WORLD
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ORGANIZATION

WIPO MAGAZINE

GENEVA - JUNE 2008 - No.3

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Calendar of Meetings

JUNE 23 TO 27 ■ GENEVA

■ *Standing Committee on the Law of Patents (SCP) (Twelfth session)*

The Committee will, in particular, consider the Report on the International Patent System.

Invitations: As members, the States members of WIPO and/or of the Paris Union; as observers, other States and certain organizations.

JUNE 30 TO JULY 2 ■ GENEVA

■ Ad hoc *Working Group – Locarno Union*

The *ad hoc* Working Group will study proposals for the introduction in the Locarno Classification of an additional level of subclasses for design features.

Invitations: As members, the States members of the Locarno Union; as observers, States members of the Paris Union and/or of WIPO not members of the Locarno Union and certain organizations.

JULY 3 AND 4 ■ GENEVA

■ Ad hoc *Working Group - Nice Union*

The *ad hoc* Working Group will consider proposals for an amended revision procedure for the Nice Classification, as well as the development of a more modern vision of that Classification.

Invitations: As members, the States members of the Nice Union; as observers, States members of the Paris Union and/or WIPO not members of the Nice Union, and certain organizations.

JULY 7 TO 11 ■ GENEVA

■ *Committee on Development and Intellectual Property (CDIP) (Second session)*

This session, as approved by the Member States, is to approve the report of the first session as well as to develop a work program for implementation of the adopted recommendations; to monitor, assess, discuss and report on the implementation of all recommendations adopted; and to discuss intellectual property and development related issues as agreed by the Committee, as well as those decided by the General Assembly.

Invitations: As members, the States members of WIPO; as observers, other States and certain organizations.

JULY 17 AND 18 ■ GENEVA

■ *International Conference on Intellectual Property Management Education and Research*

The primary objectives of this conference are: (a) to take stock of the state of demand and supply of IP management education and research in different parts of the world; (b) to build an international network of academics and professionals who are interested in the development of the emerging field of IP management; and (c) to propose strategies and guidelines for fostering the development of IP management education and research.

Invitations: Academics from management schools, senior IP managers from business organizations and representatives from IP offices.

JULY 21 TO 25 ■ GENEVA

■ *Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (Nineteenth session)*

The Committee will continue to work on possible areas of convergence relating to non-traditional marks and trademark opposition procedures. It will also consider an evaluation of the replies to the questionnaire on industrial design law and practice, and other topical issues, such as procedures under Article 6*ter* of the Paris Convention and trademarks and Nonproprietary Names for Pharmaceutical Substances (INNs) based on the outcome of the Eighteenth session.

Invitations: As members, the States members of WIPO and/or of the Paris Union; as observers, other States and certain organizations.

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THE SCIENTIST, THE PATENT AND THE MANGOES

Tripling the Mango Yield in the Philippines

Photos: WIPO/J-F Arraud-Vignod

Biodata – Dr. Ramon Barba

Born: 1939, Philippines
Education: BS in Agronomy (fruits), University of the Philippines; MSc Horticulture, University of Georgia (1963); PhD Horticulture, University of Hawaii (1967)
Honours: Elected to the National Academy of Science and Technology of the Philippines in 2004

Mangoes. One of the world's most prized tropical fruits. And over one million metric tonnes of them were harvested in the Philippines last year. But it was not ever thus. The prolific mango production in the Philippines is due in large measure to the ingenuity of one man.

Forty years ago, Filipino horticulturalist, Dr. Ramon Barba developed a simple method for inducing early flowering in mango plants. His invention, widely used today, revolutionized the Philippine mango industry, making the crop one of the country's top export earners.

Dr. Barba now features in a new WIPO short film, which was released on World Intellectual Property Day as the latest in a series of profiles of inventors and creators from developing countries. In the following extracts from his interviews with the WIPO team he describes his invention, its impact and his fight for the patent.

The problem

"I studied Tropical Fruit Production at university and was always very interested in the problems of mango production. You see, in the Philippines mangoes have always been very good. But before 1976 it was commercially a neglected fruit because it has such erratic fruiting habits. It is very seasonal. It only fruits one month in a whole year. And if it fruits well one year, it doesn't fruit the next year. Even in the regular season it is erratic.

"We already had a unique practice in the Philippines of using smoke to bring on flowering. But it was a tedious practice and expensive. So, as students, we were all thinking, how can we make the mango flower?"

The break through

"We had concluded that it was ethylene in the smoke which was producing the effect. But you can't just use ethylene – it is a gas, you'd have to cover the tree. So I started experimenting with other chemicals. Potassium nitrate was low on the list, but I included it because I knew from other studies that there is a link between potassium nitrate and ethylene. "It worked – and that was the beginning of everything.

"The process was very simple. You just get one kilo of potassium nitrate, put it in 100 liters of water, spray it on the plant once – and within a week you can see the buds forming. In two weeks the buds are already forming into flowers. It was… unprecedented. I have never seen any reaction so spectacular."

Economic impact

"The use of potassium nitrate to induce flowering has revolutionized the mango industry in the Philippines. You spray it on and the tree fruits. So you double or triple the yield. And you can make it fruit at different times of the year.

"It has been said that no single plant commodity has benefited as much from a single technology as the mango has from potassium nitrate induction. From 1974, when it was virtually neglected, it has

Photos: WIPO/J-F Arnou-Vignod

become our number one fruit crop, bringing a total revenue of something like US$46 million. Right now, the Philippines are among the biggest mango exporters in the world.

"The effects are felt in all areas related to mango production. Everybody's benefited: the companies selling pest control chemicals, the people who harvest, the people who package, the people who bring the fruit to market, the people who make baskets for mangoes…"

But the trees?

"You would expect that by forcing the trees so much beyond normal fruiting they would suffer. So we made a study and found that, yes, the trees are affected: after eight years of induction they are 15 percent smaller than those that are not treated. But there was no bad effect, no damage to the mango. Trees that have been sprayed with potassium nitrate for more than 30 years are still producing."

Oops – No patent!

"I was so overjoyed because it is something that any grower can use, that I forgot all about the patenting aspect – until I read in the paper that somebody else had patented potassium nitrate for mango flower induction. I said, 'But how can this be? I think I discovered it; everybody in the scientific community thinks I discovered it; and here it is patented!'

"The Patent Office explained that there was an application but that no patent had been granted yet. They referred me to a lawyer. He told me if a patent was granted, then the other person would own my invention. I would not be recognized as the inventor, so would lose the credit scientifically and lose any financial possibility. I said, 'So what do we do?' He said, 'We apply for a patent and contest it.' Fortunately because of the records I had, I could show that the invention was mine. So the process went through and the Patent Office gave me the patent."

Encouraging inventiveness

"I think creativity is a natural talent. But it can be developed. Creativity leads to invention. An inventor may have some instincts that are different, but it is important to learn how to follow those instincts. This can be developed by training, by example, and by being made aware that creative instincts are important.

"For me, it started in school. My professors didn't compliment me about my grades in school – maybe because I didn't get very good grades. But they used to say: 'Hey that's nice, that's a new idea!' or, 'You solved this very well!' So I became encouraged to think that way.

"If what you are doing is recognized as important, then you can continue better. In some countries with more facilities or where innovation is better recognized, then you have more inspiration and maybe faster results. In the Philippines, you have to struggle more and some people are discouraged – they never realize their potential."

Patently positive

"I learned that patents can do many things. Patenting both protects your rights and helps you make the benefits of your invention available. Patents give some inspiration because the reward is there, and the recognition. In the Philippines there needs to be more information, more education about it. If we could introduce the subject in school science classes it would be a big step.

"I am very proud of having invented the potassium nitrate technology. As a scientist, I feel that one technology that has a positive impact on agriculture justifies a lifetime of research."

WIPO's short films on inventors and creators are available on the WIPO webcast site at: *www.wipo.int/multimedia/en/public_outreach/webcast/portraits/* or on request from the Communications and Public Outreach Division at the address on the back cover.

NEW RICE FOR AFRICA

Plant Breeding Technology to Fight Hunger

Photo: © FAO/Giulio Napolitano

June 17 is World Day to Combat Desertification and Drought.

Climate change, drought, desertification, soaring food prices, hunger… Nowhere do these inter-twined threats to development threaten more starkly than in Africa.

To mitigate the threats, UN Secretary General Ban Ki-moon called, at the annual meeting of the Commission for Sustainable Development in May, for a fresh generation of agricultural technologies to usher in a second green revolution – "one which permits sustainable yield improvements with minimal environmental damage and contributes to sustainable development goals."

Plant-breeding technologies – often combining traditional knowledge with cutting edge biotechnological techniques – are already making real impact in meeting the challenge. The Food and Agriculture Organization (FAO) reports that rice production in Africa has risen consecutively for over seven years, and is forecast to rise further in 2008 to 23.2 million tonnes. A major factor in this growth has been the success of a new type of rice, known as the New Rice for Africa – or *Nerica*.

The new rice was the result of years of work by a team of plant breeders and molecular biologists led by Sierra Leonean scientist Monty Jones at the West Africa Rice Development Association (WARDA – now the Africa Rice Center). When Dr. Jones set up the biotechnology research program in 1991, some 240 million people in West Africa were dependant on rice as their primary source of food energy and protein, but the majority of Africa's rice was imported, at an annual cost of US$1 billion. WARDA's objective was to produce a rice variety which was better suited to the harsh conditions in Africa.

Traditional varieties

There were two basic traditional rice varieties available to African farmers, each with very different characteristics:

- Native African rice (*Oryza glaberrima*) had been cultivated in the region for some 3,500 years. It is tough and rugged. Its prolific leaf growth smothers weeds, and it has developed a high genetic resistance to disease and pests such as the devastating African rice gall midge, rice yellow mottle virus and blast disease. But its yield is poor, not least because the plants are prone to falling over when grain heads are full and losing grain through "shattering" before they can be harvested. As a result, *O. glaberrima* has been almost totally abandoned by farmers in favor of the more productive Asian rice.
- Asian rice (*Oryza sativa*), introduced into Africa by Portuguese sailors some 500 years ago, has largely replaced the African rice strains. Asian rice is high yielding. But it requires a plentiful water supply to thrive. Its smaller sized plants are easily overcome by weeds and are vulnerable to African diseases and pests. It is particularly ill-adapted to the upland rice growing areas in Sub-Saharan Africa, where smallholder farmers do not have the means to irrigate the land or to buy chemical fertilizers and pesticides.

The obvious solution was to cross the two varieties. But having evolved separately over millennia, the two species are genetically so different that they will not inter-breed naturally. Repeated attempts to cross them had produced only sterile or unstable hybrids.

