

INTERNATIONAL CONVENTION ON INTELLECTUAL PROPERTY AND COMPETITIVENESS OF MICRO, SMALL AND MEDIUM-SIZED ENTERPRISES (MSMES)

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“IP support services and chambers of commerce”

ICC, the world business organization was founded in 1919 and represents business all over the world. Its mission is to promote cross-border trade and investment and the multilateral trading system. Its membership consists of companies, chambers of commerce and business organizations of all sizes and from all sectors from 130 countries.

ICC has three main activities: rules-setting, arbitration and policy.

Through its rule-making commissions, it establishes rules to facilitate business across borders such as the Incoterms® and banking rules.

ICC also develops self-regulatory business codes, guidelines and model commercial contracts to spread best practice in various areas. These include advertising and marketing, anti-corruption and bribery, environmental management, corporate social responsibility, customs, and foreign direct investment.

ICC arbitration is one of the preferred methods of resolving conflicts between commercial partners. The ICC International Court of Arbitration was created in 1923 and is the most experienced institution for the resolution of international business disputes. Under ICC procedures, proceedings can take place in any country and any language, according to any law and with arbitrators of any nationality. The ICC Institute of World Business Law holds colloquia and trains jurists from all over the world on the latest issues in world business law, with a focus on arbitration.

ICC also has an important policy function and acts as the voice for global business in the UN, WTO and other multilateral fora. It formulates policy in the following areas, according to the needs of its members: Anti-Corruption; Business in Society; Banking Technique and Practice; Commercial Law and Practice; Competition; Customs and Trade Regulation; E-business, IT and Telecoms; Environment and Energy; Financial Services and Insurance; Intellectual Property; Marketing and Advertising; Taxation; Trade and Investment Policy; Transport and Logistics.

IP is an important part of ICC's policy work. Its Commission on Intellectual Property has developed business views on key IP policy issues since the 1920s. More recently, in recognition of the growing phenomenon of counterfeiting and piracy, it founded the BASCAP initiative which provides a platform for businesses in all sectors to come together to work with governments to fight counterfeiting and piracy.

Chambers of commerce represent an important section of ICC's membership. ICC's World Chambers Federation has a global network of 12 000 chambers of commerce representing over 130 countries. It organizes every two years the World Chambers

Congress, the most important gathering of chambers of commerce worldwide. It also runs the World Chambers Network, which is an on-line platform for networking, information exchange, and business opportunities through chambers. The WCF also plays a trade facilitation role; it is the hub of the ATA carnet chain and issues guidelines on certificates of origin.

Chambers of commerce are diverse. They can be national, regional, local or transnational. They can also have mandatory (public law chambers) or voluntary (private law chambers) membership.

They are ideal channels for educating businesses about IP as they are:

- Trusted by businesses
- A natural hub for the local business community
- A link between companies and other institutions; and
- Understand business needs

Currently, IP services are not well-developed in chambers of commerce. If they do exist, they are often not considered as a key issue for the chamber. IP programmes seem to be most developed in European chambers, no doubt thanks to funding by European institutions in furtherance of the Lisbon strategy to promote innovation. IP programmes in chambers tend to be carried out in partnership with other organizations such as intellectual property offices, WIPO, EPO/EC, or other private sector organizations (eg IP law firms, service providers).

There are several factors determining the types of IP services offered by chambers:

- The interests of the funding partner e.g. IP offices will tend to promote use of IP registration system;
- The local economic activity: chambers will focus on IPRs most appropriate to local businesses;
- The need for activity to bring in revenues: it must not be forgotten that most chambers are dependent on private resources and that activities have to be ultimately self-sustaining;
- The specific interests of their member companies; and
- The general focus and expertise of the chamber : IP services will often be integrated into existing services or departments e.g. training, business consultancy, trade.

This is reflected by the great diversity of services offered by chambers. These include activities in the area of communications (web-sites, newsletters, guides, media), training (seminars and workshops) and policy advocacy. Chambers also offer consultancy services, which can be IP-specific or incorporated into general business advice, is often first-line advice with subsequent referrals to experts, and can touch on various issues, including IP management, technical searches, technology transfer, and licensing. Some chambers also carry out awareness raising activities among businesses and consumers through business schools, special days, the media, and publications, and encourage innovation and IP asset development through awards, exhibitions, innovation counselling, and IP management support. Finally, some chambers provide business opportunities in the IP area for local businesses through matchmaking, licensing, market placement, use of Innovation Relay Centres and the World Chambers Network.

Why do few chambers have programmes on IP? Firstly, there is often a lack of awareness among chambers re the importance of IP. Even if there is such awareness, there is seldom expertise within the organization or sometimes even within the region or country. A lack of human and financial resources is also an obstacle and funding is not easily available from development agencies as IP is not sufficiently recognized as a tool for economic development. Finally, chambers that do decide to venture into this field lack a support network.

To support chambers of commerce in this area, ICC decided to develop a project which aims to encourage and help chambers set up IP programmes for local businesses, brings together existing resources and materials in one place for chambers and provides an international platform for chambers interested in IP. This aims to provide tools for chambers, not for businesses, and is accessible through a web portal on the ICC website (“IP Tool-kit for Chambers of Commerce”).

The website contains several elements:

- An explanation of what IP is;
- Reasons why IP is important for businesses and for chambers;
- IP action in chambers: a summary of IP programmes in chambers resulting from a worldwide survey
- Some outreach tools
- Information on training programmes and tools
- Policy tools: including the ICC IP roadmap on Current and Emerging Intellectual Property Issues for Business and ICC IP commission papers
- Enforcement tools from the BASCAP initiative; and
- Links to IP organizations and WIPO SME website

A worldwide survey of chambers’ IP activities undertaken by ICC in 2007 and 2009 yielded information from about 60 chambers in Africa, Europe, North America, Latin America, and Asia Pacific including national chambers (e.g. Uruguay, Germany, Mongolia) , regional chambers (e.g. Wellington, West Sweden, Sussex), city/municipal chambers (e.g. Manizales, Zurich, Durban) and ICC National Committees. This information is summarized on the ICC “IP Toolkit” website and provides a platform for chambers to exchange their experiences and network.

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