



July 19, 2016

Dear AIPPI-US Members,

IMPORTANT: There are two ad hoc committees formed in urgent need of volunteers. See details below.

[AIPPI-US Response to Questionnaire on the Publication of Patent Applications](#)

The AIPPI International Standing Committee on Patents has asked all national groups of AIPPI to respond to a questionnaire on the publication of patent applications. The responses will provide the basis for a proposed resolution to be discussed at the Milan Congress in September 2016, pursuant to a procedure in the AIPPI international regulations (Rule 16.2).

The issue of publication of patent applications has already been addressed by AIPPI in 1989 in the Amsterdam Executive Committee Meeting (Q89), which was part of the series of resolutions related to a draft Patent Law Treaty concerning the harmonization of substantive provisions of Patent Law; but that draft never became final. In addition, during the second meeting of the "Tegernsee Group", attended by heads of offices and representatives from Denmark, France, Germany, Japan, the UK, the USA and the EPO in April, 2011, the publication of patent applications was one of four topics identified as being key to harmonization (along with the grace period, prior user rights, and the treatment of conflicting applications). The Tegernsee Heads mandated the Tegernsee experts group to prepare reports on each of these topics. Furthermore, on 27 May 2015, the B+ Sub-Group (comprising representatives from the European Patent Office, Canada, Denmark, Germany, Japan, Korea, Spain and the United States) presented its Objectives and Principles, among other issues, in relation to the issue of the publication of applications.

AIPPI's Standing Committee on Patents therefore plans to use these questionnaires from the national groups to put forward proposals for the adoption of harmonized rules in relation to the publication of patent applications.

The responses are due in a relatively short time frame, by August 3, so we have formed an ad hoc committee to formulate the responses, headed by Drew Meunier, one of the US members of the Standing Committee on Patents. If you're interested in being part of the ad hoc committee to work on the questionnaire responses, please let me know as soon as possible.

[AIPPI-US comments on draft resolution on "Climate Change and Environmental Technologies - the Role of Intellectual Property, especially Patents"](#)

The AIPPI International Standing Committee on IP & Green Technology Patents has asked all national groups of AIPPI to provide comments on its first draft resolution, which was prepared on the basis of that Standing Committee's report entitled "Climate Change and

Environmental Technologies - the Role of Intellectual Property, especially Patents," which was published at the 2014 AIPPI World Congress in Toronto. The resolution will be discussed at the Milan Congress in September 2016, pursuant to Rule 16.2(e) of the AIPPI international regulations.

[The draft resolution can be viewed HERE.](#)

We have formed an ad hoc committee to assemble the comments, headed by Margaret Welsh. If you have any comments on the draft resolution, please forward them to me.

Registration for AIPPI Milan Congress and growth of the US group

Registration for the Milan Congress, September 16-20, 2016, has been at record levels. As of today, over 1740 persons from 81 countries, including at least 110 from the US, will be attending.

We expect to have a very active US group presence at the Milan Congress, with 12 US members speaking at panel sessions, and several US members chairing or co-chairing plenary sessions.

Registration is still open at <http://www.aippi2016.it/wp/>. The regular registration fee continues until midnight Milan time (6 p.m. EDT) Wednesday, August 10, 2016. There are still some tickets left for the social evening on Sunday, September 18 at Teatro alla Scala, the famous Milan opera house, but the spaces for that event are limited, so you should sign up soon if you want to be able to go to la Scala.

Our US group has now grown to over 600 members, which makes us the third largest national group in AIPPI.

Opportunity to join EPO Liaison Council

The AIPPI-US Division has one additional position available for a member to join the EPO Liaison Council as a delegate from the AIPPI-US Division. If you are interested in being selected, please let me know as soon as possible.