Working with partners from across the region and overseas, Dr. Jones' team collected and classified all available rice strains – including a gene bank of 1,500 strains of the native *O. glaberrima* species, which had been in danger of extinction. They then began the painstaking process of selecting parents for the best combination of characteristics, crossing them to produce offspring and backcrossing the offspring with the *O. sativa* parent to fix the desired traits. After a series of failures, they turned to

"embryo rescue" techniques, in which the cross fertilized embryos were grown on artificial media. By the mid 1990s they succeeded in producing robustly fertile plants, and so the first *Nerica* was born. Field testing of the new rice started in 1994, and with improved techniques many more lines were generated each year. There are now more than 3,000 *Nerica* lines.

Best of both worlds

While genetic differences between the two species had made breeding difficult, it gave the resulting new rice variety a high level of *heterosis*, *i.e.* the phenomenon in which the progeny of two genetically different parents outperforms both parents.

New *Nerica* varieties can smother weeds like the African parents, resist drought and pests, or can thrive in poor soils. Like its Asian parents *Nerica* has a high yield. The grain head holds 300 to 400 grains compared to the 75 to 100 grains of traditional varieties grown in the region. Its strong stems and heads prevent shattering, and the taller plants make harvesting easier.

Moreover, the most popular *Nerica* lines take only three months to ripen, as opposed to six months for the parent species, thus allowing African farmers to "double crop" it in a single growing season with nutritionally rich vegetables or high-value fiber crops. As a further bonus, some of the new lines contain up to 12 percent protein, compared to about 10 percent in the imported rice sold in the local market. As WARDA director-general Papa Abdoulaye Seck comments, "*Nerica* is a powerful weapon in Africa's fight against hunger and poverty."

Technology from Africa for Africa

Monty Jones' technological advances in the war against hunger won him the World Food Prize in 2004. He was named last year by *Time* magazine as one of "The World's Most Influential People." The World Food Prize committee also highlighted Dr. Jones' leadership and innovation in the follow-up phase of getting *Nerica* rice technology quickly into farmers' hands. He built partnerships between WARDA, policy makers, NGOs and research services, trained farmers to become seed producers, and introduced community-based, participatory programs to disseminate the seeds rapidly and allow rice farmers – a majority of whom are women – an active role in planting and evaluating the new rice varieties and continuing outreach in rural areas.

Photo: Africa Rice Center (WARDA)

Women farmers in Benin have seen their income rise since switching to *Nerica*.

As an upland rice, *Nerica* is not restricted to growing in paddies, thus enabling African farmers to grow rice in places not previously thought possible. In Nigeria, the new rice has resulted in over 30 percent expansion in upland rice cultivation. In Guinea the *Nerica* area has quickly superseded the modern varieties introduced by the national system. Since Uganda launched the Upland Rice Project in 2004, in which *Nerica* is a major component, the Ugandan National Agricultural Research Organization (NARO) reports an almost nine-fold increase in the number of rice farmers from 4,000 to over 35,000 in 2007. At the same time, the country has almost halved its rice imports from 60,000 tonnes in 2005 to 35,000 in 2007, saving roughly US$30 million in the process.

"Though we wish it were not so, scientists in Africa are engaged in the greatest war on earth. They are waging war against poverty and hunger."

Dr. Monty Jones

And intellectual property? Helping agricultural research centers manage their intellectual assets as public goods is the *raison d'être* of the Central Advisory Service on IP (CAS-IP), a unit of the Consultative Group on International Agricultural Research (CGIAR) to which WARDA belongs. WARDA and CAS-IP are holding ongoing workshops to determine how IP mechanisms could best support the impact of this agricultural success story. *Nerica* was registered as a trademark with the USPTO in 2004, and as the expanding range of *Nerica* products are adopted by ever more smallholder farmers, CAS-IP notes that it will be increasingly important to protect the quality associations that have been so carefully established by WARDA, and to ensure that any NERICA® seeds acquired by a farmer are the real thing.

Photo: Africa Rice Center (WARDA)

The new rice variety is rugged, high yielding and fast growing.

As WARDA declares with pride on its webpages, the New Rice for Africa, a technology from Africa for Africa, has become a symbol of hope for food security in a region of the world where one-third of the people are undernourished and half the population struggle to survive on US$1 a day or less.

For more information:
www.warda.org.

HOT PROPERTY

IP Strategies in the Solar Power Sector

Every day, the sun radiates down onto the earth a thousand times more energy than we could ever use. The demand for technologies capable of tapping into that energy is booming as pressure mounts to find solutions to climate change and sustainable development. Solar photovoltaic (PV) systems – which convert light energy from the sun directly into electricity – produce no greenhouse gases in their operation, have no moving parts, require virtually no maintenance, and have cells that last for decades.

PV systems are not new. A nineteen year old French physicist, Edmond Becquerel, is credited with having first described the photovoltaic effect in 1839. But it was not until the 1950s, when American researchers at the Bell Telephone Laboratories developed silicium solar cells, that the modern technological era of PV began – and even then only haltingly. U.S. government support for PV technology was initially tied to the space program, where it was used in 1958 to power the Vanguard satellite. Terrestrial commercialization was subsequently spurred by the 1970s oil crisis, and in the 1980s small markets began to appear, specializing primarily in stand-alone systems for rural areas.

Any good scientific book will tell you how to make a solar cell. What is complex is the know-how required to make it efficient, cheaper, in higher quantities, and better quality. **Jesus Alonso, Isofoton**

The turning point for the industry was the development in the 1990s of the market for grid-connected PV systems. Figures published by the Earth Policy Institute indicate that, since 2002, global PV production has been increasing by an average of 48 percent a year, making it the world's fastest-growing energy technology. The growth has created a flourishing industry which offers a wide range of applications, while investing major resources in R&D with the primary aims of reducing cost and increasing efficiency.

Inside Isofoton

One of the world's leading companies in PV and thermal solar energy technologies is Isofoton in Spain. The company was created in 1981, initially as a spin-off to develop and produce two patented bi-facial solar cells invented by Professor Antonio Luque at the Polytechnic University of Madrid. Today, Isofoton manufactures modules, cells, trackers, inverters, regulators, lighting, batteries and pumping systems and develops new products and processes for attracting, transforming, storing and using the sun's power. It has a commercial presence in over 60 countries, with subsidiary offices in China, Ecuador, U.S., Italy, Morocco, the Dominican Republic, Algeria, Bolivia and Senegal.

Courtesy: Isofoton

Isofoton:
Facts and figures (2007)

Established: **1981**
Headquarters: **Malaga, Spain**
Number of employees: **950**
Turnover: **€297 million**
Investment in R&D: **€18 million**
PV production: **85 megawatts**

As an innovation-driven company, intellectual property (IP) is central to Isofoton's business and R&D strategies. **Jesús Alonso**, Isofoton's R&D Director has been working in the field of solar energy for 20 years. Interviewed for the WIPO Academy, he offered the following insights into how the company uses IP to achieve its goals and to maintain a leading edge.

To acquire or to invent?

In the PV solar energy sector, explains Sr. Alonso, there are broadly two categories of companies: those, like Isofoton, which come from the semiconductor and microelectronics sector and those which historically belong to the energy sector, particularly to the oil industry. The former are generally technology developers, while the latter tend to buy in technologies from outside. "Bear in mind," Sr. Alonso notes, "any good scientific book will tell you how to make a solar cell. What is complex is the know-how required to make it efficient, at a lower price, in higher quantities, and with a better quality."

For Isofoton, the basic goal is that the company should as far as possible generate and own all its IP as a result of its internal research and development activities, so as to be independent from the competition in generating new technology and ahead of competition in the applications market. The guiding principle is to take advantage of being the first with a new technology, or in a market, and to use IP to make the most of that competitive advantage. The strategic backing of innovation has enabled Isofoton to become a pioneer in concentration technology – *i.e.* the use of optical systems to concentrate solar energy a thousand times in one point.

The protection of Isofoton's trademark is handled and monitored separately by the Marketing Department.

Where to protect?

Decisions as to which applications should be protected where, are linked to the specific type of application and the markets in which it is used. Isofoton divides its strategic markets into two main segments:

(a) The market for PV applications connected to the electric grid. This is mostly in Europe, Japan and the U.S. Here, Isofoton takes a broad approach, seeking to protect everything related to these types of applications.

Harnessing the Sun for Sustainable Development

Isofoton's management holds that going green is not only an obligation toward future generations, but is also key to boosting development in a world where, according to International Energy Agency estimates, a quarter of the population has no electricity. Among its many rural electrification projects, the company highlights the following achievements:

It has installed over 150 PV powered water pumping systems in African and Asian countries, and is now researching new applications focused on high powered pumps to supply water for agricultural use, for example, in Ghana.

With financing from the Moroccan national electricity office, it is installing 34,500 PV energy systems in remote villages in Morocco beyond the reach of the national electricity network.

In Senegal, Isofoton has brought electricity to 10,000 homes, and has begun installing the first PV-powered plant for water desalination through reverse osmosis, which aims to produce three cubic meters of drinking water per day.

Courtesy: Isofoton

It has supplied 17,000 homes, schools and health centers in Bolivia with solar electricity. 85 percent of the project is financed by the World Bank, and the remaining 15 percent by users through taxes and a microcredit system.

A rural electrification project in Bolivia has brought solar electricity to 17,000 homes, schools and health centers.

Which IP rights?

Isofoton has a small – but strategically important – patent portfolio, including two patent applications filed under the PCT. The type of IP protection used by the company depends on what is to be protected and why. "For specific products already in the development phase, and above all in the application phase, it becomes crucial to patent," says Sr. Alonso.

On the other hand, patents are not necessarily used to protect the development of new technological processes within the company. Sometimes, Sr. Alonso explains, it is better to focus on protecting know-how, particularly in view of cost reductions that can be achieved through know-how protection compared to patenting.

(b) The market for isolated PV installations. This is strong and growing fast in developing countries, where Isofoton aims to reach the markets before its competitors with solutions – such as for water pumping or lighting systems – which are best adapted to local needs. Being the first company to offer an appropriate technological application brings a long lasting competitive advantage in these markets, Sr. Alonso emphasizes. Here, patenting decisions are made on the basis of actual and potential local use of each application with a view to maintaining the competitive advantage and facilitating further expansion. North Africa, for example, is a strategic market for Isofoton, where all its applications are used and therefore need to be protected by IP rights, together with the R&D associated with these applications.

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Licensing-in and R&D partnerships

There are a few cases where Isofoton does license-in technology for development or jointly develops technologies in cooperation, for example, with a research center or university. In such cases the key for Isofoton is that its own personnel should be directly involved in all phases of the R&D. This way, says Sr. Alonso, the company has the option of continuing research beyond the specific project objectives, in order to create or develop technologies independently from the original partners.

In its R&D contracts with external partners, Isofoton works with two models of IP rights ownership:

(a) When the company contracts with universities or other companies for a specific technology development, Isofoton insists on retaining 100 percent ownership of the IP rights in order to have first call in any subsequent exploitation. The company does, however, leave open to its partners the possibility of exploiting the development themselves, provided this does not cut across Isofoton's own strategic interests, and subject to Isofoton's prior consent.

