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World Intellectual Property Day – April 26

Message from Director General

Francis Gurry

World Intellectual Property Day is an opportunity to celebrate the contribution that intellectual property makes to innovation and cultural creation – and the immense good that these two social phenomena bring to the world.

It is an opportunity to create greater understanding about the role of intellectual property as a balancing mechanism between the competing interests which surround innovation and cultural creation: the interests of the individual creator and those of society; the interests of the producer and those of the consumer; the interest in encouraging innovation and creation, and the interest in sharing the benefits that derive from them.

*This year the theme of World IP Day is **visionary innovators** – people whose innovations transform our lives. Their impact is enormous. They can, at times, change the way society operates.*

Take the Chinese innovator, Cai Lun. He laid the foundations for the manufacturing of paper – a technology that transformed everything, because it enabled the recording of knowledge. Then there was the invention of moveable type. This was taken up in Europe by Johannes Gutenberg with his invention of the printing press, which in turn enabled the dissemination and democratization of knowledge. In our own lifetimes we have witnessed the migration of content to digital format, and the great distributional power for creative works that has been brought about by the Internet and the development of the World Wide Web – for whom we have to thank, among others, Tim Berners Lee.

Behind many extraordinary innovations there are extraordinary human stories. At a time when there were few female scientists, Marie Curie Sklodowska had to struggle to establish herself as a scientist in her own right as opposed to the wife of a scientist. She also struggled as an immigrant working in another community. Her desire to understand led to the fundamental discoveries for which she

was awarded two Nobel prizes in two separate disciplines – in physics and in chemistry – the only person ever to have achieved this.

In the arts, innovation revolves around new ways of seeing things. A visionary artist or a composer or a writer is able to show us a different way, a new way of looking at the world. Bob Dylan, for example: he captured what was in the air and transformed several genres of music, essentially bending the genres of folk and rock music. Or consider architects – like Zaha Hadid or Norman Foster – who are transforming urban landscapes, and beautifying our existence in new ways, while at the same time taking into account the need to preserve the environment.

We are dependent upon innovation to move forward. Without innovation we would remain in the same condition as a human species that we are in now. Yet inventions or innovations – in the health field for example – are of relatively little value to society unless they can be used and shared. This is the great policy dilemma. On the one hand, the cost of innovation in modern medicine is enormous. On the other hand, the need for compassion, and the need for sharing useful innovations, is also enormous.

I believe we should look upon intellectual property as an empowering mechanism to address these challenges.

But we have to get the balances right, and that is why it is so important to talk about intellectual property. On this World Intellectual Property Day I would encourage young people in particular to join in the discussion, because intellectual property is, by definition, about change, about the new. It is about achieving the transformations that we want to achieve in society.



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PUBLISHERS –

the Midwives of Literature



What does the digital revolution mean to the publishing industry? Richard Charkin, Executive Director of Bloomsbury Publishing, the home of Harry Potter books and countless other bestsellers, believes it is the greatest opportunity for a generation to transform the business. Mr. Charkin recently sat down with WIPO Magazine and shared his views about the opportunities and challenges confronting the industry today.

What is the role of a publisher?

We try to spot talented writers and help them make their books better. We encourage writing and then we tell the world about it. We collect money on the author's behalf and try to make a profit on the way.

Part of our role is to put readers in touch with authors and vice versa but it's more sophisticated than that, particularly in the digital world. We must now facilitate platform creation and navigation. For instance, today, metadata - the information that describes what's in a book so people can find it - are vital as a service both to readers, booksellers and writers.

What is the real value of a publisher to an author?

Of course it varies. Different publishers add different value. Different authors demand different support. Sometimes we help fund the writing of books with advances against future royalties. That's clearly a value. The editing process itself is also hugely important although it is largely invisible to the outside world. While many authors think their book is absolutely wonderful from day one, most recognize that they do need a bit of help. We also have a role in terms of designing a book and turning it into a desirable object. What I personally find most interesting is how you tell people the book exists. I've never worked out what that magic is, but it's all to do with originality, creativity and brain power, and rarely about marketing money.

What makes a best seller?

It's easy enough to spot a good author from a bad one, and it's easy enough to spot something that is potentially saleable from something that clearly is not. But within those parameters, what turns a story about an Afghanistani boy from a book selling one thousand copies into one selling four million in the case of *The Kite Runner*. Who knows?

How would you characterize the impact of Harry Potter?

It was just a marvelous thing, and we are enormously grateful to J.K. Rowling for everything she has done for literacy, for publishing, for bookselling and for creativity. People say that Harry Potter only happens once in a blue moon. Actually I think it has only happened once in the 500 years since the invention of the printing press.

Here's one statistic which I treasure. We sold over 1 million hardback English language copies of the last volume of Harry Potter in Germany. That means that there

are a million households in Germany with a 700-page English-language book on their shelves. In terms of learning a language and sharing a culture, it's a pretty big deal.

Secondly, it has introduced reading and the joy of reading and literacy to a huge number of young people, which one hopes they'll carry through to the rest of their lives. So I think J.K. Rowling has done the world a terrific favor.

What impact has digital technology had on the publishing trade?

This digital revolution we're "enjoying" in general book publishing is, I think, the greatest opportunity for a generation to transform our business, for a number of reasons.

- For the first time, we can reach our potential customers 24/7. They can buy no matter where they are. They could be in Djakarta, Buenos Aires, or Chicago; we can reach them and they can buy the book and be reading it within minutes. That's fantastic.
- We don't have to chop trees down, and we don't have to buy petrol to drive the books around. So it's also hugely important from an environmental point of view.
- A third advantage is to do with speed. It takes about a year from the day a manuscript arrives at a publisher to the day it is published, because we have to inform bookshops and book space in the front of shops and that sort of thing. That's too slow. Tastes change daily, hourly, so this opportunity to change the speed of the industry is just incredibly challenging and interesting. I don't think we know how to do it, but we had better learn!

Who are the winners and losers in the age of digital publishing?

Some bricks and mortar retailers are going to have to find new ways of running their businesses. It's hard to see what their role is, up against the big Internet retailers. That's a problem for consumers and for emerging economies, as much as developed economies, because bookshops serve a real purpose. I hope they find a solution.

The second big challenge is for public libraries in particular. University libraries are finding a role as information scientists and navigators, but the public libraries are under threat worldwide. They are really important for social education and cultural reasons, and their demise would be disastrous.

The public library can be a focal point for digital delivery in the community. We run the Public Library Online service

(<http://publiclibraryonline.wordpress.com/>) where libraries can buy themed bookshelves and anyone in their community can read them - at home or on electronic devices. We pay the authors, and we try to minimize copyright infringement. Acting as a focal point for digital delivery gives public libraries a real role on behalf of the community.

Public Library Online first launched in the UK but is now available in Australia, Germany, and the United States, but it can be in any language and in any place. I think there's an opportunity to create something really important for public libraries and local communities.

In the 19th century the richest man in the world, Andrew Carnegie funded the US public library system. Wouldn't it be great if today the richest people in the world funded and set up an international public library system? It just needs a little catalyst. It's not hugely expensive because digital distribution doesn't require bricks and mortar or huge amounts of working capital. It requires that authors write and are paid and that we have a little bit of imagination.

The centrality of the public library in developed markets is clear, in the US and the UK, but it is under severe economic threat. Libraries have to find better and more cost-effective ways of reaching out to the community. Digital delivery gives them that. But I think it is even more important in a country where there is no, or a very limited, public library system. I'm not sure of the numbers but in India, for instance, the number of public libraries per head of population is very low. A digital public library could serve the whole of India, and it would be incredibly cost-effective. It would be just the most marvelous thing if every Indian citizen could have reading material in any language free at the point of access. One of the things about digital delivery is that with pdf technology there are no problems with alphabets, scripts, or illustrative material. Can you imagine what might happen if all parts of the world could have access to this material.

In terms of outright winners, I think authors will do well out of this digital revolution, providing we don't allow copyright to be eroded. That would be devastating. Digital piracy is as much a threat to culture and innovation as the worst efforts of totalitarian governments. Freedom of expression is protected and nurtured by copyright, and pirates are no better than common thieves.

What are the main challenges confronting publishers today?

There are many! For instance, the way people read seems to be changing. There's still a lot of immersive reading going on, but starting *War and Peace* may scare off many people. There

is a new generation and we have to adapt what we do to suit that generation. It's not just a change in reading habits, but changes in leisure habits, the way people behave and how they spend their time.

Is there a future for print books?

Yes, I am sure there will be. We would be over-optimistic to think that there won't be some reduction in the quantity of print books sold in mature markets, but there will continue to be a market for printed books around the world. And in many cases print is preferable to digital.

What are the main copyright challenges for publishers?

Copyright is being challenged by piracy and some other special interests. Every time someone says, "I think all information should be free", it is damaging. There's an aphorism that an old publishing friend of mine coined, "Where information is free, there is little freedom of information". Someone is paying and if it's not you, you don't know what their motives are. But overall, I think the book industry is pretty well placed to underscore the primacy of copyright and to explain why it matters so much.

WIPO has been very successful. The fact that we've still got an industry is partly down to WIPO. One of the important things about copyright is its flexibility. In Tokyo, the skyscrapers bend a little bit, and that flexibility allows them to withstand earthquakes. I think a little bit of bending is no bad thing in the copyright context, and that WIPO has been very good at striking the balance between bending and unwavering defense of the key principles.

Are you optimistic about the future of publishing?

The pessimists can point to all sorts of negatives - sales declining; bookshops going bust; profits not too good; authors getting ripped off by vanity publishers - but there are many reasons to be cheerful. Publishing is in good health because intellectual property has real value, and what we do really matters. Sometimes what we do is undervalued (sometimes by ourselves), but we really do add value and people seem to be willing to pay for it. So I'm optimistic, not least because of our industry's global reach.

What are you reading at the moment?

