

# AIPPI-US Division of AIPLA



September 24, 2013

## Summary Report on AIPPI Helsinki Forum & Exco Meeting

The Helsinki AIPPI Forum & Exco Meeting concluded on September 10 with the final Exco meeting and closing dinner. From my perspective, as the Chair of the AIPPI-US Division, it was an extremely successful meeting. Thanks to the hard work of many of our members, the resolutions adopted by the Exco were largely passed in a form that should be fully acceptable to our Division. To those familiar with AIPPI, you know that this has not always been the case in the past.

**THANK TO OUR MEMBERS AND OTHER US ATTENDEES:** Special thanks are due to a number of our members. First, we owe gratitude to the authors of our four working committee reports that were prepared last spring. We also should recognize the additional contributions by several substantive law committees AIPLA and the Board of Directors of AIPLA for their help in refining the final versions of the reports.

The reports were drafted by the members listed below:

**Q233 Grace Period for Patents:** Peter Schechter, Andrew Simpson, Tom Smegal, Kevin Tottis, Richard Beem, James Slattery, Marc Richards, Drew Meunier, and Damian Wasserbauer

**Q234 Term of Copyright Protection:** Howard B. Miller, Rudolph P. Hofmann, James R. Muldoon, and Christopher M. Scherer

**Q235 Relevant public for determining the degree of recognition of famous marks, well-known marks and marks with reputation:** Seth I. Appel, Griff Price, Robert Sacoff, Maria A. Scungio, Elise Selinger, Philip T. Shannon, and David Weild III

**Q236 Relief in IP proceedings other than injunctions or damages:** Ken Adamo, John Bird, Eugene Goryunov, John Johnson, Kristen McCallion, Alicia Shah, and Robert Wells

We were fortunate to have two members who were appointed as chair or co-chair of two of the working committees in Helsinki. Bob Sacoff served as chair of the working committee on Q235, and Peter Schechter was appointed as co-chair of the working committee for Q233. Our Division was represented on the working committee for Q234 by Howard Miller, and your chair was the representative for Q236, standing in for Ken Adamo, who was unable to attend.

We also need to recognize several AIPPI-US Division members and other people from the United States who served as speakers in the Forum and Exco Sessions of the meeting. Rich Beem spoke at Workshop IV on the topic, "Digital Gaming & IP/Patents," and Mark Halligan spoke at Workshop III on "Trade Secrets - Effective Protection for Innovation?" Mark Guetlich, the USPTO Director of Patent Policy and International Affairs delivered an introductory speech for Plenary Session Q236

on the topic "Relief in IP Proceedings other than injunctions or damages." Chris Carani spoke for Forum Workshop II, "*Apple v. Samsung* - Lessons for Design Law and Strategy." Elizabeth Doherty was a speaker for Pharma Workshop 2, "Second Medical Use Patents." Larry Welch moderated Pharma Workshop 3 on the topic "The TRIPS Tightrope - Public Health, Innovation, Incentives and Access." Kevin Smith spoke for Forum Workshop III, "Brand Strategy in Light of New Top Level Domains." Finally, Dale Nelson was on the panel for Forum Workshop V, "*UsedSoft v. Oracle* - Exhaustion Online?"

**EXCO SESSIONS:** During the Exco, John Osha was elected to continue serving on the Bureau as a Deputy Reporter General. Larry Welch was elected to be the Chair of the Programmes Committee. Our Division was also represented in Helsinki on the AIPPI Nominating Committee (Mark Halligan), the AIPPI Membership Committee (Alan Kasper), and the AIPPI Communications Committee (Bob Sacoff). In addition, the Exco approved the venue for the 2017 AIPPI Annual Meeting, choosing Sydney, Australia.

At the Exco and Plenary Sessions of the meeting, our Division had ten designated voting delegates, as follows:

Acting President: Wayne Sobon

Delegates: David W. Hill, Alan Kasper, Peter Schechter, Phil Swain, Drew Meunier, Andrew Simpston, Kenneth Adamo, Howard Miller, and Rich Beem.

In addition to these named delegates, many other members assisted with the voting in the various plenary and Exco sessions during the meeting. Thanks go to Monica Barone, Sunhee Lee, Vic Siber, Ray Moser, Steve Bauer, Bea Koempel-Thomas, Mark Halligan, Bob Sacoff, George Badenoch, Kelly Hyndman, and several others who stepped up to help with debate and voting.

Many others from our AIPPI-US Division were active during the meeting as members of various AIPPI Committees, and other events.

**RECEPTION FOR AIPPI-US MEMBERS IN HELSINKI:**

Our Division held a very nice get-together for cocktails during the Helsinki Exco and Forum. We had a great turnout of members and others from the US who were attending the meeting. Thanks go to our Vice-Chair, Phil Swain, for arranging this nice event.