(b) For R&D activities undertaken in the context of national programs or under the European Union Research Framework Programs, Isofoton requests free access to any IP generated for its own R&D purposes, but not necessarily for direct use or licensing.

Licensing-out and technology transfer

The PV manufacturing process, explains Sr. Alonso, can be divided into the manufacture of the solar cell and that of the module. As a strategic policy, he notes, it is central for Isofoton to retain complete control over the solar cell technology.

While Isofoton never assigns its IP rights to third parties, it does license out technologies for manufacturing the module. This is an option that the company would normally adopt in its second level priority strategic markets, with the aim of building a strong local partnership with the licensee and so securing a dynamic presence in the country. The technology transfer is also linked to sales of Isofoton solar cells, *i.e.* the leading company product.

Courtesy: Isofoton

A solar PV roof top installation by Isofoton has cut costs at the Torelli Pierluigi cheese factory in Parma, Italy.

Enforcing patents – Avoiding conflict

Isofoton has experienced few problems of patent enforcement. Sr. Alonso believes that this is due largely to the fact that there are relatively few competitors in the solar energy sector and each knows its own and each others' strong points, including in different geographical markets. "So rather than fighting with our competitors, the objective is to reach amicable agreements that safeguard Isofoton's interests in its strategic markets."

As Isofoton is a cutting edge technology company, IP policy sits at the crossroads between technology, marketing and finance. All IP-related policy and strategic questions, therefore, are handled collectively by the management board, which includes the directors of all company departments from engineering and applications, to marketing, commercial operations, finance and research.

"Having been born as a spin-off," Jesús Alonso concludes, "an IP-oriented mind-set comes naturally within Isofoton. IP is at the heart of the company culture."

Top PV Producers

The top five PV-producing countries are Japan, China, Germany, Taiwan and the U.S. Recent growth in China has been particularly dramatic: after almost tripling its PV production in 2006, it is believed to have more than doubled output in 2007.

With more than 400 PV companies, China's market share has rocketed from 1 percent in 2003 to over 18 percent today. China dislodged Germany from the number two spot in 2007, while the U.S., which gave the world the solar cell, has dropped from third to fifth place as a solar cell manufacturer since 2005.

Source: Earth Policy Institute and Prometheus Institute for Sustainable Development

UPPING THE STAKES IN THE EGYPTIAN FILM INDUSTRY

Adel Adeeb

This is an abridged version of a profile of Egyptian filmmaker Adel Adeeb, written by BHAMATI VISWANATHAN for the Creative and Innovative Economy Center (CIEC)[1] of the George Washington University Law School. The profile focuses on Adel Adeeb's financial acumen in tapping into new channels to fund his creative projects. Ms. Viswanathan is presently writing her doctoral dissertation at the University of Pennsylvania Law School.

The Egyptian film industry is notable for being well-established and highly successful, yet also fast-changing and uncertain. Steeped in a tradition of big production movies awaited by eager audiences domestically, Egyptian films enjoy the highest attendance rates in the pan-Arabic world. The industry nevertheless faces a constant series of challenges.

Photo: Good News Group

***Baby Doll Nights* screened at the 2008 Cannes Film Festival.**

Financial concerns are paramount to Egyptian filmmakers, all of whom are obliged to raise financing for their own productions. Driven by a strong "star system" of homegrown Egyptian talent and ever-increasing labor and technical costs, adequate funding to cover spiraling production costs is harder to find. While revenues are derived through increasingly diversified distribution channels – including first-run cinema releases, television rights, and, in the long run, ancillary rights (DVD and DHD releases, etc.) – these revenues have grown only at a modest pace and are only fully realized when a film proves a major success.

As the upfront costs are great, and future returns tend to be uncertain, Egyptian filmmakers have been limited to a longstanding core of producers with deep pockets, diverse funding sources and a stable footing in the field. A few major players, many of whom serve variously as creator, producer, distributor, promoter, screen licensor, and/or secondary rights' manager, have profoundly shaped the industry.

Creative vision

Adel Adeeb is one such major player. Raised in the dynastic leading families of film, he has grown to develop his own multi-faceted role. He created the Good News Group, a highly successful and respected company in Cairo, which comprises various successful multimedia ventures in print and on the Internet. Yet it is the film production component of the Group that has won particular distinction through its ability to turn out compelling films that have drawn both popular and critical acclaim.

Three of Adeeb's recent films have been blockbusters. *The Yacoubian Building*, based on the best-selling novel by Egyptian author, Alaa el-Aswany, won the first Egyptian nomination for an Oscar and attracted international backing prior to release. The film is a highly artistic portrayal of diverse Egyptian lives and tackles many contemporary issues with great candor. *Morgan Ahmed Morgan* skillfully blends drama and comedy in a family saga. While *Baby Doll Night* presents a provocative story in a fashion that had never before been attempted in an Egyptian film.

All three films moved far beyond the subject matter of the usual blockbuster – such as romance, tepid drama, or easy comedy – and, while achieving originality, also connected deeply with audiences throughout Egypt and in the wider Arab world.

Financial acumen

Adeeb's creative vision is paired with astute financial acumen. His financial strategy involves four main approaches:

- internal funding by drawing on private revenue sources;
- external funding through co-production and/or outside investment;
- key licensing arrangements in television and emerging media;
- generating new revenue streams through international content distribution.

1 *www.law.gwu.edu/Academics/CIEC/CIEC+Home.htm*

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These strategies are characteristic of filmmakers worldwide. But it is Adeeb's energetic pursuit of new, and hitherto untapped channels, within the standard financial pipelines that mark him out as especially entrepreneurial.


Photo: Good News Group

***The Yacoubian Building*, won the first ever Egyptian nomination for an Oscar.**

Adeeb enjoys the distinct advantage of already owning a wide-reaching and stable enterprise on which to draw for internal funds. The Good News Group includes several major Arabic-language newspapers and magazines, a leading Arabic language Internet portal and other retail partners. Its ownership of distribution channels helps secure Adeeb's marketplace primacy: The company also includes a large number of film exhibition chains which control screens in major metropolitan areas, ensuring that the Group's films are shown at prime times. By controlling a creative studio, production facilities and distribution venues the Good News Group enjoys powerful leverage which enables Adeeb to assume the risks associated with producing innovative films.

But the escalating cost of film production is driving Adeeb to seek outside funding. Where the *The Yakoubian Building* cost some US$3.97 million to produce, *Morgan Ahmed Morgan* cost US$4.9 million and *Baby Doll Night* a staggering – by Egyptian standards – US$6.3 million. Adeeb could self-finance projects when costs stayed under the US$4 million mark – those days are gone. But success has placed him in a good position to attract outside investors seeking an *entrée* into the sector. The tactics he has pursued *vis-à-vis* outsider supporters are relatively new to Egyptian filmmakers. He has secured a triple-A credit rating from the HSBC bank and intends to make an initial public offering of equity in Good News Group in the United Arab Emirates – an unprecedented move for an Egyptian film company.

His second tactic is to propose co-productions – both of Egyptian and foreign films – to producers abroad. As yet, co-production is in its inception, and it remains to be seen whether players in the Gulf are prepared to launch co-production efforts at this stage.

As a film distribution vehicle, the Good News Group reaps lucrative revenues through its control of venues for film releases. To further increase revenues, Adeeb is working to capture a significant market share of television rights. These have become a vital channel for the dissemination of Egyptian-made films, both domestically and abroad. Adeeb has sought to capitalize on this wave by selling television rights directly to broadcasting powerhouses in Egypt and the Gulf. He has noted an insatiable appetite for feature length films among television broadcasters. At a time when Egyptian cinema is releasing a total of approximately 60 films per year, any major television station could purchase every film on the market and broadcast them within a single year.

Allocating IP rights

One of the challenges that Adeeb now faces is the allocation of intellectual property (IP) rights in his growing catalogue of films. While he has sought to retain all IP rights in prior works, television broadcasters in particular have been actively pursuing the purchase of IP rights in films after their initial release. With sufficiently deep pockets, the major television broadcasters have managed to secure an expanding catalogue of Egyptian film works. Adeeb will likely be approached for such a wholesale assumption of IP rights, whether for dissemination of his films in Egypt, the Gulf or worldwide.

The sale of IP rights may not be of concern if adequately compensated. On the other hand, by selling these rights Adeeb may forfeit future exploitation of the works in channels that are not fully developed today, such as dissemination via mobile telephones or the Internet. Further, if the rights holder has promised to return revenue streams to Adeeb, he risks frustration if the rights holder fails to fully exploit certain outlets to maximize revenues in the way that Adeeb himself would seek to do.

Pay the piper

Adeeb is now poised to launch new ambitious creative projects. But having opened the door to outside alliances he is likely find his complete autonomy over Good News Group, and its future ventures, challenged. Investors may demand greater financial transparency. They may also seek a measure of decision-making ability as to how funds are invested, what risks are assumed, how theatrical releases and television rights are balanced and so forth. Adeeb will have to determine, as indeed any entrepreneur must decide, the degree to which he is willing to allow outside forces to shape his course.

Talking IP with Adel Adeeb

WIPO Magazine conducted a short interview on the value of intellectual property in the film industry with Adel Adeeb two weeks after the screening of his film *Baby Doll Night* at the Cannes Festival.

Photo: Good News Group

Adel Adeeb behind the camera

In building the Good News Group, to what extent have you needed a good understanding of IP rights?

A very good understanding of IP is the basic of starting a business, particularly for a film production company. Piracy and other invasion of rights can seriously damage a film's reputation, financial revenue as well as the company's reputation. For example, a few weeks after *The Yacoubian Building* had been released, we were hammered with links that claimed to have the film on their site. Thanks to our IT department, who take very good care of that, all those sites were shutdown. Another incident was with street vendors in the populated areas of Cairo, such as Ramsis and Isaaf, who were selling pirate copies of the film on DVD. Those vendors were reported to the authorities and shutdown as well. But there is no way to fully "protect" ourselves against such theft because technology is evolving at such a rate that you cannot stop it all. We do the best we can.

What sort of IP rights are most important in enabling you to generate revenue from your films?

Video rights. A film is released in cinemas and six months later it goes to video, DVD, and etc.

This would be a great source of revenue, but online piracy is a major road block that can halve that revenue. Whereas abroad the DVD market can actually bring more revenue than cinema release, in Egypt the DVD market is close to non existent. The cost of DVDs is too high for an audience that can download the film for free online! Very few people will pay 100+ Egyptian pounds (approx. US$20) when they can settle for a less than perfect picture from an online download.

The normal process would be that after six months of DVD the film then airs on TV and that is equally a great source of revenue… but Internet piracy also slows that down and the revenue is affected by it. That is why, once the film is in production, TV rights are sold on the spot along with all the other rights so that we can guarantee a minimum revenue before the film even hits theaters.

