

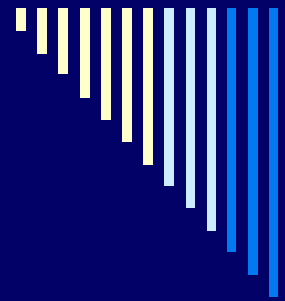
Fostering International Collaboration and Building Global Innovation Networks:

- The Role of National IP Offices
- Multinationals and IP in Brazil

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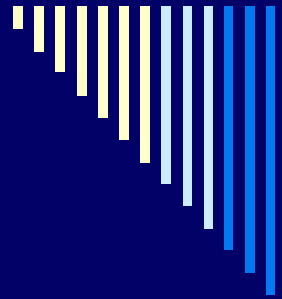
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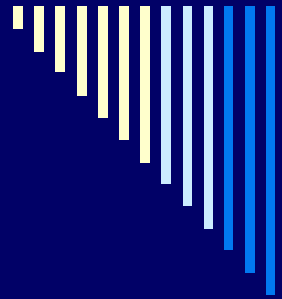
IP Rights and Open Innovation

- Open innovation is a business oriented process, not an informal deal among friends
- Open innovation depends on the fair share of economic results which come from networked innovation efforts
- Reliability is totally necessary: each party's rights on such results have to be clearly defined and easy to enforce



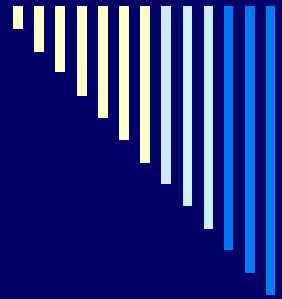
Technology Contracts and the Reliability of IP Rights

- Clear and sustainable IP rights ease the celebration of TT contracts
- Sustainable IP rights are the joint result of high-quality IP applications and high-quality examination of applications
- IP offices are institutionally responsible for the quality of the IP rights they grant



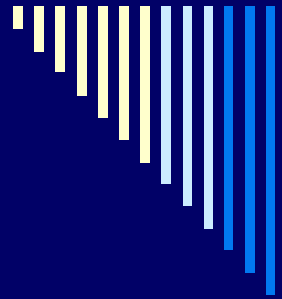
Multinationals investments: IP-related requirements

- For manufacturing investments:
 - Invention patents and industrial design and trademark rights easy to protect and to enforce



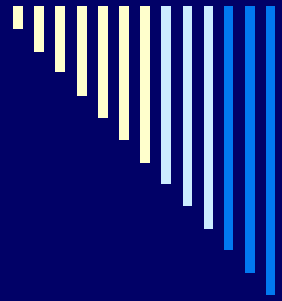
Multinationals investments: IP-related requirements

- For R&D Investment, besides the previous:
 - Efficiency and quality in the examining and granting of IP rights
 - Sufficient levels of harmonization of rights with the countries, which host most R&D activities
 - Technology contracts easy to celebrate, to keep in secrecy and to enforce



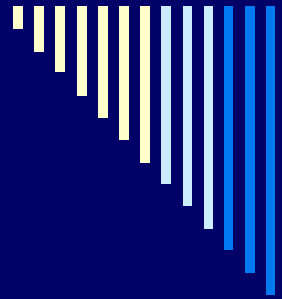
IP Offices and Open Innovation

- Attracting international IP rights applications
- Fostering national applications
- Promoting best practices in TT contracts and other forms of technological collaboration



Capacity building in IP and Open Innovation

- Writing, filing and commercializing patents and other IP rights
- Help national companies and research centers make the international IP system work for them and for their collaboration with international partners



Patent Office Efficiency and Quality

- Long delays destroy value
 - They generate high transaction costs and legal uncertainty
- Quality cannot be damaged to achieve efficiency
 - Benefits of the IP System are strictly dependent on the quality of the rights the IP Offices can grant



Efficiency with Quality

□ Ways of solution

- Enhancing internal examination capacity:
HR and technical infrastructure
 - Deepening the technical collaboration
among patent offices
 - Involving users and third parties
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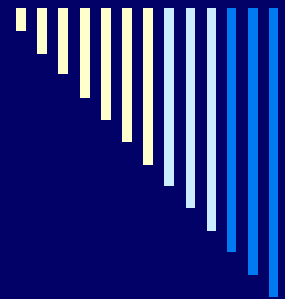
Enhancing capacity

- No magic: examining requires examiners, quality requires examiner education and training, and maintaining well trained examiners requires good salaries
 - Technology helps: access to major databases and good information systems are essential for time-efficient examination
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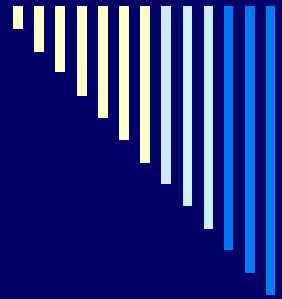
Improving Quality

