

## Advisory Committee on Enforcement

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### THE COSTA RICAN EXPERIENCE: NATIONAL PROJECT TO “ESTABLISH A CULTURE OF RESPECT FOR INTELLECTUAL PROPERTY”

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1. In the past fifteen years, Costa Rica has radically changed its understanding of and approach to intellectual property (IP). From being the preserve of a limited number of users, it has become a nationwide interest of great national relevance.
2. As a result, in the past few years, the Ministry of Justice and Peace, being the supervisory authority for national intellectual property and specifically of the National Registry, which includes the Industrial Property Registry and the Registry of Copyright and Related Rights, led a major renovation initiative with a view to providing the registries with modern legal, technological and budgeting tools enabling them to fulfill their mandate of taking a comprehensive approach to intellectual property.
3. In keeping with this country vision, we have adopted a body of laws and regulations to govern intellectual property including copyright and related rights. These laws and regulations establish a set of rules consistent with international standards of protection, most notably the recent signing of the Beijing Treaty on Audiovisual Performances, signed on June 26, 2012, and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled, signed on June 28, 2013.

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\* The views expressed in this document are those of the authors and do not necessarily reflect those of the Secretariat or any of the Member States of WIPO.

4. Armed with these tools and the timely and generous cooperation of the World Intellectual Property Organization (WIPO), the National Registry has designed robust and creative work plans which enable Costa Rica to translate its new vision into concrete action.

5. In particular, it is important to highlight what Costa Rica is doing to foster and establish a culture of respect for intellectual property. We believe in the power of education and training as means of empowering the country by harnessing the value of its creations and intellectual products to drive development. Thus, the Industrial Property Registry and the Registry of Copyright and Related Rights are now leading specific training/awareness-raising/dissemination projects and plans with targets ranging from young children of school age through pupils in secondary schools to students in higher institutions of learning, other public and private institutions, and even small and medium-sized enterprises (SMEs).

6. Regarding the enforcement of intellectual property rights, the Government of Costa Rica has sought to lead by example. This has been translated into three practical mechanisms:

- The adoption of a modern legislative framework for protection – in particular, we are proud to mention our Law on Procedures for Enforcement of Intellectual Property Rights which has vested our judiciary with valuable tools for enforcement.
- The passing of the Decree regulating Software Protection in the Central Government which stipulates that the entire central government shall be diligent in preventing and combating the illegal use of computer programs, so as to comply with the provisions governing copyright enshrined in the Law on Copyright and Related Rights and amendments thereto, and the Law on Enforcement Procedures, incorporating the relevant provisions of international agreements, including the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), as well as other relevant national legislation in force.
- Creating the Inter-institutional Commission for the Protection of Intellectual Property (CIPPI) officially established by Executive Decree No. 35631-J-COMEX-MICIT-SP-H, published in issue no. 233 of the Official Gazette on December 1, 2009.

7. The CIPPI is probably the most important national organization in the area of intellectual property, both because it is representative of the public sector and because of its prospects of becoming a forum for dialogue with the private sector.

8. It was established with the aim of fostering the functioning of an inter-institutional coordination mechanism to increase cooperation in intellectual property among different government institutions. Its principal objective is to promote mechanisms for coordination and cooperation between its member institutions and other public and private bodies and organizations, where considered appropriate, with a view to advising and assisting in the effective enforcement of intellectual property legislation in Costa Rica.

The CIPPI comprises:

- A representative of each of the following Government ministries: Justice, Foreign Trade, Public Safety and Security and Science and Technology.
- A representative of each of the following agencies: National Registry of Copyright and Related Rights, Industrial Property Registry and the Directorate-General of Customs in the Ministry of Finance.

- A representative of the judicial departments of the following bodies: Public Prosecutor's Office, Agency for Judicial Investigations and the *Escuela Judicial*.

9. In addition to the abovementioned three branches, our country has also taken other important steps to strengthen, promote and ensure compliance with IP laws. They include the following.

A. Inauguration of the new intellectual property building

10. January 26, 2012 saw the inauguration of the new intellectual property building, one of the most modern in the country. The President of the Republic, Laura Chinchilla Miranda, attended together with other senior officials. This new building offers the ideal conditions for employees in IP offices to perform their duties relying on all the latest amenities and technology, with undoubted knock-on effect of better service for our users.

