Study Visit to WIPO

Industrial Property and their Role in Trade and Commerce

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Karen D. Lee
Head, Executive Program
WIPO Academy
Agenda

- Introduction on Ind Prop
- International Treaties
- Standards of Major Ind Prop’s
- Role in Trade and Commerce
Introduction to IP

- What is “Industrial Property”?
  » A part of intellectual property

- Why do we protect IP?
  » An efficient and effective means of paying for the benefits obtained by the society
  » Promote creative or “innovative” activities

- What protection is provided?
  » Exclusive rights to the rightholder
International Treaties

- Administered by WIPO
  » Most of the international IP treaties
- Administered by WTO
  » TRIPS Agreement
Cooperation bw WIPO & WTO

- Agreement b/w WIPO and WTO (1995)
  - Exchange info on Laws and Regulations
  - Emblems of WTO MS (6ter PC)
  - Cooperation on tech asst to DCs
- Joint Initiative (July 1998)
- Two distinct, independent Organizations
Types of Int’l Treaties

- Establish International Norms
- Facilitate norms via International Registrations
- Classification Systems
Treaties of Norm Setting

- Paris Convention (1883) WIPO
- Madrid Agreement (1891) WIPO
- Lisbon Agreement (1958) WIPO
- Nairobi Treaty (1981) WIPO
- TRIPS Agreement (1994) WTO
- Trademark L Treaty (1994) WIPO
Treaties of Facilitation

- Madrid Agreement (1891)  WIPO
- Hague Agreement (1925)  WIPO
- Lisbon Agreement (1958)  WIPO
- PCT (1970)  WIPO
- Budapest Treaty (1977)  WIPO
Treaties on Classification

- Nice Agreement (1957) WIPO
- Locarno Agreement (1968) WIPO
- Strasbourg Agreement (1971) WIPO
- Vienna Agreement (1973) WIPO
Industrial Property

TRIPS Agreement
- Patents (Sec. 5)
- Trademarks (Sec. 2)
- Industrial Designs (Sec. 4)
- Geographical Indications (Sec. 3)
- Layout-Designs of Int. Circ. (Sec. 6)
- Undisclosed Information (Sec. 7)
Patents

- Rights granted by Govts on inventions, in a form of docs called “letters patent”

- Requirements:
  - novelty
  - inventive step (non-obvious)
  - industrially applicable

- Term: 20 years from filing date
Trademarks

- Signs used on or in relation to goods
  - “service marks” - logo of hotels, airlines
  - “trade names” - commercial names and designations
  - distinguish the products or services
- Requirement: “distinctive” - to prevent confusion on consumers
- Each Term: 7 yrs (TRIPS); 10 yrs (TLT)
Industrial Designs

- Ornamental or aesthetic aspect of useful goods, e.g. textile designs, carpets

- Requirement:
  - new or original (Art. 25.1, TRIPS)
  - appeal to the sense of sight
  - reproducible by industrial means

- Term: 10 years
Geographical Indications

- Subcategory of commercial designations
  - Indicate a good as originating in a territory, region or locality, where certain quality, reputation or other characteristics are attributable to that region
- “Indic of source” and “appell of origin”
- Special protection for wines & spirits
Layout-Designs of Int. Cir.

- Detailed plans of integrated circuits
- Washington Treaty is incorp in TRIPS
- Requirement: result is of its creator’s effort and not commonplace at the time of its creation
- Term: min 10; may limit to 15 years
Trade Secrets

- Undisclosed Information - “Know-hows”
- Requirements:
  - information is secret
  - has commercial value because it is secret
  - took reasonable steps to keep it secret
- Term: as long as it’s secret
  - [note - patents vs. trade secrets]
Role in Trade and Commerce

- Patents
- Trademarks
- Industrial Designs
- Geographical Indications