How do you see the Arab film industry developing? Is there room for new players?

I see it developing very nicely. There is a new generation of young filmmakers appearing on the terrain who are getting the recognition they deserve in their home lands as well as abroad. I think the film market, while having its usual problems (bad quality and cheesy films), is getting smarter bit by bit. The production value of films is getting better slowly but surely, and more importantly the content is becoming more and more interesting and more relevant to yesterday's and today's world. Good News is very interested in discovering and investing in new talents which bring a new taste and a different touch to this market. An obvious example is young Marwan Hamed, director of *The Yacoubian Building* (his first feature film). Another is Rami Abdel Jabbar, who will direct a future project feature film *Biet Min Lahm* (House of Flesh).

What advice would you give to an aspiring young filmmaker in Egypt?

Be professional. Realize that there is a world out there that is starving for knowledge of our world and that our films should reflect the good and the bad. Strive for the best quality script and actors.

THE FALL AND RISE OF **PHARMA BRAND NAMES**

What's in a name? Sometimes the health of the corporate balance sheet. Take brand names for pharmaceutical products. Every month, in the US Patent and Trademark Office alone, some 1,000 names are filed in Class 5 – the international trademark classification for pharmaceuticals. In this most crowded of trademark classes, the pharmaceutical industry is increasingly seeing the importance of the brand name to the success of a brand. R. JOHN FIDELINO is the Global Creative Director of *Interbrand Wood Healthcare*[1] consultancy, which has assisted in the creation and management of some of the world's best-selling pharmaceutical brands. In this article for *WIPO Magazine*, he explores recent trends in the art and science of naming new drugs.

Stand out – but innocuously! This would seem to be the goal, judging by pharma brand names launched in the recent past. A paradox, for sure. But it makes sense if you consider the following: don't stand out and you get lost in the crowd; stand out too much and your flashiness may undermine your credibility. Pharma marketers are not only concerned about over-promising and under-delivering to physician and patient audiences, they are also fearful of rejections by regulatory authorities such as the U.S. Food and Drug Administration (FDA) and the European Medicines Agency (EMEA). Add to this the ongoing media and government blitz against the pharma industry, and it is no wonder a new conservatism in pharma branding is prevailing. Thus, despite all the talk of differentiation, it seems the ultimate driver in brand name development is credibility.

Photos.com

On a roll. Brand creation experts are coming up with a new generation of names for pharmaceutical products to help shape attitudes towards the industry and appreciation for its innovations.

The past, in brief

In the years before *Viagra*, there was a preponderance of traditional, "old school" pharma names. These names all shared a similar construction – consonant-vowel-consonant – and reeked of chemistry, with their -ol, -en, -in, or -il suffixes (*e.g. Anafranil*, *Ritalin*). Patients were not expected to discuss their prescriptions with their doctors, and so it was fine that names were complex and unattractive. But with the success of brands like *Prozac* and *Viagra*, suddenly an approachable and attractive name was all the rage. Brand names now reached beyond the science and grabbed onto aspiration: what does the consumer want in life? Let's sum it up in a brand name for a pill! Take *Celebrex*, *Seasonale*, *Zestril*. Such names made pharma a household topic.

Once the post-*Viagra* maelstrom of aggressively aspirational names subsided, a gentler style emerged. These names equally evoked a good life, but were mellifluous, endearing, non-offensive… and banal. In the quest to stay current but safe, the industry created a new convention: the sounds-like-a-woman's-shoe-from-Europe name. A wave of names emerged that tended to be overly feminine, in look and feel, comprising constructs of open vowels and fluid consonants. These names were clever and interesting for a while, but the sheer number of them robbed them of their creative significance.

A new era

Some recent trends, however, have thrown up names that are beautiful and go well beyond either the heavy, old-school pharma name or the polite, new-school aspirational name. These are stretching the boundaries of what is expected and what is acceptable, successfully combining the desire to create with the need to remain credible.

Trend 1: The Pharma 2.0 name

In lieu of creating "phashion" names, some manufacturers have returned to the scientific underpinnings of their molecules as their source for inspiration – but with a new twist. Rather than the generic-sounding, chemical type name of the past, the new names make the molecules sound provocative and rather sexy. GSK's breast cancer treatment, *Tykerb* (generic name *lapatinib*), for example, plays off its classification as a tyrosine kinase inhibitor. Pfizer's *Sutent*, used to treat certain cancers of the kidney and digestive system, encodes its own generic name, *sunitinib*. Their short and quick rhythms evoke

1 *www.interbrandwood.com*

a sense of power, while their unusual choice of letters cuts through the copious aspirational names. These "pharma 2.0" names do not intend to make you feel comfortable about the science; they make you appreciate the science. By embracing the molecule, they inspire confidence in the compound's ability to address a physiological need, while by expressing the molecule unconventionally, the names represent the promise of pharmaceuticals. The pharma 2.0 style allows the industry to project a sophisticated, technology-based image, more appropriate for the innovations it offers.

Photo: Mtechevy/Wikipedia

Novartis' *Exforge* parallels the naming of sports utility vehicles to evoke a brand that sounds able to tackle high blood pressure like an all-terrain vehicle can wrangle a mountain.

Trend 2: The scientific story name

In the past, if manufacturers weren't referencing its chemical background, they would name a product according to its indication. This would help orient people as to what they were prescribing the drug for. But the name of the drug would be a constant reminder to the patient of the affliction (*e.g.*, *Arthrotec* for rheumatoid arthritis, *Cancidas* for candida infection, *Hepsera* for Hepatitis B). While past efforts to overcome stigma resulted in the aspirational name, more recent names side-step the condition and the treatment benefit altogether, focusing instead on how the product works. For example, Pfizer's *Selzentry* or *Celsentri* (generic name *maraviroc*) speaks to how the drug works to block HIV from entering human cells (viz. cell sentry). Unlike the pharma 2.0 style, scientific story names are more familiar sounding. They leverage real language, but in service of expressing the drug's mechanism.

Trend 3: The anti-pharma name

Given its battered reputation, some manufacturers have abandoned linking to the industry altogether. These companies are creating names that don't so much seek to differentiate, as to annihilate any benchmark for comparison, and in that way subvert the credibility question. They do this primarily by co-opting naming constructs from other product categories. Novartis' *Exforge* (generic names *amlodipine* and *valsartan*), for example, parallels the naming of sports utility vehicles (SUVs) to result in a brand that sounds able to tackle high blood pressure like an all-terrain vehicle can wrangle a mountain. Anesiva's *Zingo*, a needle-free injection system for administering *lidocaine* powder, is named with a light touch that makes it sound like child's play – appropriate for a rapid local analgesic for kids. By reflecting other product categories these names telegraph emotional experiences without articulating an aspirational promise.

Clearing the Regulatory Hurdle

Some 40 percent of names submitted for approval by the FDA and EMEA regulatory authorities are rejected – largely for the simple reason that confusion between two pharmaceutical brand names can be a matter of life and death. According to guidelines offered by the EMEA, a pharmaceutical trademark should –

- not look or sound like any other proprietary or non-proprietary drug name relating to a different active ingredient;
- have a minimum of three distinguishing letters;
- not convey misleading therapeutic or pharmaceutical connotations or suggest a misleading composition;
- avoid qualification by letters or a single detached letter and numbers;
- not incorporate a WHO[2] or USAN[3] adopted and published generic stem.

Looking to the future

Although the pharma image has suffered a few serious blows by the media and the public, the recent brand launches indicate that the industry is alive and kicking. Rather than continuing to pander to pharma conventions, the industry has recognized that standing out need not conflict with remaining credible. Through novel approaches to brand naming, a number of forward-thinking companies have leveraged language to help shape new attitudes toward the industry and appreciation for its innovations. Though one day these trends will also become conventions of the past, today they are a sign of reinvention and of more to come.

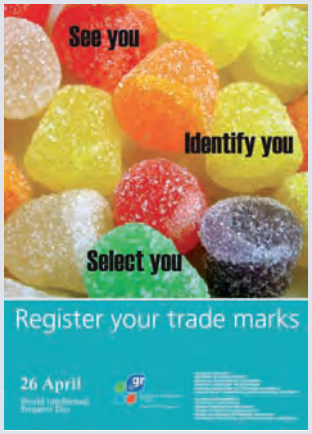
2 World Health Organization
3 U.S. Adopted Names

WORLD IP DAY 2008 IN PICTURES

World Intellectual Property (IP) Day is growing more popular and receiving greater media coverage every year. This year IP Day – April 26 – fell on a Saturday, when many offices were closed. Most took advantage to celebrate the event early: press clippings and activity reports started pouring into WIPO from mid April, and are still coming in. Public and private sector organizations turned their creative talents to finding new ways to attract attention to this year's themes of innovation and respect for the rights of innovators. In these pages, WIPO MAGAZINE *offers a selection of snapshots of the results.*

Photo: ©AFP/John MacDougall

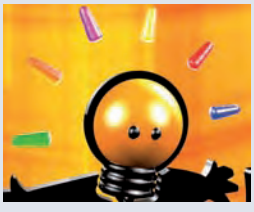
Stamping down on pirate DVDs and CDs in New Delhi! Indian filmmaker Bobby Bedi and other representatives of India's entertainment industry took their anti-piracy fight from the streets of Delhi to Capital Hill, demanding respect of their IP rights on US territory.



Mouthwatering posters of sugary candy tempted passers-by – young and old – to come in and visit the Hellenic Trademark Office in Athens, Greece.

The gateway to IP Day activities on the homepage of the UK Intellectual Property Office's website.

IP Australia organized activities ranging from innovation showcases and seminars for small businesses, a paper plane design competition for schoolchildren and a national newspaper competition for readers.



WIPO's 2008 IP Day mascot starred in its own webcast animation (*www.wipo.int/multimedia/en/public_outreach/webcast/spots/*). The figure was a hit and featured prominently in many posters and websites.

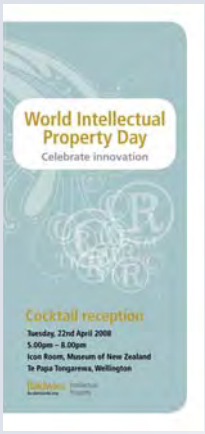
The Ghana Anti-Counterfeiting Project distributed car bumper stickers. A campaign led by Ghana's Food and Drugs Board, warning consumers to look out for fake foodstuffs and medicines and to report them to the police, received wide press coverage.

The Turkish Patent Institute targeted primary school children with a Now is Thinking Time exhibition, and opened a display of projects created by students in their Technology and Design classes – part of the regular school curriculum.

Major rights holders associations, such as the International Trademark Association (INTA), encouraged their members to observe IP Day by organizing information events for their employees and clients.