I've just finished a book, in print, called *The Memory of Love* by Aminatta Forna. It's set in Sierra Leone and is about doctors, struggles, wars and horrors, but it's just beautifully written and incredibly moving and will be read for decades to come. ♦

“Freedom of expression is protected and nurtured by copyright.”

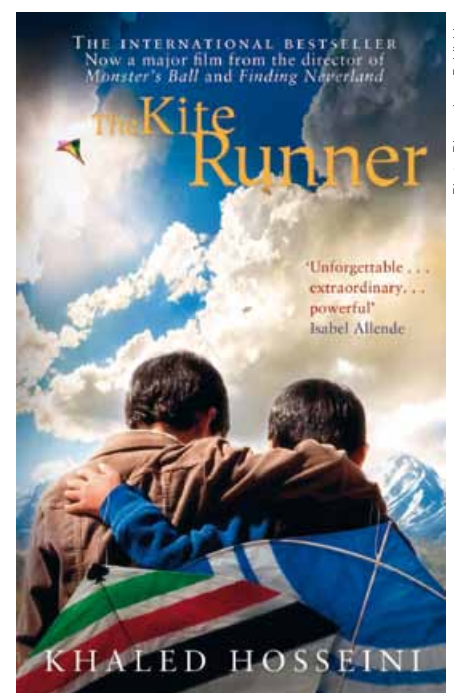


Photo: Bloomsbury Publishing

... what turns a story about an Afghanistani boy from a book selling one thousand copies into one selling four million in the case of *The Kite Runner*. Who knows?

UNDERSTANDING COPYRIGHT – A Life Skill

By Lesley Ellen Harris*

“It’s one of those life skills now, right? When you graduate from high school or college, you should know how to read a map, you should know how to use GPS, you should know a little bit about copyright. If you are somebody who is going to be in a field where you will encounter copyrighted materials all the time, you should know more. If you’re going to be an artist or musician and you’re getting a red-hot degree in the performing arts, you should know a lot. And I don’t think that’s quite the case - I don’t think it’s been built into the curricula.”

Maria Pallante,
U.S. Register for Copyright

Once the preserve of specialists, copyright has become a mainstream issue, and understanding how it works is an increasingly necessary life skill. In the online world, consumers come face to face with copyright law, but many remain confused and unsure about what they may or may not legally do. The growing number of law schools that offer courses on intellectual property (IP) are helping to fill gaps in copyright knowledge, but there is still a great deal to be done to bring the public up to speed on copyright issues.

With widely available technologies that make it easy to download and copy creative content, and amid escalating rates of online piracy, there is growing interest in copyright education. This means teaching consumers of creative content about the full implications of illegal copying as well as how to avoid infringing creators’ rights and interests. It is about underlining the fact that although the way we listen to music, watch movies and read books has changed dramatically, the time, effort and skill involved in producing creative content remains more or less unchanged. Copyright education offers a steady and sure means of building understanding and respect for creators’ rights.

SCHOOLING ACCIDENTAL PIRATES

Research undertaken by Australia’s Intellectual Property Awareness Foundation (IPAF) in 2011 reveals a high level of confusion among the general public about what constitutes piracy. Many are “blissfully unaware” that by downloading, burning or sharing movies or TV programs they are fuelling piracy. IPAF estimates that as many as one in three Australians are “accidental pirates”. It firmly believes that education is “the solution to a better understanding of the movie and TV theft issue” (www.ipawareness.com.au/campaigns). Through its public education campaigns, IPAF explains what piracy is, the harm it causes and why members of the public should stop downloading, copying and buying pirated movies and TV programs.

A growing number of other campaigns and information resources seek to educate the public about the dos and don’ts of copyright. In November 2011, US Attorney General Eric Holder announced the launch of a public education campaign

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to explain the negative consequences of buying counterfeit products and downloading pirated content. Video-sharing site YouTube hosts hundreds of professionally crafted educational videos on copyright and has its own Copyright Education Center (www.youtube.com/t/copyright_education) offering guidance on copyright questions. Violators – those having received three uncontested infringement notifications – are sent to YouTube’s “Copyright School” where they have to watch a copyright tutorial and pass a test before being allowed to continue to use the service. The WIPO Academy (www.wipo.int/academy) also offers a choice of courses on copyright – and IP in general – for diverse audiences and many other organizations, such as the Special Library Association (www.sla.org), an international association representing information professionals, provide non-specialists with the knowledge they need to avoid infringing the rights of creators.

WHY EDUCATE?

Beyond nurturing creativity and its broad diffusion, which lie at the heart of copyright, there are a number of compelling reasons to support copyright education programs in public libraries, schools, businesses and academia. First and foremost, a high level of copyright awareness makes it possible to avoid legal challenges, and when they arise, to better respond to them. As such, it can support cost-effective risk management.

Aside from legal and financial considerations, companies and organizations seek to boost copyright awareness for a range of other reasons. In leading by example, an organization can enhance its reputation by serving as a role model for maintaining high copyright standards and complying with the law. Copyright awareness also opens the door to greater creativity and productivity in the workplace. Employees, for example, can feel confused when using licensed databases or content in social networking environments. A better understanding of copyright can minimize concerns about fair use and fair dealing, and can increase employee confidence and output. Managers too need to be copyright-aware given the widespread use and licensing of online content in day-to-day operations.

From an organizational point of view, the implementation of copyright policies and training programs offers a number of additional advantages. For example, the Digital Millennium Copyright Act (DMCA) in the United States limits the liability of Internet service providers (ISPs) for certain infringements if they implement a policy for repeat infringers and inform subscribers about their approach to copyright infringement. Under the Technology, Education and Copyright Harmonization (TEACH) Act, which clarifies permissible use of copyright-protected works for distance education, educational institutions must “institute policies regarding copyright” to qualify for copyright exceptions provided for by the Act. In a 2004 case - *CCH Canadian Ltd. v. Law*

The central message of Australia’s Intellectual Property Awareness Foundation’s 2011 Campaign is “Whoever you are... There’s no excuse for Movie and TV theft”.

Photos: IPAF





Photos: YouTube, LLC

Society of Upper Canada - the Supreme Court of Canada submitted that having a written policy on copyright helps ensure the application of fair dealing in a particular situation.

WHO NEEDS EDUCATING?

Copyright education targets a broad range of audiences including schoolchildren, college students, graphic designers, IT professionals, and librarians. Those who work in copyright-based industries - such as music, filmmaking, and publishing - also need to be kept up to date on developments in copyright law, especially when it comes to how the law applies to the newest technologies and modes of digital distribution and access.

Many people have some knowledge of copyright law and the fact that it puts a limit on how we may use content. Many of us are also aware that the use of licensed content is subject to the terms and conditions of a license agreement. We often face situations in which we think fair use or fair dealing may apply to the use of copyrighted material, but need reassurance that it in fact does.

Understanding the parameters of the legal use of copyright-protected content - including in relation to reprography and collective and other licenses - makes everyone's job easier. Placing a poster on copyright near a photocopying machine, printer, or computer with Internet access can be helpful, but specific, well-targeted copyright education can provide the know-how that instills confidence in users of copyright-protected materials.

WHAT DOES COPYRIGHT EDUCATION INVOLVE?

The elements of an effective copyright education program are best defined in relation to the needs of each target audience. Generally speaking, such a program both imparts copyright knowledge and establishes a mechanism that enables users to find answers easily to their day-to-day copyright-related questions. It includes an explanation of the basics of copyright law, the application of fair use or fair dealing exceptions, and an overview of international copyright law issues (especially how they relate to digital and online content). It also involves practical advice on how to be copyright compliant - when using content in online courses, for example, or in social networking sites - and on where to obtain additional copyright information, if required. In sum, copyright education requires active copyright management and a proactive attitude towards copyright compliance.

Individuals receiving three uncontested infringement notices are sent to YouTube's Copyright School where they have to watch a copyright tutorial and pass a test before being allowed to continue to use the service (www.youtube.com/copyright_education).

CREATING A COPYRIGHT EDUCATION PROGRAM: SIMPLE STEPS

DRAWING IN YOUR AUDIENCE

Often those who stand to benefit most from copyright education are the last to seek it out. Explaining the benefits of legal compliance is helpful but may not be enough to fully engage your audience. If you believe your company or organization needs to beef up copyright awareness, you may have to take the lead in setting up an internal copyright education program. This might even result in formal recognition of a new leadership role which itself could help convince others that copyright can lead to new work opportunities. Issuing a certificate to all those completing a copyright education course is yet another incentive.

IDENTIFYING PROGRAM ELEMENTS

To be effective, your copyright education program needs to address the copyright issues that arise most frequently. A good starting point is to send an email message to your target audience asking them to outline the copyright questions and situations they often encounter and are unsure about. Such issues can include:

- Photocopying articles for educational use (face-to-face or online courses);
- Posting content on a website, intranet or Facebook page;
- Undertaking a digitization project or scanning individual documents or images;
- Negotiating and interpreting digital license agreements for electronic periodicals;
- Using photographs in a research project or annual report; and
- Producing an educational video.

AUDIENCE

Effective copyright education programs should be tailored to the needs of each audience. For example, senior administrators may require information on the “bigger picture” (both with regard to content and budget approval), whereas librarians, researchers and marketing departments may need day-to-day practical solutions, and academics may need information on obtaining permission to use content in course materials. You will also need to consider how the education of the general public fits into your goals. Is it enough to post a copyright notice or poster on copyright restrictions near a photocopying machine, printer or Internet-enabled computer or should you make a pamphlet on copyright available to the public?

TAKING STOCK

To avoid reinventing the wheel, it is useful to do an inventory of all your organization’s documents dealing with copyright-protected materials. These may include copyright policies, a permissions procedure, model or standard letters for obtaining copyright permission, a presentation on copyright, and a legal opinion on fair use/dealing or a related subject. These documents are an excellent starting point for examining your organization’s current approach to copyright-protected materials.

