



EXCO MEETING

BUENOS AIRES, 11-14 JANUARY 2010

WORKING DOCUMENT

TITLE: President's Report

DRAWN UP BY: Peter Huntsman, President

TABLED TO: All delegates

PURPOSE: For information

1. The bureau has been very active since the Washington ExCo, with monthly phone conferences or face to face meetings. The first of these was the day after the Washington Congress and ExCo.

2. The first issue for discussion at that meeting was the Congress This was clearly a success and on behalf of the Federation I thank the organisers from the U.S. Section, led by Sharon Crane and strongly supported by Danny Huntington. However, the Congress did make a substantial loss due to the relatively low numbers, and I have to report that this has led to a similarly sized loss for the year in the provisional accounts of the Federation. You will receive the details shortly from our Treasurer General, but the Congress loss was of the order of CHF234k. A considerable part of this had already been allowed for in the accounts, CHF175k, but an additional CHF60k arose because the accommodation bookings were not adjusted for the low numbers. Accommodation arrangements were the responsibility of one pco, Experient, but for one reason or another the rooms were not released at the appropriate times. Your bureau did seriously contemplate suing Experient for the lost monies, but the Marriott released us from about another US\$60k in outstanding accommodation charges and Experient released us from their final invoices and the advice we received was that, while we might win, the cost of doing so would be at least of about the same order.

Something else that came out of the Washington Congress was the questionnaire from the Membership Commission to all members. This was designed to help us gauge the satisfaction with the Congress for those who did attend and the reasons why others did not attend, and to help us decide where to hold the 2012 Congress and in what format. Bastiaan will report more on the questionnaire results, but some outcomes are that the 2012 Congress will be in Melbourne towards the end of April 2012, it will have a General Assembly day for members to

be updated on FICPI activities and will likely have plural streams of sessions along the lines of the Fora and workshops. The tour day will be towards the end of the Congress and will be optional. Also under contemplation is opening the Congress to non-members, and if so to what type of non-member. The aim is to increase numbers and reduce the cost, without reducing the quality.

4. Also immediately after the Washington Congress/ExCo, we visited the USPTO and were warmly greeted by then Deputy Commissioner Doll and other senior officers. We had an open discussion, which was reported on in a bulletin to members shortly after. Another bulletin from the Communications Commission reported to the membership on the Congress.

5. All through the last 6 months we have been bringing together information on the Federation's Trade Marks and Domain Names and have been reviewing their management. This is ongoing as we compile a list of them all.

As we will hear later from the Communications Commission, the development of the new website is ongoing. The development is occurring in Australia under the management of Noel Brett, and in August Julian Crump and Doug Deeth visited Melbourne to meet with the designers and assess progress.

ICANN kept us occupied in the first few months after Washington, following the transfer of FICPI responsibility from Jonathan Cohen to Petter Rindforth. The ICANN meeting in Sydney in July 2009 was attended by both as Jonathan introduced Petter to his many contacts, but future meetings will be attended only by Petter or his nominee. I want to take this opportunity to put on the record our thanks to Jonathan for his good work in raising FICPI's profile at ICANN and in ensuring that the rights of traditional Trade Mark owners are preserved under the Domain Name regime. Jonathan has held several senior positions within ICANN and is clearly also held in high regard there.

Another issue that occupied a considerable amount of Bureau time is the SEAD courses, following the EPO's withdrawal of its substantial support reported on in Washington. For historical reasons, the SEAD and EuroSEAD courses have in the past proceeded essentially independently of the Bureau, with accounts for them being handled in Australia under the auspices of FICPI Australia. However, Steve Krouzecky, the new President of TEC and from whom we will hear in more detail later, prepared a set of provisional accounts for us showing that the SEAD course would make a substantial loss in 2010 without sponsorship, that could not be funded from the SEAD account. Steve requested an urgent decision on funding, since the 2010 course was due to start in April and bookings and publications needed acting on without delay. The Bureau concluded that the SEAD course, and training generally, is an integral part of

FICPI, particularly under the Strategic Plan, and that the course should continue at the same level of quality as in the past. We therefore agreed to underwrite the 2010 SEAD course up to US\$65000, but requested Steve to reinvestigate sponsorship options. Happily, as Steve will report, he has been able to secure new sponsorship, including from the EPO, and that combined with residual monies in the SEAD account should mean that the need for support from central funds should be much smaller than originally anticipated. As part of the initial agreement to underwrite the SEAD course, the Bureau requested that the SEAD and EuroSEAD funds come under the management of the Treasurer General, with full accounts and budgets to be prepared.