"Say no to piracy," chanted marchers in the streets of Karachi, Pakistan, participating in an event organized by Ali & Associates in partnership with the Pakistan Industrial and Intellectual Property Rights Association (PIPRA).

Poland's Patent Office grabbed attention with their anti-piracy posters featuring a bespectacled skull and cross-bones.



Private sector firms, such as Baldwins Intellectual Property Firm in New Zealand, ran seminars and panel discussions inviting the audience to ask questions on IP. New Zealand's IP Office organized a design competition, inviting students to develop a design, a short film, soundtrack or article for an IP campaign.

Seminar on Biodiversity, Development and Culture and Access to information and knowledge was organized by the University of São Paulo, Brazil.

Press and TV reports came in from Bermuda, Egypt, Fiji, India, Iran, Jordan, Kenya, Namibia, Pakistan, Papua-New-Guinea, Philippines, Republic of Korea, Turkey, the United Arab Emirates and many, many more. Here coverage of events in Costa Rica.

Sakpatenti, Georgia's national IP center, designed a postcard and sent it to inventors and creators in over 200 different fields of activity all over the country.

Photo: BB Group

Over a thousand high school students attended an IP awareness raising campaign at the Al-Majd School in Sharjah, United Arab Emirates. IP Day note pads (left) were distributed to the students by the organizers, the Brand Owners' Protection Group and Sharjah customs.

MOBILIZING YOUNG TALENT

As more organizations than ever joined the World Intellectual Property Day celebrations this year, WIPO Magazine *took a look at two thriving organizations which share the goal of promoting innovation among talented young people.*

Mawhiba Foundation, Saudi Arabia

"It is the duty of us all in the age of innovation to nurture giftedness and talents," writes King Abdullah Bin Abdulaziz, Custodian of the Two Holy Mosques. The King is the president of the recently established Mawhiba Foundation, also known as the King Abdulaziz and his Companions' Foundation for Giftedness and Creativity.

The Mawhiba Foundation was set up in response to a series of challenges for Saudi Arabia identified in a 15-year national development strategy. Foremost among these were international competition for highly skilled personnel; the rising preeminence of knowledge-based industries in the global economy; the demands of an expanding youth population; and the country's recent admission to the World Trade Organisation (WTO).

Courtesy of the Mawhiba Foundation

Mawhiba aims to foster a critical mass of young leaders in science and technology and to build up the national capacity for generating innovative ideas.

On the basis that the future growth and prosperity of a nation depend on the talents of the next generation, the Mawhiba Foundation is developing comprehensive programs to nurture giftedness and creativity in young people. The aim is to foster a critical mass of young leaders in the field of science and technology and to build up the national capacity for generating innovative ideas.

Taking a holistic approach, the Foundation looks at cultivating not only intellectual talents, but also the personal qualities to enable young leaders to fulfill their potential. Among the initiatives highlighted by Mawhiba are:

- Packed summer programs hosted by leading national and international universities.
- The *Imagine Service* – an electronic interface through which middle and high school students can submit ideas or projects for evaluation by experts in the relevant fields.
- The *Shawer Service* – a specialized educational consultancy for gifted individuals, their parents and educators.
- Competitions and scientific creativity awards, including financial awards, targeted at the under 25s, plus participation in international conferences and innovation exhibitions. In March, for example, the Mawhiba Foundation and the Saudi oil company Aramco sponsored the Ibtikar First Saudi Innovation Exhibition, under the slogan "Nurturing innovation to support prosperity." (See: *Invention Awards* in *WIPO Magazine* issue no. 2/2008).
- A National Portal for giftedness, creativity and innovation, designed to link students, educators, innovators, government ministries and private institutions, and to provide an electronic gateway to a wealth of resources and interactive networks.

It is not all work and no play. Together with the National Talent Training Center, the Mawhiba Foundation also fields teams of under 18s for the RoboCup – an international competition aimed at creating by the year 2050 autonomous humanoid robots capable of winning a football match against a human world championship team.

Young Inventors International, Canada

"Universities," writes Anne Swift in Xconomy,[3] "offer a thriving ecosystem that lends itself particularly well to entrepreneurship among students, faculty and staff." Anne speaks from experience. While in her second year of political science and economics at Toronto University, Canada, she designed and patented a flexible keyboard. Struck by the number of different kinds of skills and knowledge involved in bringing a new idea to market, she resolved to create a community where students interested in commercializing a new technology could learn

3 *www.xconomy.com/2008/02/25/universities-an-entrepreneurs-ecosystem/*

Film Your IP

A team of journalism students from the Zaporizhzhya National University, Ukraine, has won a WIPO-sponsored prize for the best short film on an IP-related issue in the international *Film Your Issue* contest.

Their film, *Copyflights*, uses paper planes to evoke both the free flight of ideas and the vulnerability of unprotected creative works to theft by the "men in black." As future journalists, copyright is an issue close to the students' hearts. Team member Aleksandra Zborovskaya told *WIPO Magazine* that they had learned about IP the hard way, when some original scripts which they had submitted to an advertising company were misappropriated. "We made such a mistake because of lack of experience and information," she said. "But now, as creators, we know our rights and want to warn others to be more careful."

***Copyflights*. "Too many people in our country don't think that such problem exists. Ideas are stolen and no one remembers your name."**

While noting that the misleading use of the © symbol in the film as short-hand for all IP protection, the WIPO panel commended the film for it original creative concept, visually arresting portrayal of the issue and well crafted execution.

The annual *Film Your Issue* competition is run by a consortium of U.S. media companies and NGOs in order to promote awareness of global issues among tomorrow's filmmakers.

Watch *Copyflights* at: *http://vids.myspace.com/index.cfm?fuseaction=vids.individual&VideoID=32043530* Created and filmed by Aleksandra Zborovskaya, Maria Korniyenko, Viacheslav Malinov, Lidia Pikhteeva, Olga Kayda.

about the process and connect with one another and with experts. In 2001, while still at college, she founded Young Inventors International (YII).

Today, the non-profit organization has offices in Canada and the U.S. and counts more than 1,800 members from over 30 countries, including Australia, Croatia, U.K., India, Israel, Italy, Mexico, Poland, Singapore and South Africa. Together they boast more than 500 patented or patent-pending technologies.

"Learning about innovation and about how to bring ideas to market teaches invaluable transferable professional skills," says Anne, with the conviction which is her hallmark. "And YII believes there is no better time to bring your ideas to market than while a student."

Geared to providing practical support, information and contacts, YII offers online seminars on topics such as intellectual property (IP), identifying market opportunities, producing prototypes and raising finance. These "webinars" are broadcast into university classrooms and clubs. YII has also organized international conferences at the University of Toronto and at the Massachusetts Institute of Technology (MIT), and a special panel of YII members on the Dow Jones Emerging Ventures Forum.

For World Intellectual Property Day 2008, YII hosted an online chat forum, where participants put their questions on patents, trademarks and copyright to IP lawyers. This was followed by an interview with young entrepreneur, Gauri Nanda, the inventor of *Clocky* – a furry alarm clock which rolls off the bedside table and hides when its snooze bar is pressed. *Clocky* became a surprise media hit after a blogger picked it up from Gauri's class webpage and requests from inveterate snoozers began pouring in. Recordings of both events are available through the YII website.

Many YII members are already making their mark. Anne reels off the names: Jose Gomez-Marquez, a graduate student at Worcester Polytechnic is the co-inventor of *Aerovax* – a "last mile" measles vaccination delivered by aerosol. Gilad Shoham, an award-winning industrial designer and founder/CEO of Medonyx Inc. in Toronto, is working on products to reduce the spread of infection in hospitals. Rahul Shetty, a cardiac surgeon from India and founder of Mezocore Technologies, Canada, is developing medical training software that simulates medical and surgical procedures. Eric Groset of D&G Solutions, a student at California State University, has invented the *LiveSpeakR*, a patent-pending "boom box in your pocket" portable speaker system.

YII are keen to expand their membership in other countries. "If you are an aspiring innovator or entrepreneur – or someone who has gone through the process," says Anne, "then we'd love you to be part of our dynamic international community."

Photo: Anne Swift

Anne Swift was named one of *Glamour Magazine's* "Top Ten College Women Who Will Change the World" (2003). She is currently consulting to a start-up in the solar thermal industry.

For more information: *www.mawhiba.org.sa* and *www.younginventors.org*.

DIGITIZING TRADITIONAL CULTURE

WIPO Training Program for Indigenous Communities

Indigenous cultures the world round have seen their ritual ceremonies, music, symbols and creative arts imitated, reworked, copied and sold without acknowledgement or authorization, and often without respect for their cultural and religious significance. Many communities feel that enough is enough! They are now actively exploring how best to protect their heritage from the "free for all" while at the same time preserving it for future generations.

A traditional Maasai performance.

This was the situation of the Maasai community of Laikipia, Kenya, when they first requested assistance from WIPO in 2006. As a result of an exploratory visit to the community, WIPO will launch in September a pilot training program designed to assist indigenous communities to document their own cultural traditions, archive this heritage for future generations and manage their IP interests when doing so.

Using technology to preserve tradition

New digital technologies offer a practical means to document, record and digitize expressions of traditional cultures. Such means respond to the strong desire in indigenous communities to preserve, revitalize and promote their cultural heritage, and to pass it on to succeeding generations. However, the documentation and digitization of living traditions, which embody both communal creativity and individual artistic expression, is highly complex. Further, without careful IP management, digitized intangible cultural heritage is vulnerable to unwanted exploitation.

WIPO's pilot training program will respond to both the utility of technology for indigenous communities and the paramount need to empower communities to make informed decisions about how to manage IP issues in a way that corresponds with community values and development goals. The primary goal of the program is to provide community members with the practical skills and technical knowledge needed in the fields of cultural documentation, archiving and IP management, which would enable them to record, archive and manage access to their own cultural heritage. The program will assist communities to develop their own IP policies, protocols and technology-based tools to manage access to their recordings and other forms of cultural documentation (see text box).

The pilot program in September will be run in collaboration with the American Folklife Center at the Library of Congress in Washington D.C. and the Center for Documentary Studies at Duke University in Durham, North Carolina.

Maasai community first to benefit

In September two members of the Maasai community and an expert from the National Museums of Kenya will travel to the American Folklife Center and then to the Center for Documentary Studies for the training. The intensive, hands-on curriculum will include such topics as project planning, research ethics, digital archival methods, documentation techniques and database and website development and management. WIPO staff will provide the IP component of the training, with the support of the US Copyright Office.

Indigenous communities managing access

Many museums and other cultural institutions have developed IP protocols and codes of conduct, as have several indigenous communities. WIPO has made available a searchable database (see *www.wipo.int/tk/en/folklore/cultural-heritage/*) of such institutional and community protocols, policies, codes and practices as well as and standard agreements relating to the recording, digitization and dissemination of intangible cultural heritage, with an emphasis on intellectual property issues. The database also contains surveys of experiences in several countries.