BUDGET/APPROVAL

If copyright education is new to your organization, it is important to identify which departments can contribute to and support the initiative. When it comes to securing funding, it may help to highlight the potential cost-savings associated with the program. You will also need to work out how to obtain approval for rolling out the program across the organization.

TIMING

Identifying an opportune moment to launch a copyright education program can be a key factor in its success; for example, in the event a copyright lawsuit affects your organization’s copyright practice. Timing is all-important and will directly influence organizational buy-in for the program. ♦

UNCORKING

Georgia's Winemaking Potential

By *Elene Kemashvili*, Head, Legal and Copyright Law Department, National Intellectual Property Center of Georgia (Sakpatenti)



Photos: Goga Chanadiri



Winemaking is deeply rooted in Georgia's history, culture and economy. The world's first cultivated grapevines are thought to have originated in the country's fertile valleys some 8,000 years ago. The famous 17th century French traveler Jean Chardin wrote that no other country was so rich in the diversity and quality of its wine. It is, therefore, no surprise that wine production is very important for Georgia's economy. Many households depend on revenue derived from it and with a significant proportion of Georgia's wines reaching foreign markets it is a key export earner. Strong competition from producers in the world's other wine-producing countries and the need to expand market access, are fuelling efforts to modernize and improve the industry. This article examines the legal measures taken by Georgia to create a favorable policy environment to uncork the enormous economic potential of the country's rich wine-producing heritage.

The world's first cultivated grapes are thought to have originated in Georgia some 8,000 years ago.

Over 100,000 tons of grapes are used by non-registered private individuals to make wines for home consumption underlining the significant growth potential of Georgia's wine sector.

Georgia's long winemaking history has given rise to unique methods of production, such as, wine made according to the "Kakhetian rule", where it is aged and stored in a special cone-shaped clay vessel known as a *kvevr*. Each *kvevr* holds between 300 and 500 liters and is placed in the ground to help regulate storage temperature, keeping it between 14 and 15°C. Wines produced in this way are noted for their high extraction and tannic content, distinctive aroma and unique taste. These traditional production methods co-exist with more modern "European" techniques, resulting in a wide range of flavor profiles.



Georgia offers excellent soil and climatic conditions for wine production and boasts several wine-producing regions, including, Kakheti, Kartli, Imereti and Racha, each enjoying particular climate and soil conditions that influence the quality of the wines produced. The country is home to over 500 indigenous grape varieties, such as Rkatsiteli, Saperavi, Mtsvane, Khikhvi, Kisi, Tsolikouri, Tsitska, Krakhuna, Aleksandrouli, Ojaleshi, Chkhaveri and Aladasturi as well as a selection of imported varieties including Pinot, Chardonnay and Cabernet Sauvignon. Georgian producers offer wines for every taste - dry to naturally semi-sweet and sweet, dessert and sparkling.

REGULATORY FRAMEWORK

With the adoption in June 1999 of the Law on Appellations of Origin and Geographical Indications, the development of Georgia's wine sector became an economic priority. The Law sets out the basic procedures for wine production, seeks to ensure the production of the highest quality wines and to protect the market against counterfeit and low-quality products.

It also stipulates that in order to register a product as a geographical indication (GI), it must have specific features arising from its link to particular climate conditions and/or human factors existing in the geographical area of its production. If a product meets these criteria, any natural person or legal entity may file an application for it to be registered as an appellation of origin (AO) or GI. The GIs of other countries, however, may only be registered in Georgia on the basis of an international treaty or agreement. Regulations outlining rules for the identification, registration, use and control of AOs, wines and brandies were adopted by Presidential Decree on February 28, 2002. Legislation is also in place to regulate the nursery industry and encourage sales of approved virus-free rootstocks and grape varieties.

Sakpatenti, the national intellectual property center of Georgia, is responsible for overseeing the implementation of the Law, maintaining a special register of authorized users of AOs and GIs and securing recognition and protection of them in foreign markets.

Competitive advantage of Georgian wines

- Unique grape varieties
- Longest tradition of winemaking
- High-quality raw materials
- Advantageous price/quality correlation
- A stable and growing economy

Georgia's long winemaking history has given rise to unique methods of production, such as, wine made according to the "Kakhetian rule", where it is aged and stored in a special cone-shaped clay vessel known as a *kvevr*.

THE ROLE OF THE GEORGIAN NATIONAL WINE AGENCY

The Georgian National Wine Agency operates under the Ministry of Agriculture – a move designed to ensure broad compliance with established standards – and plays a key role in supporting the development of Georgia’s wine sector and enhancing the quality of its wines. First established in the early 1920s to revitalize the country’s ailing industry, it now regulates all aspects of wine production and ensures that producers comply with production standards. The Agency monitors quality and supports the development of viticulture and winemaking, regulating everything from the breeding of vine grafts and vineyard planning to grape processing, wine production and sales. The Agency is also responsible for overseeing the certification and labeling of quality wines and grants rights to use a registered AO. Its overriding objective is to maintain and improve the quality of Georgian wine on the one hand and to protect the market against low-quality, counterfeit products on the other.

Effective protection of GIs serves a dual purpose. First, it protects the reputation of producers of quality products linked to a specific geographical region, enabling them to differentiate their products in a competitive marketplace, capture the value of local resources, generate higher levels of income and thereby improve livelihoods. Second, GI protection is a means of safeguarding the interests of consumers who can be confident they are purchasing authentic, quality products from a specific region. This has been particularly important in the context of Georgian wine production given the once widespread, misleading practice of blending wines from different regions and selling them under the label of a specific, usually well-known, region.

In bolstering its national legal framework, the Georgian government has created the conditions to support the production of high-quality, value-added products. Not only does this help to boost the country’s earnings from wine exports, but it also supports the sustainability of the sector itself. The promise of higher economic returns is encouraging a growing number of small and medium-sized wine-producing enterprises to spring up in rural communities, creating employment opportunities, supporting traditional winemaking practices and breathing new life into rural economies.

Recognizing the economic importance of leveraging the sector’s export potential, strengthening the international reputation of its wines and expanding into more diverse markets, Georgia decided in 2004 to sign up to the WIPO-administered *Lisbon Agreement for the Protection of Appellations of Origin* and their International Registration. This paved the way for wider international recognition of Georgia’s stock of GIs creating new opportunities for broader market access.

Distinguishing GIs and AOs

The basic difference between a GI and an AO is that the link with the place of origin is stronger in the case of AOs than for GIs. Under the WIPO-administered Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, a product qualifies for protection when its quality or characteristics “are due exclusively or essentially to the geographical environment, including natural and human factors”, whereas, under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) administered by the World Trade Organization, products qualify for protection as GIs when “a given quality, reputation or other characteristic” is “essentially attributable to its geographical origin”. In Europe, for example, for GIs the production of the raw materials and the development of the qualifying product are not necessarily carried out entirely in the defined geographical area, whereas for AOs they are.

Georgian Appellations of Origin for Wine

To date, 18 appellations of origin have been registered in Georgia:

Tsinandali, Teliani, Napareuli, Vazisubani, Mukuzani Akhasheni, Gurjaani, Kardenakhi, Tibaani, Kindzmarauli Manavi, Khvanchkara, Tvishi, Kvareli, Atenuri, Svirikotekhvi, Kakheti (Kakhuri)

In an endeavor to avoid overdependence on a single market and to minimize the associated risks, Georgia has been working to expand its presence in global markets. In addition to ongoing negotiations with its neighboring Commonwealth of Independent States (CIS) countries, it recently secured access to the European Union (EU), the world’s largest market. In July 2011, Georgia signed an agreement with the EU on the mutual recognition of GIs that opened the way for its 18 wine-related GIs to be recognized in the EU (see box). While these represent a small proportion of the broad range of wines produced in Georgia’s extensive vineyards, this important development is expected to help further improve the quality of products traded between the EU and Georgia. As many more European consumers experience first hand the character and complexity of Georgian wines, this, it is hoped, will improve brand recognition, enhance the economic value of the sector and spawn new commercial opportunities including, for example in the area of tourism.

While the bulk of Georgian wine is exported to traditional markets in the region, namely, Belarus, Kazakhstan, Ukraine,





and the Baltic states, exports to Europe are expanding. They currently stand at around 20 percent per year with an additional 10 percent exported to the United States. In addition to expanding their presence in these markets, Georgian wine producers also have an eye on other markets, including China which is likely to account for much of the future growth of global wine consumption.

In light of the depth and breadth of Georgia's winemaking tradition and its enormous potential for development, great emphasis is being placed on improving wine quality. This is a key factor in ensuring Georgian producers are able to compete effectively in the crowded global wine market. In an endeavor to expand technical regulation of the sector, and to further enhance the legal operating environment, the government plans to establish a special register of all varieties indigenous to Georgia. This is seen as a means of maintaining Georgia's ancient winemaking culture and traditions while safeguarding its long-term national economic interests and cultural values.

Georgia's reputation as a producer of distinctive, quality wines is clearly on the rise. Today Georgian wines are winning top international awards. For example, at the 2011 Hong Kong International Wine and Spirits Fair, the Kindzmarauli Wine Cellar stood out among some 8,000 other wines to win the Grand Prix for its oak-aged Saperavi 2006. Other Georgian wines won a clutch of other awards, including two gold, one silver and 13 bronze medals.

THE ECONOMIC IMPACT OF WINE PRODUCTION IN GEORGIA

According to the Export Market Development Action Plan - developed jointly by the Ministry of Agriculture, the Wine Association of Georgia and the National Investment Agency - the country currently produces some 150,000 to 200,000 tons of grapes per year. Of these, approximately 30,000 to 40,000 tons are used by registered companies to produce wine for local and export markets. Official figures for the period 2007 to 2010 reveal that 70 registered wine export companies are responsible for exporting some 12 million liters of wine per year. Red wines account for around 70 percent of all exports and the very popular sweet varieties account for over half of all exports. Of the remaining grapes produced, some 15,000 tons are consumed as table grapes and over 100,000 tons are used by non-registered private individuals to make wines for home consumption. This further underlines the significant scope for the future development of the country's wine sector.