11. Participants in the inauguration also included government workers, users, the media, members of CIPPI, members of the National Academic Consortium on Intellectual Property, management bodies and many other guests.

B. National strategy for intellectual property (ENPI)

12. The National Strategy for Intellectual Property came into being following an agreement reached during the First Central American Ministerial Conference on Public Policies and Intellectual Property, which was organized on December 2, 2010 in Guatemala by the Ministry of Justice and Peace with the cooperation of WIPO.

13. The overall objective of the strategy is to “strengthen the strategic use of IP in research, business development and creative initiatives such that we can create public awareness of the importance of IP, increase the competitiveness of the production sector through its use and promote the social, economic and cultural development of the country.”

14. It is based on five strategic objectives:

- Foster increased national production of IP;
- Strengthen the institutional framework of IP;
- Promote education and awareness-raising programs that bring about a change in national culture so that IP is perceived as a mechanism for increasing competitiveness;
- Improve IP enforcement mechanisms; and
- Design mechanisms for continuous monitoring and evaluation of compliance with ENPI.

15. The official presentation of ENPI and the inauguration of the Costa Rican Intellectual Property Academy took place in the new and modern intellectual property building in April 2012 as part of the activities organized to mark World Intellectual Property Day that year.

16. The event was celebrated with great pomp, in the presence of distinguished national and international authorities, among them Mr. Geoffrey Onyeama, Deputy Director General of WIPO.

C. Costa Rican Intellectual Property Academy (ACOPI)

17. Flowing CIPPI, the Costa Rican Intellectual Property Academy (ACOPI) was officially launched on April 19, 2012. It is the brainchild of a consortium of public and private bodies, both national and international. Its current membership is as follows: *Escuela Judicial*, Costa Rican Institute of Technology, University of Costa Rica, Unit for Management and Knowledge Transfer through Innovation, National Pharmaceutical Industry Association, Costa Rican Bar Association, Association of Intellectual Property Professionals, INCAE Business School, National Registry, Chamber of Information and Communication Technologies, Ministry of Science, Technology and Telecommunications, *Tribunal Registral Administrativo*, North American Chamber of Commerce, Costa Rican Chamber of Commerce, Council for the Promotion of Competitiveness, Carlos III University of Madrid, Ministry of Justice and Peace, Office for the Transfer of Technology and External Relationships of the National University, Central American Judicial Council.

18. ACOPI's objective is to raise public awareness of the importance of protecting intellectual property as a key driver of competitiveness in the production sector and to promote socioeconomic development.

19. From its inception, it has been highly effective in promoting the training it provides in cooperation with its partners. The partners have relied on the Academy for their communication, creating a very effective network, given that it is also replicated in the partners' databases.

20. Similarly, its logo and brand are being consolidated and it has created the "ACOPI Digital Biannual Newsletter", an interactive, affordable and flexible means of communication which is widely disseminated and distributed through the partners' databases.

21. It is worth mentioning that ACOPI recently received assistance from WIPO for the preparation of trainers who can develop a self-starting academy model combining the participation and interests of widely varied sectors.

**I. ACTIVITIES AND EVENTS**

22. One of the most important aspects of respect for intellectual property is training and building knowledge on the subject. This is why, each year, the National Registry involves different sectors with a view to training them and raising their awareness of the subject, so as to establish "a culture of respect for intellectual property", which has been achieved thanks to the valuable assistance of WIPO.

23. Consistent with this initiative is a series of IP training events for various national and international groups, as well as regional events, of which the most salient of the past three years are discussed below.

A. First sub-regional seminar on intellectual property and sport

24. This sub-regional seminar, which was attended by over 150 people and included international presenters, was organized in 2012 by the National Registry in cooperation with the Costa Rican Institute for Sports and Leisure, ICODER, WIPO and the Costa Rican Academy of Intellectual Property.

B. Regional seminar on building respect for intellectual property in Central America

25. About 150 people came together on October 16, 2013 for the Regional Seminar on Building Respect for Intellectual Property in Central America. The event was organized with the assistance of WIPO.