The following are examples from the database of how indigenous communities are dealing with IP issues as they manage access to, control over and ownership of their cultural documentation:

- The Sealaska Heritage Institute, founded by the **Tlingit, Haida and Tsimshian communities** of **Alaska** to promote and protect their cultures, has adopted a Cultural and Intellectual Property Rights Policy regarding the protection of crests, songs, stories and names as well as a Photography (Including Video and Film) Policy that limits commercial recordings of cultural celebrations and events.
- In **Jamaica**, the **Rastafari community** represented by the Ethio-Africa Diaspora Union Millennium Council, has drawn up a draft IP contract for the filming and recording of their performances and for other media activities.
- In **Australia**, the Mukurtu Wumpurrarni-kari Archive was established by the **Warumungu community** to house photos, digital video clips, audio files and digital reproductions of cultural artifacts and documents. Access to the digital Archive is defined by access parameters based on a set of Warumungu cultural protocols for the viewing and distribution of cultural knowledge.
- The **Hopi Tribe** of **Arizona** has developed a Protocol for Research, Publications and Recordings that sets out how the Hopi people would like their intellectual resources and traditional cultural expressions to be used by others.

Upon their return to Kenya, WIPO will provide the Maasai with a basic kit of field equipment, computers and software for their own use. The National Museums of Kenya will also provide the community with ongoing institutional support.

The Maasai community and the National Museums of Kenya will participate directly as partners in evaluating this pilot initiative and together will make recommendations for its improvement and further development. Based upon their feedback, WIPO will consider offering this training program to different indigenous communities and cultural institutions on an annual basis in collaboration with institutions in other parts of the world that may wish to join in or offer similar programs.

A WIPO expert mission to the Maasai community of Laikipai, Kenya, in 2006, led to the creation of the pilot training program.

WIPO's Creative Heritage Project

The pilot program is part of WIPO's Creative Heritage Project, which is developing a suite of practical tools for managing IP options when documenting, recording and digitizing intangible cultural heritage. These tools will include a resource book on IP issues for museums, archives, libraries and other cultural institutions, which will specifically deal with the management of IP in relation to indigenous collections.

A complementary set of practical guidelines for indigenous and local communities on developing IP protocols is also being drafted for consultation purposes. These guidelines will focus on empowering indigenous and local communities to establish their own IP-related protocols, contracts and strategies for the use of their traditional cultural expressions within the community and by third parties. This could assist communities to foster more equitable and balanced relationships with third parties such as researchers and the private sector.

OUT OF THE SHADOWS – WAYANG

Photos: WIPO/Mercedes Martinez Dozal

Photo: DGIPR

"Stop! No Piracy!"

Within the framework of work on IP and Traditional Cultural Expressions, WIPO sponsored a *wayang* performance in Geneva by Jakarta's *Yayasan Redi Waluyo* Foundation. The performance in April accompanied an exhibition of photographs of *wayang* by Japanese photographer, Yoshi Shimizu.

Many traditional forms of cultural expression and folklore, passed down from one generation to the next over hundreds, and even thousands of years, are under threat of disappearance today. Globalization has brought new cultural influences, technology new means of communication, and young people have discarded traditional ways as they venture into cities and are absorbed into the mass culture. Elders pass away, and knowledge is lost forever. Some communities are seeking to record their cultural heritage on paper or film, others to preserve it in museums and still others are adapting their cultural expressions to modern society, giving them new life. The Indonesian art of *wayang* – or shadow puppet theater – is a good example.

Wayang, designated a UNESCO Masterpiece of Oral and Intangible Heritage of Humanity in 2003, is well over 1,000 years old – predating Indonesian written history. It began as a ceremony for calling departed spirits by hanging coconut oil lamps and casting shadows on a wall. *Wayang* was adapted as a tool for performances in the ninth and tenth centuries when Hindu communities used it to present the great *Ramayana* and *Mahabharata* epics, then evolved further in the Middle Ages when it was used to educate audiences on Islamic themes. Although many forms of *wayang* have disappeared, there exist over 60 variations of the art form in Indonesia alone. It is used for ceremony, spiritual uplifting, entertainment, education – and most recently for spreading the word about intellectual property (IP) rights.

When the Directorate General of Intellectual Property Rights (DGIPR) of Indonesia set the creation of public awareness campaigns as a strategic objective in 2005, high school students and SMEs were defined as important target audiences. How could they reach them? On a limited budget, they first thought to make use of WIPO's outreach material for young people and by translating the WIPO *Copyright*, *Patents* and *Trademarks* comics. But a quick market study showed that, though the message was clear, young Indonesians did not relate to the characters and environment depicted in the comics. They needed images that reflected Indonesia's culture and characters familiar to the audience. *Wayang* provided an answer.

Adapting the message to the medium

Indonesians have grown up with shadow theater. They are familiar with the recurring characters, the storylines and the pearls of wisdom – moral guidance – that are the *raison d'être* of such stories. The DGIPR's Outreach Division studied the *wayang* characters to identify those best suited to convey an IP message. They settled on an old man, recognized for his great wisdom.

The message had to be adapted. It could take on a more moralistic tone than would be accepted in occidental culture; nor would Indonesians balk at a direct order from the wise elder. In one poster he tells young people "Stop! No Piracy!" In another, targeting SMEs, he instructs: "Come file the results of your creation at the DGIPR."

Modern multi-media communication tools form the backbone of the DGIPR's outreach initiative, but it is thanks to the use of traditional cultural expressions, that the message is making its mark.

For more information:
www.wipo.int/portal/en/news/2008/article_0022.html

BROADCASTING THE IP STORY IN AFRICA

Journalists play an influential role in spreading the success stories of the intellectual property (IP) system – and indeed in airing its controversies. But to do so effectively requires a basic understanding of the workings of IP and of how it relates to the public interest. Reaching out to journalists with substantive, topical information is therefore central to successful communication by IP offices and organizations.

Courtesy: E'Eyo

Journalists from Gabon show that IP can make great TV.

"Journalists," declared Mr. Paulin Edou Edou, Director General of the African Intellectual Property Organization (OAPI), "are our strategic partners in the quest to raise awareness about IP as a catalyst for economic growth and improved living standards."

Mr. Edou Edou was addressing the first WIPO-OAPI Seminar for Journalists, held in the bustling city of Yaoundé, Cameroon from April 15 to 17. The seminar brought together journalists from the 16 OAPI member states in order to acquaint them better with the IP system and with its relevance to their countries as a strategically important means of promoting economic, social and cultural development.

The journalists heard first hand accounts of what IP rights mean to musicians, to scientists, to the guardians of traditional knowledge and to entrepreneurs. The speakers' insights provoked lively debate among the participants, who highlighted the need to raise the political profile of IP in African countries and so create a more fertile environment for journalists to educate, inform and amuse their readership on these issues.

E'Eyo – Gabon's TV hit

A team of journalists from Gabon's national radio and television station, RTG1, proved that IP can make great TV, as they recounted how they went about launching the first TV program ever dedicated to IP in the OAPI region.

The project was the brainchild of Mr. Cyr Nze Menzu, a senior official from the ministry of commerce and industry seconded to RTG1. Mr. Nze Menzu's vision was to get ordinary people hooked on IP by showing the purpose of patents, trademarks, copyright, designs and geographical indications in their daily lives. Overcoming initial skepticism, he and his associates convinced the RTG1 executive board to endorse production of the series. They called the show *E'Eyo* – after the supreme creator and protector of knowledge according to the mythology of the Fang peoples of Gabon.

The first episode of *E'Eyo*, broadcast on World Intellectual Property Day 2007, marked a new departure in TV programming in Gabon, drawing the public's attention to areas of science, technology, creativity and innovation previously unexplored by the national media. The volume of mail received by the TV station showed that the confidence of their executives had paid off – the producers had come up with a formula that captured the popular imagination, offering new insights into the creative universe and a better understanding of the knowledge-driven economy. The viewing figures have gone from strength to strength as the series has caught the attention of policy makers, entrepreneurs, researchers, academics, artists and the public alike.

The Gabonese team did not downplay the many practical challenges for journalists seeking to produce IP-focused programs within Africa. They underlined in particular the importance of building proactive communications with the legal, scientific, technological and business communities in order to ensure a constant flow of engaging, informative and thought-provoking material. The team has now set up a non-profit organization, *Le Club des Amis de la Propriété Intellectuelle* (CAPI), to inject further dynamism into their IP awareness endeavors and, they hope, to secure more sustainable funding for programs such as *E'Eyo*.

FAMOUS ARAB BRAND NAMES

March 2008 saw the launch in Jordan of the *Famous Arab Brand Names Group*, an initiative inspired by the increasing success of Arab brands in both domestic and international markets. The brainchild of Mr. Talal Abu-Ghazaleh, chairman of the Talal Abu-Ghazaleh Organization, the Group will be headed by the Arab Society for Intellectual Property (ASIP) together with leading Arab enterprises and organizations. Its activities will include exhibitions to promote new products, workshops on the protection of trademarks and trips to help its members promote their brands in overseas markets.

Mr. Mutasem Dmour, Executive Director of the ASIP, explains that the Group came about as a result of the increase in the number of trademarks being registered in the Arab region, plus the growing recognition that the value of a successful trademark is worth more than a company's fixed assets. "ASIP is very proud of being part of this initiative," he said. "It complements our objectives in promoting intellectual property (IP) protection in the Arab world through modernization of IP systems, laws and regulations."

ASIP cites *Al-Jazeera* (news network), the *Emirates* (airline), *Almarai* (dairy produce), and *Al Arabiya* (broadcasting) among the best known Arab brands. The same names head a list of the 40 top brands created and owned by Arab companies, which was published in 2006 by the Forbes media company. The Forbes ranking drew on an online survey of 1,200 consumers across the region to gauge which well known brands were most admired and trusted by consumers. Also high on the list were the spectacular *Burj Al Arab* hotel, which dominates the Dubai coastline, and the Saudi-based *Jarir* chain of bookstores.

Arab companies, notes the Forbes research team, have to cater to culturally sensitive and complex markets of national residents and expatriates. "The key question for those building Arab brands is how to think globally and act locally."

Al Jazeera was launched in 1996 as an Arabic satellite TV news channel with a US$150 million grant from the Emir of Qatar. Now a global network, broadcasting news and entertainment in multiple languages, Al Jazeera is distributed to some 100 million homes worldwide.

The Emirates Group – which includes the flagship Emirates Airline and Hotel – reported its 20th consecutive net profit in 2007/08, amounting to US$1.45 billion. The Emirates Airline carried over 21 million passengers last year, and was voted Most Popular Airline in *ArabianBusiness.com*'s 2008 travel survey.

In 1976, Almarai ("green pastures" in Arabic) set out to transform traditional methods of dairy farming in order to meet the demands of an expanding Saudi market. Today, the Saudi company claims to be the largest integrated dairy foods company in the world, reaching over 34,000 retail outlets a day in six Gulf countries.