While Georgia remains a small player in the global wine arena, the sector is of great economic significance to the national economy. Georgia's rich legacy of grape varieties that thrive in the country's favorable climate and soil conditions offers enormous potential for it to carve a niche as a producer of high-quality distinctive wines and to stand out from the crowd in the highly competitive global wine market. With growing interest in Georgian wines which are beginning to appear in wine stores outside the country, the future looks bright for Georgia's winemakers. ♦



Photo: Goga Chanadiri

Kvevrs were traditionally placed in the ground to help regulate storage temperature, keeping it between 14 and 15°C.

Georgia is home to over 500 indigenous grape varieties. The country offers excellent soil and climatic conditions for wine production and boasts several wine-producing regions.

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PANAMA: THREE MARKS

for development

By *Leire Otaegi*,
Freelance Journalist



For the Guna people, the art of making molas is their most important form of artistic expression. Molas are also a major source of income for Guna families. These elaborate cloth panels intertwine traditional culture with modern influences.



Harnessing the marketing potential of small-scale producers in developing and least developed countries (LDCs) is a key challenge in alleviating rural poverty and ensuring the viability and sustainability of small-scale production of agricultural and artisanal goods.

A new series of articles will explore how WIPO is helping associations of small local farmers and producers in developing countries to add value to their outputs through product branding. This first article reports on the experiences of the producers of three of Panama's most culturally significant products: Café de Palmira; the Guna people's finely-stitched cloth panels, known as "molás"; and La Chorrera pineapples.

Trademarks, one of the most powerful and effective instruments for strengthening the commercial value of products, are often beyond the reach of small producers or farmers. Through its "IP and Product Branding for Business Development" initiative, under the Development Agenda, WIPO is seeking to bridge this gap. The initiative's objective is to make available to small local producers and farmers in developing countries and LDCs the tools they need to use intellectual property (IP) rights to enhance the value of their products, increase export revenue and reduce poverty.

"I'm convinced that it will be an extremely powerful tool. We have one of the best varieties of coffee bean in the world, but until now we haven't been able to get a fair price because we weren't united". With these words, Fernandino Quiroz, a small coffee producer from Palmira, sums up the hopes and expectations of those taking part in the initiative.

VETERAN COFFEE PRODUCERS BECOME TRADEMARK PIONEERS

Palmira's rich volcanic soils produce a broad variety of cultivars - coffee, oranges, bananas, corn, rice, and beans - all of which grow in abundance. A favorable micro-climate also makes it ideal for coffee growing. The rich aroma of the region's coffee and its intense flavor - with hints of chocolate, nut and vanilla - owe much to the high altitude (around 1,200 meters above sea level) at which it is grown. WIPO's work with the Palmira Coffee Farmers' Association (ACCOR) over the past 12 months has sought to secure a better deal for the producers of this quality beverage.

Alexis Bonilla, head of the coffee program of the Ministry of Agricultural and Livestock Development in Chiriquí, explains the problem facing the region's small coffee producers.

"Small producers don't process or prepare their coffee; it's passed on to an entrepreneur or an intermediary. This means that the origin of the coffee is lost. Every time they hand over their produce, the farmers are deprived of the added value that special or single-origin coffees have". Competing in a sector dominated by a few large coffee growers is also quite a struggle. Establishing "Café de Palmira" as a collective mark offers a means by which farmers can "get the benefits that derive from having a product which is different from other types of coffee", notes Ms. Bonilla. Growing recognition of the advantage of using the mark is already expanding ACCOR's membership. As Mr. Quiroz noted "We want to continue ... we have already gone far. [WIPO] is helping us obtain a label to be able to sell either in local or foreign markets". He added "if we succeed, we are going to survive".

The move to develop the Café de Palmira brand is also galvanizing support among all producers to obtain appellations of origin for Café de Boquete and Café de Volcán, both of which are produced in the Chiriquí province. This will help further ensure that a larger number of coffee producers are able to cash in on the enhanced market value of the region's coffee. It also promises to unify coffee producers in their efforts to resist the onslaught of property developers who are eating up land that could otherwise be used for coffee production.

"Having WIPO to hand is the best thing that could have happened to the Panamanian coffee-growing sector, because [having a recognized mark] will give us access to diverse markets", noted Francisco Serracín, a medium-sized producer. "From a buyer's point of view, our product comes with a sure-fire guarantee of a job well done. If we, as producers, organize ourselves, we won't have to keep selling our land" he added. "In the end, everybody involved - small, medium and large producers - will benefit from the support that WIPO is providing the coffee sector of Panama", he explained

GUNA MOLAS MAKE THEIR MARK

For the Guna, Panama's second-largest indigenous community, the art of making molás is their most important form of artistic expression. These elaborate cloth panels intertwine traditional

About the WIPO Development Agenda

Adopted in October 2007 by the WIPO General Assembly, the Development Agenda ensures that the development dimension is fully integrated into WIPO's work. It consists of 45 recommendations covering a series of initiatives ranging from concrete development-oriented projects and activities to the application of certain principles and objectives to guide the work of the Organization. The use of a results-oriented, project-based methodology has led to a significant move forward in the implementation of the recommendations.

By the end of 2011, member states had approved 23 projects addressing 29 recommendations, and 6 projects had been completed.

culture with modern influences. This ancient art is passed on stitch by stitch and layer by layer from mothers to daughters and bears witness to the Guna vision of the cosmos and their harmonious relationship with nature.

Art and economy go hand in hand when it comes to molas, a major source of income for Guna families. "The money I make from selling molas helps me out a lot. Thanks to molas I managed to pay for my daughters' education", notes Betí Martínez, President of the Association of Guna Craftswomen.

During the 1980s, demand for molas increased, but with no marketing strategy or legal framework to protect this age-old art, imitations of Guna designs flooded the market. People "want to sell molas, but they want to sell us too", notes Betí Martínez. "Who loses? The producers, because they want to sell cheap, but we know how much the mola is worth – the fabric, the work, our damaged eyesight ... they don't do this, they don't care. They just want to buy for resale", she explains. In order to protect their livelihood, Guna women called on the Guna General Congress to protect this ancestral art.

In cooperation with the Ministry of Commerce and Industry and with WIPO's assistance in 2000, the government passed Law No. 20 on the Special Intellectual Property Regime with Respect to the Collective Rights of Indigenous Peoples to the Protection and Defense of their Cultural Identity and Traditional Knowledge. "We embarked upon a joint project that is still ongoing", explains Guna lawyer Aresio Valiente. "The idea was to protect traditional knowledge, 10 instances of which we have managed to register. One such instance is the mola", he notes.

While Law 20 of 2000 protects the mola in Panama, it does nothing to protect them in other countries. Recognizing the need to bolster protection of this ancestral art form, the community, with WIPO's assistance, has developed the mark Galu-Dugbis. For consumers the mark is a guarantee of authenticity, an assurance that the mola bearing the mark has been made



Photo: Dev. TV

This ancient art is passed on stitch by stitch from mothers to daughters and bears witness to the Guna vision of the cosmos and their harmonious relationship with nature.



La Chorrera district boasts the best pineapples in the country.

by Guna craftswomen and, for the community, it is a strategic tool that adds market value to their most valuable product. “We want the mark to be recognized at the international level, not just in Panama” emphasizes Guna craftswoman Liz Denis. GaluDugbis symbolizes the sacred place where Guna women learn about mola designs, explains Miroslabia Dick, President of the GaluDugbis mola company. “It’s an art that our grandmothers have blessed us with; we’ve inherited it from them, and we have to preserve this heritage”, she notes, “we cannot lose it”.

LA CHORRERA PINEAPPLES – PRIDE IN A COLLECTIVE MARK

The third community of producers involved in WIPO’s branding initiative in Panama involves La Chorrera pineapples. La Chorrera’s markets are ablaze with colorful fruits, but the star among them is the pineapple. Pineapple growing is widespread in the district. Small producers sell their pineapples to packing houses (which also have their own pineapple produce) for export. As with Palmira’s coffee producers, this system gives no visibility to La Chorrera’s small pineapple producers. WIPO’s work with the National Agro-Industrial Association of Pineapple Exporters and Producers (AANPEP) to establish “Piñas de la Chorrera - Panamá” as a collective mark promises to strengthen the hand of producers.

“In Panama, the first thing people ask when buying a pineapple is ‘Where’s it from?’. Traders say that all their pineapples are from La Chorrera, because they know that these are among the best fruit in our country”, says Edna de Vergara, owner of Finca Verba Odrec and President of AANPEP, which brings together a pineapple packing firm and pineapple farmers cultivating areas ranging from 1 to 100 hectares. In the past, without a certification mark the distinctive quality of La Chorrera pineapples was hidden from view. While some packing firms use their own agricultural marks, exported produce usually carries the mark of the foreign client, erasing any trace of the small local producer.

Establishing a collective mark, however, does present challenges. “You have to understand the idiosyncratic nature of the collective group that will hold the mark. Our interests as intellectual property experts do not necessarily always coincide with the needs of those to whom we provide a service”, commented Pedro Bolívar, a lawyer working with WIPO on the project. “The idea is not just to generate a mark and complete a procedure. The mark must be sustainable, representative and a source of pride that will inspire others”, he said. Pride in the mark Piñas de la Chorrera - Panamá is growing among farmers. “I would be very proud if the fruit being eaten abroad had my mark on it. The collective mark will bring with it a lot of

About WIPO's Development Match-Making Database

To expand the scope of its technical assistance programs to developing countries, WIPO recently launched the Intellectual Property Development Matchmaking Database (IP-DMD). This user-friendly online tool is designed to match specific IP-related development needs of WIPO member states with available resources. Member states requesting support outline their needs, and those offering assistance (e.g., funding, expertise, etc.) submit an “expression of interest”. WIPO evaluates proposals and helps build partnerships to facilitate the development of viable projects that benefit developing countries. Full details are available at: www.wipo.int/dmd/en.

growth, because it will enable us to promote and differentiate our fruit”, notes Juan Carlos García, a small local producer.