**AIPPI RESOLUTIONS:** Five Resolutions were approved during the final Exco Meeting on September 10, and one resolution was marked up for a final vote to be taken by correspondence in the near future. Copies of the approved resolutions are posted on the AIPPI website at <https://www.aippi.org/?sel=resolutions>. Our Division worked very hard in offering amendments and changes to the draft resolutions as they went through various stages of debate, and with a few exceptions, we succeeded in having our preferred language included in the final resolutions.

Most notable among the approved resolutions is the one on Grace Period for Patents, which endorses the need for an internationally harmonized grace period of 12 months, with no requirement for declarations to claim the grace period. We attempted to have a last minute draft resolution on Plain Packaging tabled to give us more time for polling our membership and developing a coordinated US position, but this was defeated. That resolution was significantly edited during the final Exco meeting, and it will be subject to a final up or down vote in the near future by correspondence.

**OTHER ITEMS OF INTEREST:**

- Annual Congress - The Exco approved in principle various changes to the Statutes and Regulations of AIPPI to standardize the Annual Meeting format of the Association in the future. Under the revised format, beginning after the 2014 Toronto Congress, each annual meeting will follow a Congress type schedule, and we will no longer alternate meetings between Forum & Exco and Congress schemes.
- New AIPPI Groups - Two new AIPPI Groups were approved, one for Uruguay, and a second for the Central America and Caribbean Region. That regional Group includes members from Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, Bermuda, Costa Rica, Cuba, Curacao, Dominica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Daint Vincent and the Grenadines, Trinidad and Tobago.
- Venue Selection for Meetings - A change was also made in how venues are to be selected for AIPPI meetings in the future. A Statutory Committee will be established for the purpose of selecting the venue for future AIPPI meetings in consultation with the Bureau. This will replace the current practice of choosing future meeting locations by Exco vote.
- Amicus Committee - A proposal was presented to establish a Standing AIPPI Amicus Brief Committee, and suggested operating parameters were discussed.
- Awards and Recognitions - Y.B. Kim was made a Member of Honor, and several Awards of Merit were bestowed.
- Strategy Report Followup - Numerous efforts are ongoing and proposed in relation to the implementation of changes to AIPPI as a result of the Strategy Report presented at the 2012 AIPPI Seoul Congress. Among these are the efforts of Q237, a task force that is developing recommendations on the Role and Structure of the Bureau, Council of Presidents, and Executive Committee for the future. Changes in terminology used by the Association are being planned, Committee protocols are being examined for revision, regulations on the composition and retention on committees are being reviewed, and provisions on the communication of AIPPI views are being reexamined for possible change.

**AIPPI-US DIVISION PLANS:** With the Helsinki meeting behind us, our Division is looking forward to our Annual Meeting, which will take place on October 25, 2013 in Washington, DC during this year's AIPLA Annual Meeting. Please plan on attending the meeting, which will include our annual election and business meeting followed by a great CLE program. Our Division trip to visit AIPPI Groups in Japan, Korea and China is scheduled for the week of November 11-15, 2013, and planning is well underway. If you would like to join this trip, please contact our subcommittee chair, John Carson, [jcarson@kmob.com](mailto:jcarson@kmob.com). Looking forward, we expect to receive the Working Guidelines on the four Toronto working questions early in 2014, and we will be asking for volunteers to work on those questions soon. The following are the four Study Questions for Toronto:

- Second Medical Use or Indication Claims
- The Basic Mark Requirement Under The Madrid System
- Exhaustion Issues In Copyright Law
- IP Licensing And Insolvency

The AIPPI 2014 Toronto Congress is scheduled for September 14-18, 2014. Mark your calendars now for this event, which promises to be one of the best AIPPI meetings in many years. Our AIPPI-US Division was singled out in Helsinki as the fastest growing group in the past year, with a growth of 179%. Our goal is to reach 500 members by the Toronto Congress, and we ask for your help to recruit new members from your firms and companies

With best regards,

David W. Hill

Chair, AIPPI-US Division

**Other activities of AIPPI. . .**

- First joint seminar of the French and German Groups of AIPPI, November 7-8, 2013, Aero-Club de France, Paris. More information available at: [https://www.aippi.org/download/GroupMeetings/Font\\_BDL-SAVETHEDATE-AIPPI-CS6\\_website.pdf](https://www.aippi.org/download/GroupMeetings/Font_BDL-SAVETHEDATE-AIPPI-CS6_website.pdf)
- AIPPI-Israel: "From IP to NP" International Conference, Tel-Aviv, Israel, November 10-11, 2013. Go to: <http://www.aippi.org.il/> for more information.



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