26. The national and international presenters addressed important issues such as the global outlook in counterfeiting and piracy from the perspective of customs services, the evaluation of the scope and impact of IP violations in the region, piracy in copyright and its repercussions, attitudes and perceptions of consumers and awareness-raising activities.

27. There were also thematic sessions on the role of customs, the police, the judiciary and IP offices.

C. Preparatory meeting of high-level experts in intellectual property

28. This meeting took place on October 14, 2013, with delegations from Central American countries.

29. The objective of the meeting was to formulate recommendations and proposals regarding intellectual property which would serve as inputs for the Third Central American Ministerial Meeting scheduled for the following day for Ministers and Vice-Ministers of Central America as well as for the most senior figures of WIPO.

D. Third Ministerial meeting on the management of intellectual property, creativity and innovation – the present and future of enterprise development

30. On October 15, 2013, the above meeting was held, with the distinguished participation of Mr. Francis Gurry, Director General of WIPO.

31. Important agreements were reached at the meeting, including the following:

- 1) Foster creativity, innovation and the intellectual property system and highlight their role in the socioeconomic development of the Central American region.
- 2) Prioritize the implementation of national intellectual property strategies to encourage creativity and innovation in the region's countries in accordance with their socioeconomic development objectives.

- 3) Empower national IP offices to set up a sub-regional network of Technology and Innovation Support Centers (TISCs), which is self-funding, provides a viable range of services and is equipped with the technology to support its operation across the sub-region. The network will provide local beneficiaries with personalized technical assistance for the creation, protection, exercise and management of intellectual property rights (IPRs), foster the generation of technical knowledge and encourage technology transfer.
- 4) Promote both within each country and in the sub-region, in cooperation where possible with the WIPO Academy, the creation of programs for the training of trainers in intellectual property, the creation of a Central American network of trainers, the development of teaching tools for teaching intellectual property, the design of training programs in intellectual property management and in fostering creativity and innovation directed especially at the research, academic and production sectors, thereby fostering competition, complementarity and enterprise development.
- 5) Promote the forming of alliances between national IP offices and authorities responsible for promoting micro, small and medium-sized enterprises (MSMED) in order to incorporate the use of intellectual property systems in national MSMED promotion programs, thus increasing the participation of the production sector in such programs.

## II. NATIONAL STRATEGY FOR THE COMMUNICATION AND PROMOTION OF INTELLECTUAL PROPERTY

32. In late 2012, a preliminary analysis and necessary contact with WIPO was initiated with a view to the joint drafting of the medium-term national strategy for the communication and promotion of intellectual property. This initiative is rooted in the national IP strategy, which has as a major feature the nationwide communication and promotion of IP.
33. In June 2013, we were visited by WIPO's Building Respect for IP Division, who came to work with the Institutional Projection Department of the National Registry's strategy.
34. . A workshop with officials of the Institutional Projection Department of the National Registry was organized. The Department is in charge of the Registry's corporate identity program, and has been tasked with the implementation of national communication strategy.
35. Three focus groups were created with previously identified key stakeholders in order to determine the needs, concerns and views of the various professional bodies they represent; this was important input for the development of the strategy. Also, the activity enabled the groups to discover the National Registry's activities regarding IP and all the tools that WIPO provides.
36. The focus groups were intended for:
  - Representatives of public and private institutions whose business is connected with IP;
  - Judicial authorities (judges and the *Escuela Judicial*); and
  - Journalists working in Costa Rica.
37. In August 2013, the national IP communication strategy was further developed for the purpose of providing education, information and training in IP for different stakeholders of the IP

system, in accordance with the institution's vision regarding IP: "creating a culture of respect for intellectual property in Costa Rica".