The idea is that the brand will act as a magnet drawing producers together to increase their agricultural production and improve the export capacity of local farmers”, explains Mr. Bolívar. “The trademark is the binding element, the thread linking the producer and the final consumer”, he added.

While progress has been made in terms of obtaining the mark, Mr. Bolívar believes a great deal remains to be done. “We’re only halfway there”, he says, underlining the importance of government support in publicizing, registering and promoting the mark abroad. “I believe that the Government of Panama is committed to addressing this issue and that it will follow up on this project”, he said.

KEYS TO SUCCESS

These three cases highlight the importance of actively engaging with the community of producers in implementing a branding strategy for local products. Behind every collective mark lie multiple personal stories, and each community has its own characteristics and peculiarities. These all need to be taken into consideration in designing and implementing an effective branding strategy. The assistance of committed legal professionals who understand the challenges local producers face also makes a big difference.

Active government support is essential to the success of such initiatives. Building on the experience gained, the Government of Panama is “determined to support... many more businesses so they can brand their products with a collective mark”, noted Yasmina Pimentel, Panama’s Deputy Minister for Industry and Domestic Trade. “This is a major step forward”, she added, noting that work is already under way to prepare a national initiative to support the development of new marks.

These three new marks promise to transform the livelihoods of small farmers and producers in Panama and to help support the country’s economic development goals. The challenge now is to continue to increase the visibility of the marks at home and abroad so that they become truly global brands and to encourage other producers to follow suit. ♦



Photos: Dev. TV

Palmira’s rich volcanic soils and favorable micro-climate makes it ideal for growing coffee. The rich aroma of the region’s coffee and its intense flavor owe much to the high altitude at which it is grown (around 1,200 meters above sea level).

The mark “Piñas de la Chorrera – Panamá” bears the distinctive symbol of the land in which the pineapples are grown and features the streaming waterfall from which the town gets its name.

The collective mark Galu Dugbis symbolizes the sacred place where Guna women learn about mola designs. For consumers the mark is a guarantee of authenticity and for Guna craftswomen it is a strategic tool that adds market value to their most valuable product.

THE EVOLUTION OF TECHNOLOGY MARKETS: Separating Fact from Fiction

The emergence of open, more collaborative models of innovation has attracted a great deal of discussion in recent years. Open innovation – whereby companies rely less on in-house research and development (R&D) and more on external sources – is often held up as a major change in the innovation landscape. But what evidence is there to support this? This second article in the IP Trends series takes a closer look at the data and reflects on the evolution of technology markets and their role in encouraging more collaborative and open innovation practices. The article draws on the findings of the *World Intellectual Property Report: The Changing Face of Innovation* published in November 2011.

MARKETS FOR TECHNOLOGY

Technology markets play a pivotal role in facilitating open innovation. They provide a framework within which firms can license in inventions that complement and enhance their business objectives. They also make it possible for businesses to generate revenue from licensing out those inventions they are not interested in developing or commercializing.

Collaborative innovation fosters a cross-fertilization of ideas and promotes follow-on innovation. In the smartphone industry, companies source technologies from a range of hardware and software manufacturers to produce a wide offering of consumer products. Apple Inc., for example, complements its own know-how by licensing key technologies from the likes of Qualcomm Inc. and Samsung to make their attractive, high-performance devices.

Companies are increasingly licensing their inventions to generate additional revenue. Surveys indicate that one in every five European companies, one in four Japanese companies and one in seven US companies license out their patented technologies. When the number of companies that would like to license out their inventions is factored in, the share increases significantly (see Figure 1).

In a few cases, licensing is the foundation on which businesses are built. U.S. company, Qualcomm, for example, is in the business of developing groundbreaking technologies that are licensed to external sources. These royalty-bearing licensing agreements

Company	Country	Sector	Royalty revenue, USD millions		Royalty revenue, share of total revenue	
			2005	2010	2005	2010
Qualcomm	US	Technology hardware & equipment	1370	4010	24.14 %	36 %
Philips	Netherlands	Leisure goods	665	651	1.76 %	1.86 %
Ericsson	Sweden	Technology hardware & equipment	NA	638	NA	2.26 %
DuPont	US	Chemicals	877	629	3.29 %	1.99 %
Astra Zeneca	UK	Pharmaceuticals & biotechnology	165	522	0.68 %	1.61 %
Merck	US	Pharmaceuticals & biotechnology	113	347	0.51 %	0.75 %
IBM	US	Software & computer services	367	312	0.40 %	0.31 %
Dow Chemical	US	Chemicals	195	191	0.42 %	0.35 %
Biogen Idec	US	Pharmaceuticals & biotechnology	93	137	3.84 %	2.90 %

Figure 1: The potential to license out patents is far from exhausted

Share of patents licensed out as a percentage of total patents owned by companies in selected high-income countries, 2003-2005

Source: WIPO, based on filings at the U.S. Securities and Exchange Commission (SEC). For a more detailed, but older, analysis see Feng Gu and Baruch Lev (2004). «The Information Content of Royalty Income», Accounting Horizons, 18(1), 1-12.

generate a sizeable proportion – some 36 percent in 2010 – of the company’s revenue. “The ability to broadly license the technology worldwide to more than 190 suppliers of wireless devices, equipment and related software applications and to earn a reasonable return on investment from licensing the patents is critical to Qualcomm”, notes Donald J. Rosenberg, Qualcomm’s General Counsel.

Specialist firms, that develop their competitive advantage in a specific area and leverage it by licensing out their technologies, form the basis, and encourage the practice, of collaborative innovation. Qualcomm’s Mr. Rosenberg notes, “Qualcomm’s business model – broadly licensing our technology and re-investing in R&D – is enabling the success of many other companies in the wireless value chain”. He adds “the wide diffusion of Qualcomm’s inventions has generated competition among service providers and device suppliers, enhancing consumer choice and unleashing new economic opportunities for downstream enterprises”.

INTELLECTUAL PROPERTY: THE BACKBONE OF TECHNOLOGY MARKETS

The emergence of markets for technology has been driven by two key factors: increased use of intellectual property (IP) rights and increasing levels of collaboration across firms.

IP rights set intellectual assets up as tradable commodities. A patent, for example, confers the right to exclude others from making, selling or offering for sale the subject matter defined by the claims in a patent document. Those claims, which define the scope of protection, delineate the boundaries of an intellectual asset, making it possible for the patent holder to prevent others from encroaching on the protected technology. These rights are enforceable and transferable. As such,

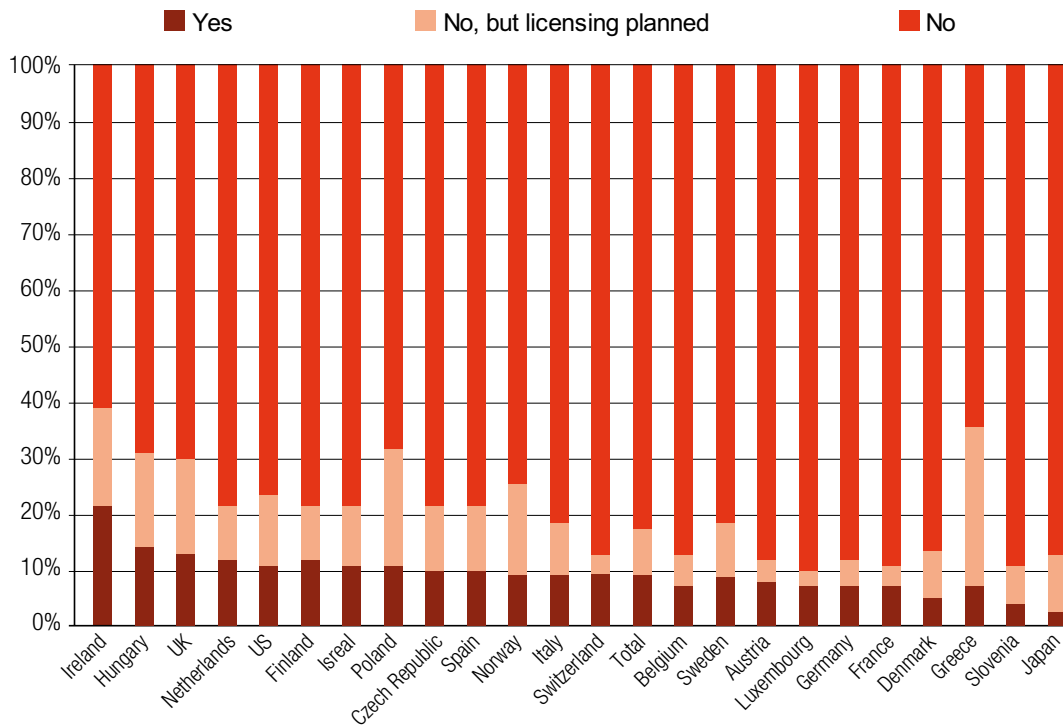


Table 1: Shares and rates of nominal growth for selected companies, 2005 and 2010

Source: Preliminary findings of Paola Giuri and Salvatore Torrisi (2011) on "The Economic Uses of Patents," *Final Conference of the InnoS&T project "Innovative S&T indicators for empirical models and policies: Combining patent data and surveys."* in Munich.

a patented intellectual asset can be sold to a third party for a specified royalty fee. Such transactions are common in open innovation settings.