Established in Dubai in 2003 by the Saudi-controlled Middle East Broadcasting Center (MBC) to compete with Al Jazeera TV, the Al Arabiya news channel is likewise known for breaking fast-moving news stories. It is consistently rated among the top pan-Arab stations by Middle East audiences.

Iraq's Ancient Marks

Branding is widely assumed to have begun in the West with the Industrial Revolution. Challenging this assumption, U.K. anthropologist David Wengrow has presented evidence that labels on ancient containers, as well as practices surrounding the distribution of commodities, may have functioned as branding strategies with cultural origins in the early civilizations of Egypt and Iraq. David Wengrow's study, *Prehistories of Commodity Branding*, is published in the February 2008 *Current Anthropology* journal.

COMMITTEE MEETINGS

Francis Gurry Nominated as Next Director General

Courtesy Francis Gurry

WIPO Director General-elect, Francis Gurry

The WIPO Coordination Committee on May 13 nominated Mr. Francis Gurry, a national of Australia, to become the next Director General of WIPO.

The appointment will now be submitted to the WIPO General Assembly for confirmation at its next meeting, scheduled from September 22 to 30. The Director General-elect will assume his duties on October 1.

Mr. Gurry was elected from the original list of 15 candidates submitted to the Coordination Committee by WIPO Member States. Three days had been set aside for the Coordination Committee meeting, but the withdrawal of seven candidates after the second round of formal voting accelerated the nomination process.

Following the elimination in the third round of Mr. Masood Khan, currently the Ambassador of Pakistan to the UN in Geneva, the final play-off was between two serving WIPO officers, Mr. Gurry and Mr. José Graça Aranha, a national of Brazil. Mr. Gurry won the final round by 42 votes to Mr. Graça Aranha's 41 votes.

The process of electing a Director General is governed by the Convention Establishing the World Intellectual Property Organization and the Procedures for the Nomination and Appointment of Directors General of WIPO, adopted by the General Assembly of WIPO in September 1998. Mr. Gurry would be the fourth Director General of WIPO, following Mr. Kamil Idris of Sudan (1997-2008), Mr. Arpad Bogsch of the United States (1973-1997) and Mr. Georg Bodenhausen of the Netherlands (1970-1973).

WIPO Career

Since joining the Organization in 1985 as a consultant in the Development Cooperation and External Relations Bureau for Asia and the Pacific, Mr. Gurry has served in the following WIPO posts:

1988 to 1990: Head of the Industrial Property Law Section

1990 to 1993: Office of the Director General

1993 to 1997: Director of the WIPO Arbitration and Mediation Center and Acting Legal Counsel (1996-97)

1997 to 1999: Legal Counsel, also responsible for the WIPO Arbitration and Mediation Center and electronic commerce

1999 to 2003: Assistant Director General and Legal Counsel, responsible for the WIPO Arbitration and Mediation Center; electronic commerce; (and from 2002) the Patent Cooperation Treaty (PCT), patent law and policy and the International Patent Classification (IPC); Traditional Knowledge, Traditional Cultural Expressions, Genetic Resources and Life Sciences

2003 to now: Deputy Director General, responsible for the PCT; patent law and policy and IPC; WIPO Standards; WIPO statistics; the WIPO Arbitration and Mediation Center; Traditional Knowledge, Traditional Cultural Expressions, Genetic Resources and Life Sciences

During his WIPO career, Mr. Gurry was instrumental in the creation of the WIPO Arbitration and Mediation Center and in developing the Uniform Domain Name Dispute Resolution Policy adopted by the Internet Corporation for Assigned Names and Numbers in 1999 and followed by all Internet registrars.

Prior to joining WIPO, Mr. Gurry practiced law and held a number of academic positions. He holds law degrees from the University of Melbourne and a Ph.D from the University of Cambridge in the UK. He is the author of numerous publications and articles on intellectual property issues in international journals.

IN THE NEWS

UK's Youngest Patent Holder

Photo: UK IPO

"I saw my daddy brushing up and I made it."

An "Improved Broom," conceived to help his dad with work in the garden, has made five-year-old Sam Houghton the UK's youngest patent holder. The young inventor – only three years old at the time – had the idea while watching his father raking up leaves with one broom then switching to another for smaller debris. Sam suggested tying the two brooms together with a large rubber band. Sam's father – who happens to be a patent attorney – figured that Sam's double-broom idea was sufficiently new, useful and inventive to be patentable. He filed a patent application with the UK Intellectual Property Office (IPO) – now granted.

Sam said: "I saw my daddy brushing up and made it. There are two brushes because one gets the big bits and one gets the little bits left behind. I don't know if I want to be an inventor when I grow up but this was fun."

Sam is a fan of *Wallace & Gromit*, the accident-prone inventor and his canine side-kick who star in the animated films by Nick Park, and whom the UK IPO have adopted as mascots for their *Cracking Ideas* campaign (see *www.crackingideas.com*). "Characters like *Wallace & Gromit* can really inspire children to innovate," said Sally Long, the *Cracking Ideas* project manager. "Sam has shown what a young mind can come up with. Patent applications do not always record ages but we have never come across anyone as young as Sam who has been successful in their application and believe he is the youngest yet." ■

Source UK Intellectual Property Office

Public Health, Innovation and IP – New WHO Resolution

The 61st World Health Assembly (WHA) which was held in Geneva from May 19 to 24 adopted a Resolution on a Global strategy and Plan of action on Public Health, Innovation and Intellectual Property. The Strategy aims at promoting new approaches to pharmaceutical research and development (R&D) and to enhance access to medicines, particularly for diseases that disproportionately affect developing countries.

The WHA resolution is the result of a process that started in May 2003 with the establishment by the World Health Organization (WHO) of a Commission on Intellectual Property Rights, Innovation and Public Health (CIPIH). Following the report by that Commission, the WHO, in 2006, set up an Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG).

The WHA Resolution invites the Director General of the WHO to coordinate with other relevant international intergovernmental organizations – bearing in mind the respective mandates and capacities of the different organizations and of the WHO – in order to implement effectively the Global strategy and agreed elements of the Plan of action. WIPO has actively supported the WHO Secretariat since the beginning of the process by lending its technical expertise as the United Nations specialized agency dealing with IP issues, and is committed to contributing further to the process by providing, within its mandate and as requested by its partners, all possible support. ■

Pilot Patent Prosecution Highway

The European Patent Office (EPO) and the US Patent and Trademark Office (USPTO) have announced plans to launch a trial cooperation initiative called the Patent Prosecution Highway (PPH) in September. The PPH is intended to leverage fast-track patent examination procedures already available in both offices and to reduce duplication by permitting each office to exploit the work previously done by the other office.

"This Pilot is a major step forward in the USPTO-EPO cooperative efforts to manage workloads and will allow us to take advantage of each other's work thereby reducing our backlogs while still maintaining higher patent quality," said Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Jon Dudas.

Under the PPH, an EPO or USPTO applicant whose application contains at least one allowable claim may request that the other office fast track the examination of corresponding claims in corresponding applications. Full requirements for participation in the trial program will be available prior to implementation on the EPO website and the USPTO website.

The purpose of the trial program is to gauge the interest of applicants and determine whether the program meets the goals of improved quality and efficiency and reduced examination workloads. The trial period will be set for one year but may be extended or terminated earlier depending on volume of activity and other factors. ■ **Source EPO**

First WIPO Summer School in Thailand

Photo: WIPO/Kongolo

The WIPO Academy took its IP Summer School on the road for the first time in May, with a two week program at Chulalongkorn University in Bangkok, Thailand, which attracted 27 students and young professionals from nine countries. The Summer School aims to equip participants with a broad knowledge of international IP issues and an understanding of the value of IP as development tool, as well as introducing the role and functions of WIPO.

Commenting on the program, Mr. Fabian Hafenbrädl, a student at the Max Planck Institute for IP, Germany, noted, "In my law studies the focus is on the German and EC laws. So the WIPO Summer School helped me to understand the global issues." Ms Zhao Zhao, a Canadian student studying at the George Washington University in the U.S., said, "The Summer School made me realize which areas of IP I am passionate about." While Romeo Jr. A. Sustiguer, a young Filipino professional noted that "Having the WIPO logo on the certificate adds to my credibility as a business technology practitioner."

The next WIPO IP Summer Schools take place in Croatia (June 30 to July 11); Mexico (July 28 to August 8); and the Republic of Korea (August 11 to 22). The registration fee is US$300 for students and US$500 for young professionals. ■

More information:
www.wipo.int/academy/en/courses/summer_school/index_all.html

Pringles to Ashes

Photo: André Karwath

The man who created the distinctive *Pringles* crisps packaging for Proctor and Gamble has taken his proudest invention with him to the grave. The last wish of retired chemist and food storage technician Frederic J Baur, who died in May at the age of 89, was that he should be cremated and his ashes buried in a *Pringles* can.

Mr. Baur filed in 1966 for a patent for the tubular *Pringles* container and for the method of packaging the curved, stacked chips in the container, and it was granted in 1970, according to a Procter and Gamble archivist.

LETTERS AND COMMENT

WIPO Magazine welcomes comments on issues raised in our articles or on other developments in intellectual property. Letters should be sent to The Editor at *WipoMagazine@wipo.int* or to the postal/fax address on the back cover of the Magazine. Please include your postal address. We regret that it is not possible to publish all the letters we receive. The editor reserves the right to edit or shorten letters. (The author will be consulted if substantial editing is required.)

Building sustainable change – Gando school re-visited

Photos: Schulbausteine für Gando

Three years ago *WIPO Magazine* wrote about our school building project in the village of Gando, Burkina Faso (*Inspirational Creators – Diébédo Francis Kéré, Architect*; issue no. 3/2005). Many people encountered the project for the first time through your report.

Today, more than 450 students are in attendance in the school and we are nearing completion of a new building with four classrooms on the school grounds. We are also building outside Gando. This photo shows the annex of a high school that my people recently completed on the behalf of an NGO about 600km from Gando using laterite stone, a commonly used building material in this region.

This is the first paid contract that has been carried out with a young workforce from Gando who have been trained as a part of program projects carried out by our *Schulbausteine für Gando* (School Bricks for Gando) association. The result has been met with feelings of great pride throughout all of Burkina Faso, not just by the members of Gando community.

It is with humility but also pride that the vision with which we began a few years ago has now begun to bear fruit. This project is proof that it is possible to introduce people in impoverished communities to new technologies and to instruct them in their application, thereby, empowering them to build better and more sustainable buildings.

I am adamantly convinced that through similar projects that prove of value to people's everyday lives, we can bring about change in this region so often described as hopeless. I have learned with experience that one cannot bring about change by sitting at a desk at arm's length from the problem. In cultures like mine that are marked by an educational crisis and where there is hardly any access to information, such objectives can only be achieved through example-setting projects brought about through the cooperation of people working for people. This is not the quickest nor the most convenient way; however, from the long-term perspective, it is the sustainable way.