Following an enquiry from Cameroon (a member of OAPI) the Bureau has started to look at the possibility of regional membership, but these enquiries are at a very early stage.

In September, the Bureau attended the CET meeting in Madrid, and I repeat my thanks offered at the time to the Spanish section for their help in organising an excellent meeting. The meeting was combined with our first official meeting with OHIM, particularly with the then President of the Administrative Board Mr Campinos. We held a very open discussion, but an integral part of that meeting was our request for observer status on the Administrative Board, alongside 5 other NGOs that had been elected to that position for 2 years in December 2008. As agreed we put in a formal request following the meeting, but the outcome from Mr Campinos' successor is that we have to wait until December 2010 for further consideration. However, it was agreed that the Federation meets all the requirements for observer status. It is hoped to make meetings with OHIM a regular feature of FICPI's calendar.

Also in September, at the same time as the CET meeting, we sent patent and trade mark representatives to WIPO's Global Symposium of IP Authorities.

In October, President of Honour Danny Huntington represented FICPI at both ASIPI and AIPLA meetings, while Vice President Bastiaan Koster was our representative at the AIPPI meeting here in Buenos Aires. During that meeting Bastiaan also attended a regular NGO coordination meeting.

In November, I represented FICPI at the FICPI China Symposium in Shenzhen and spoke on various occasions there. I believe the meeting was very successful and congratulate Dr Ge and his team on the organisation. That meeting was back to back with the annual APAA Council meeting, where I also represented the Federation, and it is probable that the timing was an important factor in the good numbers attending the meeting in Shenzhen. The APAA meeting did not suffer from the Global Financial Recession at all, with numbers capped at 1400.

In early December, Lennart Karlström represented FICPI at a European Commission meeting in Stockholm on the Patent System. Also, the Bureau members and Arild Tofting representing the CET visited Japan to meet with Mr Hosono, the new Commissioner of the JPO, and then with senior officers of the JPO. We also met with some of those officers last year, and our reception was very cordial. After the JPO, we met up with David Bannerman, who happened to be in Japan at the same time, and visited the JPAA for formal discussions over lunch. One item of discussion was on the possibility of joining forces on training programmes, but it is very early days yet. Following the JPAA, we visited Chief Judge Tsukahara of the IP High Court, who spoke at the Yokohama Symposium, and spent an interesting hour or so with him. We had a very busy but effective 2 days in Tokyo and we must thank Takami-san for his meticulous planning.

All of us except Arild then flew directly from Japan to Delhi and the next day we and others, including from FICPI India, had a meeting with Dr Kardam, Deputy Controller of IP India, and various other assistant controllers. This was followed by two different meetings, a first with examiners and senior officers of IP India, including Dr Kardam, to discuss patent examination practice in India and compare it with EU, US, JP and AU. The second meeting was with students from the Indian Institute of Technology to teach them about IP as a career. These meetings were followed by 2 days of the India Symposium, which after some initial concerns about last minute changes I think proved to be very successful, albeit with relatively small numbers. Many people worked hard to make the success, but I would particularly mention Francis Groser and Sharad Vadehra from India and the programme managers Jan Modin and David Bannerman. Before leaving India, I should add that it gave me great pleasure there to hand over to HH Judge Michael Fysh a silver lapel pin after his election as a Member of Honour in Washington.

That brings us up to date, but what about the future?

Plans for the joint Colloquium with AIPLA on the Patent Backlog, put off from September 2009 due to a conflict with the WIPO Symposium, are well under way with invitations on the verge of being issued. The invitation-only meeting will be held in Edinburgh over 17/18 June. It will be followed by a Bureau Retreat for some long term planning.

Prior to this there will be a CET meeting on Lake Como over the weekend of 24 April, preceded by a week of meetings for a FICPI delegation with officials from the European Commission, OHIM, WIPO and WTO. These annual meetings usually include the EPO, but that meeting will be held in September when we are in Munich for the Forum and next ExCo.

Finally, I want to briefly mention that in the light of the loss in Washington and the probable lack of any income other than membership fees and investment returns from then until the Munich Forum, we are looking at ways of cutting costs. One decision that has been taken partly

for this reason is to not proceed with an Asia Symposium in at least 2010. Plans had already been initiated with the Singapore Section to hold the Symposium there in early December 2010, but there was a serious question as to whether we could generate enough interest to make a profit shortly after an APAA meeting. There were also concerns that the Federation was trying to do too much in these more difficult financial times and that we might be competing with our own Associations and Sections in Asia, particularly in CN, JP and KR, where there is a desire to hold their own meetings which the Federation can support.

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