The patent system also helps drive the market for technology insofar as the disclosure requirement under patent law (an applicant must describe a claimed invention in sufficient detail for a person skilled in the art to carry it out) makes a rich source of technological information freely and widely available. By monitoring published patent information via online databases, such as WIPO's PATENTSCOPE, a company in the market for a new technology can keep track of key industry developments and identify technologies relevant to its core business. This information can also spark new ideas for innovation, or new applications for existing technologies. Studies reveal that inventors in Japan have been quick to recognize and take advantage of these opportunities. Close monitoring of patent information, also helps safeguard against inadvertently infringing the rights of others.

STRIKING THE RIGHT BALANCE

Economists argue that technology markets underperform where the IP system is weak because companies are reluctant to license out their technologies in the face of high IP theft risk. This causes the pool of technologies available for licensing to shrink and inhibits collaborative and follow-on innovation.

A strong IP regime, however, can inflate the cost of purchasing technologies. In settings in which innovation is cumulative and ownership of essential technologies is spread among many right holders, licensees are vulnerable to "royalty stacking" (whereby the cost of developing new inventions increases because of the sum of royalties incurred from negotiating with each patent holder) and risk "hold-up" of their invention (where a patent holder can refuse to license a key technology, or will only do so for a larger royalty payment). This, too, inhibits follow-on innovation.

While striking the right balance for IP protection can be challenging, there is growing evidence that markets for technology, where they exist, facilitate open innovation.

SIGNS OF GROWTH

Revenue generated from technology markets is increasing rapidly. For the period 1990 to 2009, royalties and licensing fees derived from the international sale of intellectual assets grew at an average annual rate of 9.9 percent. In comparison, over the same period, the value generated from global imports of merchandise grew on average at a rate of 6.5 percent per year.

A growing number of countries are participating in technology markets. In 1990, just 62 countries licensed in technologies from other countries; but by 2007, 147 countries were doing so. Similarly, in 1990, 43 countries licensed out their technologies whereas, in 2007, the figure had reached 143 countries.

While almost all the technologies licensed out originate in high-income countries, there are slight changes in the geographical makeup of those buying and selling technologies. Over the last decade, the share of receipts from middle-income countries (such as Brazil, China and India) participating in the worldwide sale and purchase of technologies rose from 1 percent in 1999 to 2 percent in 2009.

While technology markets are evolving, growth remains concentrated in a few notable sectors, namely, biotechnology, electronics, semiconductors and information and communication technologies (ICT). Innovation in these sectors tends to be cumulative (with new innovation building on or using existing patented technologies in new ways), making licensing a prerequisite for follow-on innovation. These sectors are naturally more geared up to participate in technology markets.

Despite signs of growth, the market for technology is still in its infancy. Data, where available, reveal that the number of transactions in knowledge markets remains low. Companies surveyed in selected high-income countries over the period 2003 to 2005 stated their willingness to license out their technologies but said they were unable to do so (see Figure 1). In the United States, of the publicly listed firms that disclose details of licensing revenue, only a handful generated revenue from licensing which typically accounted for between 1 and 3 percent of their total income (see Table 1).

BARRIERS TO GROWTH

Evidence shows positive growth trends for technology markets and broad interest in participating in them. Why then are technology markets not more prominent? The specific characteristics of intellectual assets and the problems associated

with their sale and purchase, offer two possible explanations. Intellectual assets are highly specialized “goods”. This makes the process of matching buyers with technology owners difficult. Assessing the “fit” of a given technology to a firm’s needs can be challenging. In many cases, the technologies available are not “plug and play” but need to be configured to the specific needs of the licensee. In addition, the licensor may decide to withhold critical know-how that could be of use to the licensee making it more difficult for the buyer to use the technology to its full potential, for strategic reasons.

Moreover, unlike a stock exchange that facilitates the transaction of stocks and shares, there are traditionally few marketplaces that bring buyers and sellers together. This means there are a handful, if any, benchmarks against which to evaluate the market price of similar assets.

NEW INTERMEDIARIES

In response to these challenges, a range of new intermediaries is emerging to facilitate technology transactions. These include IP clearinghouses, exchanges, auctions and brokerages. Such new commercial entities provide a range of services including IP management support, IP trading platforms, IP portfolio building and licensing and frameworks for patent sharing, sometimes referred to as defensive patent aggregation.

Limited analysis is available on the size and scope of the actual transactions taking place via these intermediaries. There are indications however, that activity linked to patent auctions is beginning, albeit from low initial levels. Again, more analysis is required to determine the extent to which these new collaborative intermediaries are enabling open innovation.

WATCH THIS SPACE

While transaction levels remain low compared to the trade in goods, technology markets are evolving and showing great potential for growth. If current trends continue, many more firms are likely to enter the technology market - both with a view to acquiring new technologies for further innovation and to generating new streams of revenue by licensing out their own technologies. While it will take some time for technology markets to mature, their ongoing evolution promises to create many new and exciting opportunities for innovation. This, certainly, is a space to watch. ♦

HIRIKO: making urban mobility sustainable

*By Catherine Jewell,
Communications Division, WIPO*

The car is specifically designed for short intra-urban trips. Studies confirm that 80 percent of car trips in urban areas involve a single person.



TECHNICAL SPECIFICATIONS OF THE HIRIKO

Dimensions	2.63 m(length) x 1.75 m(width) x 1.54 m (fully extended) 2 m x 1.75 m x 2 m(height) (folded)
Range	120 km
Power	15 Kw nominal/20 hp
Acceleration	0 to 70 km/hour in 8 seconds
Traction	4-wheel drive
Steering	synchronized 4-wheel steering via a haptic steering wheel
Charging time	from 20 percent to 100 percent: fast – 20 minutes; slow – 6 hours
Passengers	2
Weight	400 kg without batteries
Slope capability	up to 20 percent
Storage capacity	300 liters
ICT	Integrated sound system, i-phone interface



Photo: © Hiriko (Alypaidea)



Hiriko is based on an innovative modular system that does not require an assembly line. Participating companies manufacture their corresponding module – e.g. robot/wheels (engine and steering included) – which are then assembled in certified distribution centers across the world.

The world's cities are under pressure. With the urban population set to rise to 4.9 billion by 2030, the race is on to find ways to reduce their ecological footprint. The estimated one billion plus vehicles on the roads means city planners are looking for solutions to the widespread, chronic problems of urban congestion and pollution. The Hiriko Mobility Project, unveiled in Brussels in late January 2012, offers some hope of a way forward. The project is not only delivering the world's first sustainable urban vehicle, it also seeks to modify the mobility habits of city dwellers and to create opportunities for regional economic development.

Launched at European Union headquarters in Brussels, the futuristic, pod-like Hiriko was hailed as "a giant step forward in urban mobility" by European Commission President José Manuel Durão Barroso.

Some 10 years in the making, this brainchild of researchers at the Massachusetts Institute of Technology (MIT) Media Lab in the United States has been spun out and developed by a consortium of seven firms in Spain's Basque region, namely, BRW-Basque Robot Wheels, Forging Products, Guardian, Ingennova, Maser Mic, Sapa and TMA. The project is being coordinated with Etud Ibérica, by the Denokinn Center (the Basque Centre for Social Innovation, Entrepreneurship and New Business Development) under the direction of AFYPAIDA, an association dedicated to promoting the Spanish auto industry. The Hiriko, which stands for "urban car" in Basque, is set to go into production in 2013. An estimated 9,000 units will be produced annually by 2015 under different franchises in Europe and the United States.

COMPACT, CUTTING-EDGE AND CLEAN

The Hiriko is designed specifically for short intra-urban trips and to alleviate congestion, parking problems and tailpipe emissions in urban centers. Its radical design, which shifts the drive to the car's wheels, reduces its parking footprint. When parked it collapses to a third of the length of a conventional car, making it possible to fit three of them into a single parking space. Passengers can easily exit the car from the front using its retractable windshield. The back compartment provides generous storage space and is also easily accessible.

Unlike conventional vehicles, the Hiriko does not have a central engine or traditional power train but is powered by four in-wheel electric motors. "Each wheel unit contains a drive motor (which also enables regenerative braking), steering and suspension and is independently digitally controlled", the MIT design research team explains. This means the vehicle can spin 360° on its own axis, move sideways into parallel parking spaces or change lanes moving sideways.

The Hiriko's innovative navigational systems include a "haptic" steering mechanism (a tactile feedback technology) that assists drivers and offers the possibility of electronically adjusting



Photos: © Hiriko (Afyaida)

The Hiriko trademark is protected through the Madrid System for the International Registration of Marks.

The Hiriko is a novel 100 percent electric and electronic two-seater car with a 300-liter capacity boot. Its innovative navigational systems include a "haptic" steering mechanism (a tactile feedback technology) that assists drivers and offers the possibility of electronically adjusting driving speeds to city limits.

driving speeds to city limits. Its revolutionary ergonomics provide for a fully integrated sound system and a touch screen central console with instant access to practical urban information (e.g., nearest parking, best routes) and cultural and entertainment options via mobile phone and the Internet.

The car's lithium-ion batteries last for around 120 kilometers between charges. Re-charging is possible with inexpensive home charging units, and automatic recharging at designated parking spaces is foreseen when the project pilot rolls out in 2013.

The plan is to deploy the Hiriko in cities with car fleets and to lease them to city residents. A number of cities have already expressed interest in acquiring it, including Berlin, Malmö, Barcelona, San Francisco and Hong Kong. Talks are also under way with city authorities in Paris, London, Boston, Dubai and Brussels, according to the Associated Press. The Hiriko delivers an enhanced form of mobility on demand. It offers a new way of moving through cities in symbiosis with other forms of available public transport. The Hiriko will also be available for private sale with an estimated price tag of 12,500 euros excluding tax.

Described as an example of “European social innovation”, the initiative not only provides a viable solution to the major challenges of urban transportation and pollution, it also seeks to create new business and employment opportunities, in particular for the Basque region's ailing automotive supply sector.