Appendix - Resolution - Patent Rights and Green Technology / Climate Change

1. This Resolution concerns the role of intellectual property (IP), particularly patent rights, in relation to the development, dissemination and implementation of green technologies. For the purpose of this Resolution, the term green technologies refers to technologies that are directed to the elimination, reduction or restriction of the emission of greenhouse gases, and which do not themselves have other adverse effects on the environment.
2. According to the majority of experts, climate change observed in recent years is to a large extent due to the effects of human impact on the environment. With the signature of the United Nations Paris Agreement on Climate Change by 168 countries in April 2016, a decisive step was taken to tackle this challenge.
3. The development, dissemination and implementation of green technologies is key to a sustainable world economy.
4. This requires the acceleration of research and development in the field of green technologies, and the dissemination and implementation of these technologies on a worldwide scale. Individual inventors, start-up companies and small- and medium-enterprises (SMEs) play a key role in this regard.
5. The development of, and access to, green technologies by developing and emerging countries has been debated for many years. Some developing and emerging countries consider that patent rights act as a barrier, rendering access to

green technologies difficult or prohibitively expensive. Industrialized countries generally consider that issues relating to IP should be debated within the framework of the World Trade Organization rather than as part of the United Nations Framework Convention on Climate Change.

6. There is insufficient evidence to suggest that fundamental changes in IP systems are needed to incentivize the development, dissemination and implementation of green technologies.
7. The evidence suggests that presently in most developing countries, the majority of green technologies are not covered by patent (or other IP) rights, and so are generally freely available for use by all. Accordingly, proposals for compulsory licenses or proposals to dilute the standards under the TRIPS Agreement for compulsory licensing do not provide a solution to the needs identified at paragraph 4 above.
8. Further, know how for development and practical implementation of green technologies, including skills to adapt such technologies to local conditions, is important for developing and emerging countries.

AIPPI resolves that:

1. Because IP ownership incentivizes inventors to develop and commercialize new technologies, such as green technologies, a strong patent system will contribute to research and development (R&D) in the field of green technologies. It is important to widen the base of R&D to include individual inventors, start-up companies and SMEs.
2. The minimum standards for patent systems prescribed in the TRIPS Agreement involve a careful balancing act and require non-discrimination across technology areas. There is insufficient basis to suggest that any fundamental changes to patent law are warranted that would differentiate the treatment given to green technologies from any other technological areas.
3. Recognizing the immediacy of the threat of climate change, procedures for accelerated examination of patent applications covering green technologies should be supported.
4. For the IP system to provide a real and practical contribution to the development, dissemination and implementation of green technologies in developing and emerging countries, the innovation infrastructure in such countries should be strengthened so as to drive IP asset development, and promote IP licensing and R&D collaboration as a means to facilitate commercialization.
5. The IP system is part of a larger ecosystem that contributes to the development, dissemination and implementation of green technologies. In isolation, the IP system cannot address all the issues faced by developing and emerging countries in this regard. Tax and other incentives in industrialized countries should be available to encourage voluntary licensing and equitable collaboration among parties in industrialized, developing and emerging countries.
6. Patents are an important source of information about the nature and ownership of existing technologies, and so play a vital role in the dissemination of information about green technologies. To better use this resource to facilitate technology collaboration and communication, the content of online patent databases should be improved, as should measures to facilitate access to and use of such databases.
7. Initiatives that have demonstrated that IP laws can be implemented in such a way as to promote the development, dissemination and implementation of green technologies should be supported. These include:

1. the work of the European Patent Office (EPO) on patent information as a way to increase the transparency of the patent system;
2. the "WIPO GREEN" program that encourages green technology transfer;
3. training programs conducted by WIPO and other institutions to enable and empower individuals and stakeholders to use the IP system.
4. Consideration should be given to the adoption of international standards for green technologies.*

"AIPPI-US Division - become an international IP lawyer."

With best regards,

Philip C. Swain
Chair, AIPPI-US Division

Upcoming Activities of AIPPI . . .

- AIPPI World Congress, [September 16-20, 2016, Milan, Italy](#)
- See the complete list of upcoming AIPPI programs at the following: <http://aippi.org/events/>



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