For the near future, as well as meeting the very large demand for the replication of our models in other villages, we hope to build and equip a research center for construction engineering in my home village. This center would be the site where materials are studied and construction techniques can be investigated. At the same time, it would serve as a training center where young individuals would learn these techniques. In addition, special attention would be paid to the fostering international exchanges with technical experts and students. With the building of this facility, I would like to see the principles of climate-appropriate building anchored in my native region long-term.

I am indebted to *WIPO Magazine* and to everyone else who has placed value on and provided media coverage of my work. ■

From Diébédo Francis Kéré
Architect and founder of *Schulbausteine für Gando*
Burkina Faso.

Creating the new brand identity for Ethiopia's coffees...

Following your article last year on the Ethiopia and Starbucks story (*Making the Origin Count: Two Coffees*; issue no. 5/2007), readers may be interested to hear about the creation of the new Ethiopian Fine Coffees brand identity, which was unveiled at the meeting of stakeholders and licensed distributors on May 4. The Ethiopian Government appointed the *Brandhouse* agency to develop a global identity which would represent and reflect their Fine Coffee varieties and elevate them to their rightful place amongst the world's gourmet food and drinks.

Due to awareness of Ethiopian Fine Coffee being so low, both at trade/licensee level and with consumers, it was essential to create a simple, memorable, instantly recognizable global brand that said 'Ethiopia' loud and clear and that reflected the premium values and diversity of the various individual varieties. *Brandhouse* was also keen to reflect the vibrancy and energy of the country, capturing the rich and lively colors for the sub brands of *Yirgacheffe*, *Harar* and *Sidamo*. With such diverse history and peoples, it was also important to be culturally sensitive in creating an identity that those employed in the industry could be proud of.

The heart of the brand identity is a stylized coffee-bean shaped like the letter 'E' (or a stylised letter 'E' shaped like a coffee-bean) which powerfully links the nation with the product. The symbol will be seen by many different audiences globally, and will have many different 'usages,' so it was imperative that it was all-encompassing and easy to replicate – whether on licensed distributors' retail packs or as a simple stencil on a *Sidamo* coffee sack. ■

Courtesy: Ethiopian IP Office

From Crispin Reed,
Managing Director,
Brandhouse,
London, UK.

...While coffee farmers begin reaping the fruits of IP

Courtesy USAid

Although it is too early to draw definitive conclusions, there are signs that the trademark and licensing strategy which we have been pursuing in our country is already helping to improve the lives of the 15 million Ethiopians who depend on the coffee sector. The initiative, and the high profile case with Starbucks, contributed to an increased awareness of Ethiopian fine coffees and an improved bargaining position. It provided a framework for joint promotion that meets the needs of the actors in the coffee trading chain and of consumers. Although an impact assessment has not been made, and a number of factors may have contributed to the rise in the present price of the fine coffees, the steps taken by the government and farmers to enhance quality, together with the partnership framework and improved marketing position established as a result of the initiative, are expected to sustain the price increase in the coming years.

The initiative aims to capture the intangible values incorporated in our three fine coffees and increase the share that goes back to the coffee growers. It also reverses the disastrous trend of farmers' cutting down heritage coffee trees, such as *Harar*, to plant the narcotic *khat*.

In many developing countries, people perceive intellectual property as being mostly in the interest of America, Europe and Japan. This is a misperception. Intellectual property, if properly used, can meet the needs of countries like Ethiopia. I personally believe that every country, whether poor or rich, has the capacity to create intellectual property assets. ■

From Getachew Mengistie, Director General, Ethiopian Intellectual Property Office

>>>

Compulsory licensing is no cure for poor countries

From Franklin Cudjoe
Editor of
www.africanliberty.org
and Executive Director of
the IMANI think-tank
Ghana.

At the World Health Assembly meeting this week (May 19 to 24) we will no doubt hear again vocal activists repeating the misplaced view that patents prevent the poor from accessing essential medicines. Yet a 2004 study published in the journal of Health Affairs[1] showed that less than two per cent of prescription drugs on the WHO's Model List of Essential Medicines are under patent.

Patents are not to blame for appalling public health conditions in much of Africa. What use would it be to patients to receive even free medication, if they are only to continue drinking from polluted rivers, or being exposed to respiratory infections from traditional heating systems of animal dung and firewood or sharing their beds with malarial mosquitoes from open sewers?

It is not patent laws that prevent equal access to healthcare for pregnant women who rely on birth attendants working with defunct medical equipment and whose new born babies lie bare on hard floors.

Add together inadequate insurance, unaccountable administrators, abusive import tariffs on medicines, counterfeit drugs, poor roads, insufficient medical staff, dilapidated health centers and corruption, and you have the real health environment that many activists fail to acknowledge.

Yet many a developing country has fallen in love with the compulsory licensing of patented drugs, while at the same time urging private investments in R&D to develop new medicines for the diseases of poverty. But how can shareholders be convinced to invest in R&D if the resulting inventions are likely to be met with prejudiced ideology instead of sensible economics?!

Breaking drug patents and stifling the creation of life-saving medicines is not the way for poor countries to improve medical care. Our governments need to be helped to adopt prudent economic policies which have the greatest potential for building sound health infrastructure and buying health insurance for the poor. ■

1 *http://content.healthaffairs.org/cgi/content/full/23/3/155*

P2P – A parasitic business model

From Christopher Burgess
(based on a previous
article for SC Magazine)
Co-author of "Secrets
Stolen, Fortunes Lost:
Preventing Intellectual
Property Theft and
Economic Espionage in
the 21st Century"
(March 2008, Syngress)
Washington, U.S.

World Intellectual Property Day came and went with a global focus on the need to protect IP. I found it ironic, therefore, that a recent book I co-authored had been illegally uploaded to the Torrent Network on the eve of World Intellectual Property Day and was now available on peer-to-peer (P2P) networks. It was doubly ironic as the book was written to guide businesses leaders, security professionals and others in how to preserve their intellectual property.

Should I be flattered, I smiled? How often does the title of a book – *Secrets Stolen, Fortunes Lost* – become reality? But P2P networks exist so individuals can illegally download the creative works of others without paying. Or to put it in the "me" context, to steal the creativity and thoughts expressed in my book. So as the smile fades and the reality sets in, my mood changes – "Arghh!"

Let us shine light on this parasitic business model. A search of the book's title accompanied by the keyword "*torrent*" resulted in no less than 110 separate pointers on Google – it's nice to be popular! The entry points call themselves libraries of the future, free e-books distributors, etc. But how is this illicit "business" activity monetized?

The "legal" revenue stream arrives via advertising. The user registration at the site required to get to the download location is designed to give the site owner a confirmed auditable site member/user/reader to present to advertisers. These registered users are a potential revenue stream from direct site advertisers. Additionally, contextual ads from Google, Yahoo, MSN and others, provide a cash stream generated by every click-through from their website – thus creating a second, albeit small, *ka-ching* in the virtual cash register.

The "illegal" revenue stream begins with the confirmed e-mail address being sold to malware miscreants. The file provides to the unsuspecting user additional crimeware – at no extra charge! – designed to separate the personal identifying data from the user. In addition, as you close the browser windows, you may suffer involuntary redirects to the low-end of the Internet population, the smut sites.

Sometimes life is amusing when you detach yourself from reality, but sobers up when you understand what is really going on. Now let's figure out how to get the toothpaste back in the tube. ■

Ravel's works not yet in the public domain

While congratulating you on the quality of the *WIPO Magazine*, I was astonished to see in the article *Welcome to the Public Domain* (Issue no. 1/2008) that the author had included Maurice Ravel among those whose works entered the public domain at the end of 2007. In fact, two French laws extended the period of copyright protection to take account of the two World Wars. And in the particular case of the works of musicians – which (unlike written works) were already protected in France for 70 years after the death of the composer even before the 1993 European Directive harmonized copyright duration – these extensions are still in force.

Interested readers may like to refer to a short article that I happened to write on this subject for the *Bulletin des bibliothèques de France* blog, "Copyright Duration and Music: Oh What a Lovely War!" (*http://blogbbf.enssib.fr/?2007/03/23/151-duree-des-droits-dauteur-et-musique*) ■

From Yves Alix, Editor in Chief, *Bulletin des Bibliothèques de France* (Bulletin of the Libraries of France)

Note from the Editor: *Mea Culpa*! Our expert colleagues in the Copyright Division picked up the oversight and the online Magazine was duly amended, but – to our chagrin – the print editions issued uncorrected.

Fakes cost more

Photo: myauthentics.com

Lethal attraction

I write to inform your readers of the great strides The Authentics Foundation has made this year in raising awareness of the ill effects of fakes. The foundation is an international nonprofit organization which, through both grassroots programs and the Internet, informs consumers about how to spot fakes and why purchasing counterfeits is detrimental to our economy and our world. On March 10, we hosted the *Fakes Cost More* summit in Brussels, Belgium. The summit, opened by the European Commission President, Jose Manuel Barosso, and attended by model Yasmin LeBon and actress Alice Taglioni, was heralded by the international press, and the message – Fakes Cost More – reached consumers as near as neighboring EU countries and as far as the Middle East and China.

In this era, everything known to mankind is being faked, and nowhere was this more in evidence than at the exhibit of counterfeits on display at the *Fakes Cost More* summit, together with explanations of how each fake was either a health or social hazard. Everything from shoddy brake pads or dangerous batteries to lethal medication was exhibited. A counterfeit P4 Ferrari – of which only four original models were ever produced – received enormous media attention, coming just one week after a counterfeit Ferrari ring was busted in Italy. The message that counterfeit auto parts can and do backfire was not lost on a concerned public.

The *myauthentics.com* website provides practical information that consumers can use to make smart, safe purchases. It has been visited by tens of thousands of web users this year and was recently featured in the *eBay Against Counterfeits* campaign as a go-to site for a deeper look at counterfeiting. The Foundation's message is reaching more and more of the public through innovative programs such as university-based presentations, social networking sites and beyond. The Authentics Foundation believes that once consumers are afforded information about the deeper implications of purchasing fake goods, they never purchase fakes again.

From LiliAna Andreano
Editor-in-Chief, Authentics Foundation

NEW **PRODUCTS**

International Classification of Industrial Designs
(Locarno Classification – 9th Edition)
English No. 501E/9, French No. 501F/9
100 Swiss francs (plus shipping and handling)

Rights, Camera, Action! Creative industries – Booklet No. 2
English No. 869E
50 Swiss francs (plus shipping and handling)

Patentscope – Accès au monde de la technologie
French No. L434/1F
Spanish No. L434/1S
Free of charge

Creative Heritage Project: IP Guidelines for Digitizing Intangible Cultural Heritage
Arabic No. L934A/TCH
Free of charge

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