“PLUG AND PLAY” ASSEMBLY

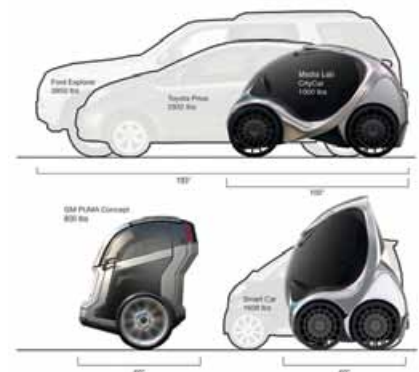
The project is built around an innovative system of production and distribution that eliminates the need for an assembly line. Each member of the consortium is responsible for manufacturing different components or modules of the car, which are then assembled in a “plug and play” way in certified distribution centers around the world under franchise agreements. All intellectual property rights associated with the Hiriko, including the internationally registered Hiriko trademark, are held by AFYPAIDA.

In addition to assembling the modules, each certified dealership will be responsible for commercializing the vehicle and providing customer care, maintenance and other technical services. Each dealer will become the final manufacturing and assembly agent for the vehicle, thereby creating local employment and economic development opportunities. In this way, participating companies and franchises become co-owners of the Hiriko brand.

At the project's launch, EC President Barroso said, “Hiriko is an example of how to resuscitate traditional industrial sectors and lead them to new challenges, such as urban mobility”. Hiriko's Chairman, Jesus Echave, said that the car was a social innovation that would “change cities and their habits” and eliminate the stress and noise of city centers.

The Hiriko not only promises to transform the concept of urban mobility, it has the potential to revive local businesses, boost local employment and to significantly improve the green credentials of cities around the world. It also promises to entice urban travelers to change their travel habits and select more eco-friendly modes of transport. ♦

When parked the Hiriko shrinks to a third of the length of a conventional car, making it possible to fit three of them into a single parking space.



CHILE REFORMS

R&D LAW



Empirical evidence shows a direct relationship between a country's level of investment in research and development (R&D) and its rate of economic growth and competitiveness. In Chile, investment in R&D stands at 0.4 percent of the gross domestic product (GDP), far below the average of countries in the Organisation for Economic Co-operation and Development (OECD), which is 2.3 percent of GDP. In an effort to stimulate R&D investment, the Chilean Congress recently amended the country's R&D law (Law 20.241), to expand the tax credit available to foreign and domestic companies and introduce greater flexibility into the scheme.

Chile's current law, enacted in 2008, encourages private investment in R&D by providing a tax credit of 35 percent for expenditure on R&D contracts with pre-certified, third party R&D centers. The lack of uptake in using the scheme, however, has been attributed to its many restrictions.

Under the new law, the tax credit ceiling for each company has been tripled to US\$1.2 million per year. It further eliminates a provision in the 2008 law limiting the amount that could be claimed to 15 percent of a company's gross sales. This did little to encourage start-ups and small and medium-sized enterprises (SMEs) to use the scheme. Businesses will now be able to claim tax relief for "in-house" R&D projects as well as those developed externally, and the new scheme has been extended to include a broad range of expenditure, including that associated with intellectual property (IP) protection. All IP protection expenses incurred in relation to obtaining and/or defending IP rights may now be claimed under the new scheme.

In an attempt to provide companies with more flexibility in the development of R&D projects, the new law also provides tax relief on R&D activity undertaken beyond Chile's borders. If less than 50 percent of a company's R&D activity takes place outside Chile, all related expenses are eligible for tax exemption. However, if more than 50 percent of a company's R&D expenses relate to projects outside Chile, the tax exemption applies to all expenses incurred for projects in Chile and up to 50 percent of those relating to foreign R&D activity. Thus, companies will be able to benefit from this tax credit while also taking advantage of specialized R&D services that may only be available internationally.

Under the 2008 law, companies were able to obtain their tax credit certificate only for pre-certified activities. The new amendments introduce more flexible procedures that allow companies to acquire these certificates up to 180 days after the R&D project has started, in line with OECD best practices.

In introducing these changes, Chile hopes to attract foreign companies interested in undertaking R&D projects and to support domestic companies by facilitating the planning, approval and acceleration of R&D investment decisions. A key goal is to provide more companies with the support they need to establish R&D departments and stable innovation routines, with a view to promoting the country's productivity, competitiveness and economic development. ♦

UEFA'S BATTLE for its Brand

By *François Gindrat*,
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This second in a series of articles on intellectual property (IP) and sport outlines the approach used by the Union of European Football Associations (UEFA) to safeguard the IP rights with which it generates revenue that helps finance major sporting events and contributes to the long-term development of the sport.

Two red-letter days – May 19 and July 1 – are, no doubt, already marked in the calendars of soccer fans across the globe. On these dates, Europe's top national soccer teams will lock horns in the match play finals of two of European football's blue riband competitions - the UEFA Champions League and UEFA EURO 2012 respectively. This article considers how UEFA goes about protecting one of the world's well-known brands.

Among the world's top sporting events, surpassed only by the FIFA World Cup and the Olympic Games, interest in UEFA's competitions goes far beyond the soccer community. Over one billion people tuned into the 2008 UEFA European Football Championships with, on average, an estimated 150 million television viewers watching each match. Some 1.1 million spectators watched the matches live inside stadiums and a further 4.2 million followed the action on giant screens located in official "fan zones". The UEFA EURO 2012 tournament, including qualifying matches, is expected to attract a cumulative audience of 4.3 billion, a global live television audience of 1.1 billion with an estimated 55,000 hours of TV coverage across 220 countries, making it one of the world's premier brands.

By protecting its intellectual property (IP) rights, UEFA is able to maintain the sustained growth and development of European football. With these rights, the European football's governing body can generate revenue by granting and guaranteeing exclusive licenses to its official commercial partners. The derived revenue is distributed with the aim of promoting the healthy and continuous development of professional, amateur and youth football throughout Europe.

ASSISTING NATIONAL ASSOCIATIONS

A proportion of this revenue is devoted to tackling some of Europe's key social issues. For example, over 400 million euros were disbursed from the coffers of the UEFA EURO 2008 tournament to member associations via UEFA's HatTrick program. This program provides financial assistance to national associations in support of their efforts to improve and upgrade their infrastructural, administrative, managerial and sporting environments. The support of commercial partners is, therefore, vital, not only in financing major sporting events but also in ensuring the long-term development of the sport as a whole.

Protecting the IP rights of one of the world's well-known brands is a challenging task. The downside of the broad global interest in UEFA's tournaments is that they are seen by many as an opportunity to associate themselves, their goods and services with the success and reputation of these events. This threatens UEFA's ability to

About UEFA

The Union of European Football Associations, UEFA, was founded in 1954 and is the governing body of European football. Its main tasks are to promote, protect and develop football at all levels of the game; to promote the principles of unity and solidarity; and to deal with all questions relating to European football. UEFA currently brings together 53 national associations.

UEFA organizes football competitions for women, men and young people. The two main UEFA competitions are the UEFA Champions League, for clubs, and the European Football Championship (also known as "UEFA EURO", followed by the year in which it is being held, e.g. UEFA EURO 2012), where the best European national squads play for the continent's most coveted trophy every four years. The next UEFA EURO championship is to be held from June 8 to July 1, 2012 in Poland and Ukraine.

finance these tournaments. UEFA relies on the revenue derived from sponsorship deals with official partners to finance the championships. Official partners pay for the privilege of being associated with the championships in return for guarantees of exclusivity. This makes protecting the IP rights linked to the competitions a key priority for UEFA - a task made all the more daunting given the scale, variety and impact of rights violations that arise.

The types of infringements UEFA faces fall into three main categories, namely, infringements of IP rights, misuse of tickets and ambush marketing (also known as parasitic or guerilla marketing).

IP rights violations include infringements of trademark and/or service mark law involving, for example, the abusive registration of marks or domain names identical or similar to event marks, or the unauthorized use of event marks in advertising or on products. They also include infringement of copyright law in relation to the unauthorized re-transmission of matches as well as the misuse of designs in terms of the visual identity of the event, for example. The misuse of tickets relates to the unauthorized re-sale of tickets and their unauthorized commercial use (including for promotional or advertising purposes, as prizes in competitions or sweepstakes or as part of a travel package).

Violations relating to ambush marketing encompass any unauthorized association with a UEFA event, including those that do not involve misuse of IP rights. The interpretation of ambush marketing varies according to jurisdiction. Countries adopt different legal measures to tackle the issue, including specific legislation to prevent it. Such legislation usually prohibits the unauthorized use of events marks; any words or images that indicate an unauthorized association with the event (ambush by association); activities/promotions creating an association

Photo: UEFA



European soccer's most coveted trophy is protected in various ways, by copyright law, and variously through the European Community Trademark system (CTM 007463821) including in 3D (CTM 8860025) and the Madrid System for the International Registration of Marks (IR 1020340). The trophy is also protected as a registered design (RCD 635750-33-34).

with the event (ambush by intrusion); as well as unauthorized street trading/advertising in the vicinity of event venues.

In the lead up to the UEFA EURO 2012 championship, for example, Ukraine adopted the “Law of Ukraine on organizing and staging the final tournament of the 2012 European Football Championship”. This law stipulates, among other things, that Ukraine provides for the protection of the IP rights of UEFA and its commercial partners and prohibits ambush marketing (defined as a “any type of activity (marketing, advertising, PR) associated with the tournament, with the aim of gaining profit from the goodwill by a party which has not been authorized to do so by UEFA”).

UEFA’s Rights Protection Programme (RPP) has been developed and implemented to tackle any infringement of its rights. It is also designed to safeguard UEFA’s investments as well as those of its commercial partners. In so doing, the RPP ultimately serves the interests of soccer fans everywhere who have an opportunity to share in the excitement of the tournament and celebrate their sporting heroes.

