation Group, Inc., of Austin, Texas. PIIPA Volunteers who have completed the on-line Volunteer Form can obtain a 1-year subscription to the twice-monthly electronic newsletter "Innovation Matters" for a special rate of \$25 (standard rate is \$295). Become part of PIIPA's Volunteer IP Corps by going to www.piipa.org and follow the link to the volunteer page.

In order to begin receiving these twice-monthly newsletters, go to www.innovation-matters.com/publications.ph where you can read about the newsletter and what it contains. Select the "subscriber now" link which will take you to the order page. Enter the subscription code that you received via email from PIIPA after you completed the volunteer form.