38. The strategy involves actions for seven key target groups, namely:

- 1) Policymakers: create awareness of the benefits of intellectual property in the context of sustainable socioeconomic development.
- 2) The general public: provide knowledge, attract interest, raise awareness, promote respect and appreciation for intellectual property rights.
- 3) Children and young people (primary and secondary school, middle and high school): foster a future generation of innovators and creators who respect and utilize IP.
- 4) Law enforcement officers: raise awareness of the importance of intellectual property rights to socioeconomic development, strengthen security in the detection and prosecution of intellectual property crimes and reduce the cost and duration of the judicial process.
- 5) Academic institutions, research and development centers: raise awareness and promote the benefits of the utilization of the IP system for teachers, students and researchers.
- 6) The private sector (with emphasis on SMEs and creators): encourage understanding and use of the IP system and its contribution to national economic growth.
- 7) Media: secure the support of media which play an important role in the strategy; their interest in and understanding of the importance of the project for the country are crucial.

### **III. OUTREACH AND RAISING PUBLIC AWARENESS OF IP ISSUES**

39. Bearing in mind the relevance of education, awareness and public outreach regarding IP, important actions to Costa Rican society have developed. Some of them are

#### **A. Broad-based campaign of national registry services, 2011-2015**

40. Through Agreement J526, reached during Regular Session No. 50-2011 of the Board of Directors, the National Registry approved a broad-based campaign, which consists of various stages.

41. The first stage of the campaign is a series of 30-second radio and television spots, as well as print and digital advertisements for different media, all with the purpose of cultivating "A culture of respect for intellectual property." Through testimonials, prominent national figures (goodwill ambassadors) are presented as an example and challenge audiences to protect their intellectual property and respect the property of others. Specific versions were produced for copyright and related rights (author, performer, creator, *etc.*). In the case of industrial property, different versions were developed for designations of origin and commercial marks.

42. Another stage of the campaign was the publication and distribution of a series of seven collectible Registry booklets on IP structured around the "Know about intellectual property"

concept; each booklet was written in colloquial language, with specific topics, designed to educate the general public. The booklets were delivered seven weeks in a row (one day a week) as inserts in *La Nación*, the largest newspaper in the country, with high average circulation and a large readership. The newspaper also carried weekly promotions of the forthcoming booklet, making it possible to cut distribution costs and ensure effective nationwide delivery.

43. Thanks to the support of WIPO in the drafting of the National Strategy for IP Communication, as well as a financial contribution, another step targeting another group, children and young people, was implemented. This is a Facebook page where young people can meet, interact, consult and learn about IP issues. This is why an up-to-date strategy of competitions, challenges, fairs, etc. was developed in order to capture and hold the attention of children and young people.

44. Likewise, a mascot was created to accompany promotional campaigns, training in schools, fairs, events and other activities.

#### B. Activities to mark World Intellectual Property Day in Costa Rica

45. Each year in April, Costa Rica marks World IP Day, with activities targeting different stakeholders of the IP system as well as the general public.

46. The 2011 celebration was organized by the National Registry in collaboration with the Municipality of Cartago to bring the event to the people of Cartago. During this event, the foundations of intellectual property and its development over time were discussed. Several Costa Rican songwriters also participated.

- Over 300 students attended, and were given training on intellectual property and a tour back into history.

- In order to make it a vivid experience, participants entered a time warp where they found a *cavernícola* (cave dweller) performance – Black Theater depicting Dr. Clorito Picado's discovery of anti-snake powder, a planetarium, screens with digital technology and interactive games on IP protection issues and, finally, robotic technology.

- Likewise, participants could have their handprints projected onto a large canvas that ultimately became a beautiful work of art. Participants in this activity were: the Vocational College of Arts and Crafts of Cartago and the Ascension Esquivel, Jesus Jimenez, Julian Volio and Winston Churchill schools. Prior to travelling through the time warp tunnel, they received two lectures and informational materials on IP issues from National Registry officials, as well as refreshments. The celebration also included the general public which visited the museum and participated in the activities throughout the day.

47. For World IP Day 2012, marked under the theme “visionary innovators”, the National Registry carried out the following activities:

- Official launching of the National Strategy for Intellectual Property (ENPI) and the Costa Rican Academy of Intellectual Property (ACOPI).

- Exhibition: “History of intellectual property in Costa Rica”: A public exhibition was organized on the premises of the main building of the National Registry. It included

historical documents such as Volume I of the industrial property trademark register and other important documents from both copyright registration and industrial property. As concerns the industrial property register, the registration of patents 1 to 907, Volume I of the registry of commercial marks for 1896, was exhibited. In copyrights, scientific, literary and artistic works as from 1917 were exhibited, as were the recordation of the lyrics and music of “*Guaria Morada*”. In addition, there was a photographic exhibition of the construction and inauguration of the new Intellectual Property building, which signifies modernization and the importance of IP in our country.