UEFA’s RPP includes a range of preventive and reactive measures such as:

- obtaining guarantees for the protection of IP rights from countries hosting UEFA tournaments;
- monitoring the use of IP rights linked to a specific event by third parties;
- monitoring the registration of similar marks or domain names, and the use of registered marks or domain names in the press or on the Internet;
- the inclusion of provisions outlining the use of IP rights and the prohibition of ambush marketing in all contracts signed with UEFA’s partners in the organization of the event;
- inclusion of provisions in competition regulations to ensure that participating teams and their sponsors do not abuse UEFA’s rights; and
- implementation of a communications strategy that promotes broad understanding of why it is important to protect the IP rights linked to an event such as UEFA EURO 2012 and the negative consequences of infringing those rights.

In parallel, UEFA works with a global network of legal specialists who advise on any potential infringements that may arise. This allows the European football governing body to act swiftly and decisively whenever its rights are infringed. UEFA has already dealt with over 400 cases of rights infringement relating to the upcoming UEFA EURO 2012 championship. Many of these cases involved attempts by third parties in the host countries to register marks and designs referring to the upcoming championship. The national trademark offices of Poland and Ukraine received several hundreds of such applications, which were promptly rejected.

WORKING WITH HOST COUNTRIES

UEFA also works closely with customs authorities and local administrations to monitor commercial activities, such as the sale of unauthorized or fake merchandise, in host countries. Such collaboration has already resulted in 40 seizures across Europe. The first case involving counterfeit UEFA EURO 2012 products arose in Poland in March 2010 when Polish customs officers intercepted a shipment of over 10,000 pairs of children’s sports shoes emblazoned with EURO 2012.

Strict regulations on the management of competition sites are also implemented to prevent any unauthorized commercial activity in or immediately around the competition stadiums, again, with a view to guaranteeing the exclusivity of official partners and safeguarding the long-term financial interests of the tournament.



The EURO 2012 championship logo is registered under WIPO’s Madrid System for the International Registration of Marks.



From the perspective of official partners, their exclusive association with the tournament is a unique platform to create new opportunities for business development while facilitating access to the event.

The registration and defense of marks is at the heart of UEFA's IP protection strategy. As the holder of registered marks, UEFA is in a position to guarantee exclusive licensing rights to the commercial partners associated with its competitions. Such protection is often enshrined in a contract.

In the absence of special legislation, the protection afforded by trademark/service mark law remains the best way to combat the many infringements of the commercial rights linked to major sports competitions. The registration of a mark is often key to obtaining the support of the national authorities (in particular customs authorities, the police and trading and standards agencies) responsible for tackling infringing activities.

Marks for sporting events are unlike other well-known marks in that they have a very short shelf life. Those linked with the UEFA European Football Championship, for example, are specially created for the competition held in a particular year. This can be a challenge given the fact that registration procedures in some countries are not always adapted to the competition cycle. In this respect, the WIPO Madrid System for the International Registration of Marks is very useful as it guarantees the registration of events marks within 18 months, whereas in certain countries that are not part of the Madrid system registration can take much longer. As these events are world renowned, the associated marks are registered not only in the host countries and all those taking part in the tournament, but

also at the global level. The marks are also registered in almost all classes of goods and services to cover those offered by UEFA's official partners.

The main designations linked to this year's championship, namely, UEFA EURO 2012 and POLAND UKRAINE 2012 are, along with their local equivalents, protected as word marks, as are the different language versions of the official slogan "*Creating History Together*". UEFA has also sought to protect the figurative elements of the UEFA EURO 2012 emblem, mascots and trophy. These official marks are widely protected through trademark or service mark registration, copyright and other IP laws.

While trademark law is effective in tackling many of the types of IP infringements organizers of major sporting events face, it does nothing to halt violations relating to ambush marketing. For this reason, a growing number of host countries adopt special legislation to afford the IP rights associated with high profile competitions greater protection. Such legislation gives organizers greater scope to stop unauthorized third parties from associating with the events. Protecting the interests of event organizers and their official partners ensures that the financial benefits of hosting such events flow to the host country and ultimately to fans who are offered a unique opportunity to celebrate and participate in their sport of choice. ♦

Switzerland's Xherdan Shaqiri (center) fights for the ball against Montenegro's Radoslav Batak (left) during the EURO 2012 group G qualifier match between Switzerland and Montenegro at the St. Jakob-Park Stadium in Basel, Switzerland on October 11, 2011.

ONLINE GAME SEEKS TO ALLEVIATE POVERTY

On April 3 and 4, The Rockefeller Foundation and the Institute for the Future (ITF) joined forces with people across the world asking them to help solve global poverty through an interactive online game. Dubbed *Catalysts for Change*, the game (available at www.catalyze4change.org) seeks to generate ideas for triggering innovations that will enable millions of people to find their way out of poverty.

Over 1.2 billion people around the world are still living in extreme poverty. “The public, private and social sectors have worked to tackle poverty, vulnerability and exclusion for years”, said Dr. Judith Rodin, president of the Rockefeller Foundation. “While the lives of countless people and communities have been transformed as a result, the persistent level of poverty and vulnerability that remains requires new and innovative thinking. Using technology to engage a new set of actors from all over the world will provide unique perspectives, allowing us to identify new ways to solve problems and address poverty at its root causes that will make a significant difference to those living in poor or vulnerable communities”.

The initiative tests a new way of solving global problems and developing solutions. Using cutting-edge gaming principles and collaboration techniques, *Catalysts for Change* creates an opportunity for people

everywhere to contribute their unique perspectives, opening the way for a better understanding of the root causes of poverty.

“Games are powerful tools for breaking through the limits of our thinking. They use competition to build cooperation and, as games spread across the Internet, they provide a great platform for linking ideas around the world for a common purpose”, noted Jane McGonigal, Chief Creative Officer at SuperBetter Labs and designer of the IFTF *Catalysts for Change* gaming platform.

Catalysts for Change leverages simple 140-character messages in a game of play cards. Each card captures an idea, and participants build on one another’s ideas, starting a chain reaction of innovations and solutions. Ideas generated during the trial will be featured in an online game on an interactive map that already offers over 600 examples of innovative approaches to challenges that poor communities around the world face.

FIRST PHILIPPINE TRADITIONAL TEXTILE GALLERY

In late March, the National Museum of the Philippines opened the nation’s first gallery for indigenous Philippine textiles, according to a report from the Thai News Service. The Hibla ng Lahing Filipino (Traditional Philippine Textile Gallery) brings together fabrics (as well as weaving apparatus) including the Abel Iloko from Vigan, Tinguian blanket from Abra, Gaddang garments from Ifugao, textiles from Polomok, South Cotabato and Maranao, and garments from Southern Mindanao. In his remarks at the gallery’s opening, Senator Loren Legarda, Chairperson of the Senate Committee on Cultural Communities, said that the gallery tells the story of the diverse cultural traditions that connect Filipinos and which reveal the country’s national identity.



Photo: National Museum Textile Gallery

Legogong
Backstrap loom South Cotabato/ T’boli
Senator Loren Legarda Collection

DOCUMENTING TRADITIONAL PRACTICES

The Indian State of Assam recently joined up with Stanford University to document its rich culture, traditional knowledge, customs and indigenous practices. At the inauguration of the Institute of Research and Documentation of Indigenous Studies (IRDIS), the State's Chief Minister, Mr. Tarun Gogoi, said "the Institute has been conceived to carry out research and documentation on indigenous practices of ethnic and indigenous communities in the state," according to a report by Sarkaritel. The work undertaken by IRDIS in collaboration with Stanford University, he noted, would empower these communities socially, economically and culturally. IRDIS and Stanford University are expected to carry out a range of studies on the way of life of the tribal and indigenous communities. The knowledge resource that evolves from these studies will be stored in a database for future reference.

SMART MILK CARTONS COMING SOON

The chances are that within a year you will be able to buy milk in cartons that change color when they have been left out of the fridge for too long. Tetra Pak, the world's largest packaging company, is working on a chip that can be embedded into packages to provide information – such as how long a carton has been out of the fridge – according to a report in the *Financial Times*. So-called smart cartons are an example of growing innovation in the USD400 billion packaging industry. Tetra Pak has patents on some 5,100 packets and spends 4 percent of sales on research and development (R&D), supporting 11 R&D centers around the world according to a company press release. In an endeavor to cut costs, meet sustainability criteria and serve emerging markets, packaging companies are using less material. "Resources are becoming scarcer and, with costs being higher, it is important... to do more with less", said Dennis Jönsson, the company's chief executive.

NEW TRAILER LAUNCHED TO BATTLE ONLINE PIRATES

In an attempt to boost anti-piracy sentiment among cinema goers, Universal Pictures UK and the Industry Trust for IP Awareness are launching a special trailer cut using content from the studio's upcoming blockbuster, *Battleship*. The trailer is part of the Industry Trust for IP Awareness campaign entitled "Moments Worth Paying For", according to a report in the *Hollywood Reporter*. Using film content, the trailer turns the camera on the audience and captures their emotions while watching the film. The 30-second spot will be shown in all UK cinemas for an eight-week period ending in early May. Niels Swinkels, Managing Director of Universal Pictures UK, said that showcasing a blockbuster film like *Battleship* "reinforces the notion that films like this are made to be seen on the big screen and deepens cinemagoers' understanding that their support is essential for us to continue to deliver such unique experiences". Liz Bales, Director General of the Industry Trust for IP Awareness, said "using new release content to engage with our audience on the important issue of copyright infringement is a proven approach embraced by both the film and TV industries. We feel certain it will provide great benefits to the marketing of the release while continuing the great strides made in changing attitudes and consumer behavior around copyright theft".



Ray

Curie



Márquez
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visionary

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innovators

Picasso



Maathai



Yuan

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