



PUBLIC INTEREST
INTELLECTUAL PROPERTY
ADVISORS



Public Interest Intellectual Property Advisors

Washington, D.C.
scprice@piipa.org
+1 (202) 633-0811

Geneva, Switzerland
geneva@piipa.org

Newsletter: 4th Quarter 2005

Mission

PIIPA is an international non-profit organization that makes **NO or LOW COST** 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.

FAIR ACCESS: JUST RESULTS

Hello! PIIPA strives to help developing countries and public service non-profit organizations find high quality, low-cost or free intellectual property assistance. People continuously ask us "what types of projects does PIIPA support?" In this Newsletter we feature five examples:

- 1) the world-wide PIIPA Survey on intellectual property needs;
- 2) law clinics helping developing countries with intellectual property legislation;
- 3) a Harvard Law School student-run intellectual property mediation system focused on developing country needs; and
- 4) helping Russian scientists to become entrepreneurs, and
- 5) World-wide Access and Benefit Sharing Agreements.

Enjoy these good stories!

Steven C. Price,
CEO/President, PIIPA

The 2005 PIIPA Survey

The PIIPA Survey will assess the world-wide need of developing countries for intellectual property (IP) assistance, in particular for pro bono (no or low cost) professional services. The survey is being distributed by email and mail to respondents around the world, in governmental and non governmental organizations, universities, and private industry. This effort is funded by the UK Department for International Development, and the survey instrument was drafted with assistance from individuals in the World Intellectual Property Organization, World Health Organization, World Trade Organization, Consultative Group on International Agricultural Research, South Centre, Science and Intellectual Property in the Public Interest (SIPPI), International Centre for Trade and Sustainable Development, Global Forum for Health Research, and others.

The PIIPA Survey is being distributed over the new year. If you received this newsletter electronically, you should receive the survey, also. If not, please go to www.piipa.org/survey to link to the survey home page. We urge you to complete the survey, which will only take about 5 minutes.

Intellectual Property Laws

PIIPA has been approached by several countries interested in obtaining assistance in reviewing their intellectual property laws. Since these projects can be large undertakings, we decided to enlist the assistance of law school clinics through our International Advisory Committee (IAC). It turns out that law clinics are excellent fits for these types of projects—the faculty supervisors are well-versed in the international and domestic complexities involved, and there are sufficient numbers of law students who are motivated by this type of "real life" project. Here are two projects which demonstrate PIIPA's leadership in bringing legal capacity to developing countries:

Vietnam. PIIPA was approached by the Vietnamese Patent Office to review its patent laws. The Intellectual Property and Business Formation Legal Clinic at Washington University School of Law accepted this as a project and has completed several iterations of its legal analysis. PIIPA IAC member Prof. Charles McManis is director of the clinic and leader of the project. Feedback from the Vietnamese Patent Office has been excellent.

Sierra Leone. PIIPA arranged for the Glushko-Samuels Intellectual Property Law Clinic of the Washington College of Law, American University to provide advice to the Government of Sierra Leone in its efforts to draft TRIPS-compliant intellectual property legislation. The Department for International Development of the United Kingdom provided additional assistance, and Sierra Leone has begun a consultative process to evaluate options and to develop the legislation. PIIPA IAC member Prof. Joshua Sarnoff is director of the clinic and leader of the project.

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Additionally, Prof. Deirdre Mulligan, Director of the Samuelson Law, Technology & Public Policy Clinic at the University of California, Berkeley, as well as Prof. Jennifer Urban, Director Intellectual Property Clinic at University of Southern California have expressed interest in working with developing countries on these types of IP issues.

Alternative Dispute Resolution Systems

There is a growing need world-wide for "alternative dispute resolution" (ADR) systems. This is especially true in transnational intellectual property disputes where parties often have different expectations and legal norms. However, commercial mediation is often expensive and beyond the reach of many in developing countries. To remedy this shortcoming and help realize the promise of ADR in general, and mediation in particular, PIIPA has initiated steps to form a pro bono ADR panel. We are excited to report that the Harvard Negotiators Program, a group at Harvard Law School, has taken on the formation of such a system as a research project. There are a total of six students covering such elements as logistical and cultural aspects of conflict resolution. The students are supervised by faculty and Brad Simon, a PIIPA IAC member and a visiting researcher at Harvard Law School and Brian Blancke, an expert in cross-cultural conflict resolution. By the end of the 2005-2006 academic year, the Harvard Negotiators Program expects to present concrete research results and recommendations to PIIPA on how it can implement an accessible ADR system designed to resolve intellectual property issues involving groups from around the world.

Russian Chemical and Biological Nonproliferation

PIIPA was approached by the Russian Center for New Medical Technologies (TEMPO), a biotechnology consortium that unites seventeen leading scientific research institutions in Russia. The objectives of TEMPO include: developing innovative medical technology for commercialization; promoting the interests of the Russian biotechnology sector; and partnering with U.S. industry and academia. TEMPO's activities are aimed at redirecting the work of weapon scientists to peaceful efforts, and keeping their research programs self-sustaining in the process. TEMPO needs to resolve many intellectual property issues in order to foster sustainability in the civilian sphere of public health for former weapons scientists, but

there is a lack of qualified experts in Russia who are able to provide assistance in these areas. Consequently, PIIPA is exploring ways to help TEMPO with various aspects of capacity building in support of entrepreneurial efforts.

Biodiversity Access and Benefit Sharing Agreements

PIIPA has been involved with helping to negotiate a number of Access and Benefit Sharing Agreements around the world. These include:

- 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
- Jamaica-** University of West Indies, University of Mississippi & Jamaica National Environment & Planning Agency
- Commonwealth of Dominica-** Archbold Tropical Research and Education Center

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PIIPA in Geneva

For meetings or information in Geneva, please contact geneva@piipa.org.