– Training event: Establishing a culture of respect for intellectual property - Guided tours for different schools visits were conducted. The tours covered the Registry facilities and an opportunity was offered to visit the exhibition. Tour groups were met by officials from Institutional Planning who acted as guides. The groups received training from colleagues of the Copyright and Industrial Property Registry.

– Training event: Content of the National IP Strategy (ENPI) and presentation of a national patent success story - A training event was organized on the content of the ENPI for interested sectors and the general public. The training was provided by consultant Alejandra Castro, who steered the development of the National Strategy. Likewise, tribute was paid to Dr. Roy Mora Gonzaga, a prominent Costa Rican researcher who participated in the 40<sup>th</sup> edition of the International Exhibition of Inventions organized by WIPO in 2012 in Geneva, Switzerland, and won a silver medal for his invention, a modern medical device that replaces Citofem, the traditional Pap test.

48. The National Registry celebrated World Intellectual Property Day 2013 with the slogan “Creativity-The New Generation”. The event was held at the Children’s Museum and was attended by over 300 students from schools throughout the metropolitan area. It was also attended by senior officials including the Vice-Minister for Justice and Peace, Jorge Rodriguez, the Director and Deputy Director of the National Registry, Luis Jiménez and Dagoberto Sibaja respectively, representatives of intellectual property and the copyright and related rights registry, representatives of the Costa Rican Academy of Intellectual Property (ACOPI) and the Interdisciplinary Commission for the protection of intellectual property (CIPI).

49. The objectives of the event were to:

- Contribute to creating a culture where citizens support the protection of intellectual rights.
- Strengthen respect for the intellectual property rights of our creators.
- Provide information on the impact of patents, copyright and trademarks as tools for development.
- Help to understand why the protection of intellectual property rights can boost creativity and innovation.
- Celebrate the creative spirit and the contribution of creators and innovators to future development.

50. These objectives were met through the performance of a play about piracy, copyright infringement, the importance of human creativity and also the importance of registration, recordation and respect for IP. The actors captured the attention of the audience through artistic and circus performances included in the play. Later, the guests toured various rooms of

the museum related to IP, among them Egyptian Art, the laboratory of Dr. Clorito Picado, the laboratory of Dr. Franklin Chang Díaz and the music room of the great instrumental composers, where a National Registry official was waiting for them and explained the relationship of the room with IP, also emphasizing the information and knowledge reflected in the work.

a) National creativity and innovation competition 2013

51. As an additional activity within the framework of the commemoration of World Intellectual Property Day, the National Registry, in conjunction with WIPO, launched the “National Creativity and Innovation Competition 2013” aimed at children and young people across the country to allow them to participate through their creations and inventions in the formalities for patents for inventions, literature, music and painting, among others.

52. The competition ran from April to August 2013. In coordination with educational authorities, there was a campaign to broadcast the rules of the competition and encourage participation in schools throughout the country. The announcement was also carried on the website and the seven offices of the National Registry.

53. During the second day of the inventors’ and entrepreneurs’ fair, the awards for the “Creativity and Innovation Competition 2013” were distributed. First and second prizes were awarded for each category, totaling some 25 prizes.

54. The fair also included space for the winners to exhibit their prize-winning works, creations and inventions to the numerous visitors to the fair, which was organized in a well-known commercial center of the capital.

C. Fair for inventions, creators and entrepreneurs

55. On October 15 and 16, 2013, the first fair for inventors, creators and entrepreneurs was held in San Jose, Costa Rica under the theme “Invention Through Your Eyes”. It saw the participation of 25 national and Central American exhibitors, mainly SMEs producing hand-made beauty products, gluten-free foods, leather goods, jewelry and electronic machinery, among others. There was also a stand for the National Registry and WIPO, where information and advice were provided.

56. The fair included a discussion of cases of successful utilization of IP in Central American countries, as well as recreational and cultural activities with local artists, songwriters, performers, bands and theater, among others.

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