- Excellent search is necessary for quality, as well as standardized treatment to information found in search
 - Extensive and continuous examiner education and training
 - Technology helps again: access to major databases and good information systems are essential for high-quality examination
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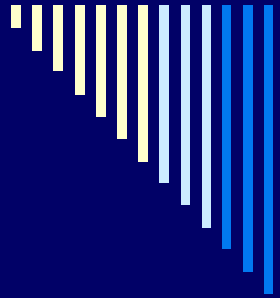
Managing capacity and quality: Brazilian Experience

- From 100 patent examiners to 300, and from 300 to 700, from 6 to 24 specialized divisions
- Building regional and trans-regional collaboration: Pro-Sur and PPH
- Databases and Systems: EPOQUE, CAPES Journal Portal, EPTOS Platform, PatentScope, and now WIPO-Case and Native Brazilian e-PEC (Plataforma eletrônica de Compartilhamento de Exames de Patentes)



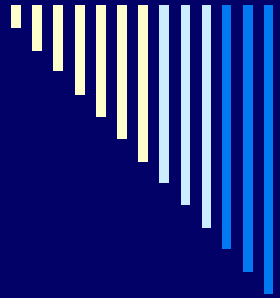
Restructuring Examination procedures

- From training small groups of examiners in partner facilities to a fully equipped permanent IP Academy and training center
- Improving revision procedures and the treatment given to third parties contributions
- Different treatment to different applications: speeding the simple applications examination procedures and decisions



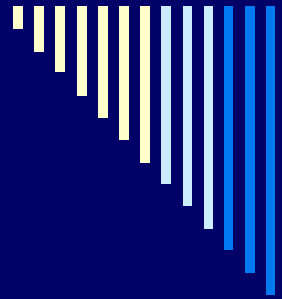
International collaboration among patent offices

- Share experiences
 - Identifying and sharing best practices
- Share resources
 - IT platforms and systems
 - Capacity building programs
- Share search and examination results
 - To enhance quality
 - To avoid duplication of work



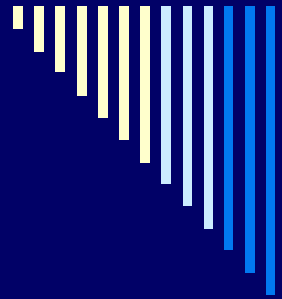
International cooperation among patent offices

- Building strong regional or transnational collaboration platforms
 - Deepening the technical cooperation dimension of the PCT
 - No additional harmonization of laws is required to build collaborative systems and workflows: the Pro-Sur and PPH cases
 - (Nonetheless, harmonization does help!)
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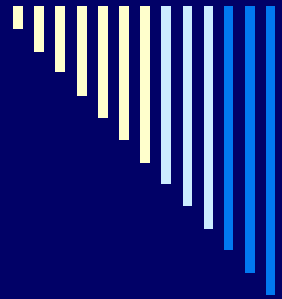
Involvement of users and third parties

- Stimulating third parties to add to search and to comment on applications and examination reports



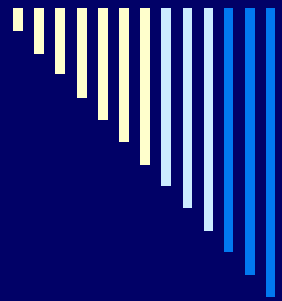
Latin-American Cooperation Model

- ❑ Inter-connection and technical communication through a common regional IT platform
- ❑ Voluntary engagement
- ❑ No additional harmonization required, but
- ❑ No prejudice against mutual learning and reciprocal adoption of best practices



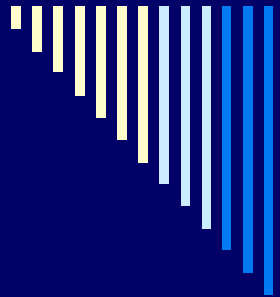
The Patent Prosecution Highway - PPH

- Patents filed in two or more countries: avoid re-examination of patents and claims, which have been denied in the first (priority granting) office
- User agrees with the simplified procedure in exchange for efficiency
- General benefit: lines get shorter and all applications are examined more quickly



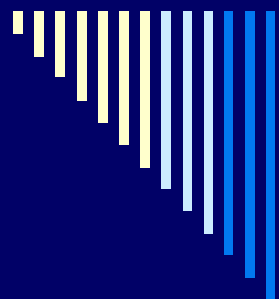
Deepening the technical cooperation dimension of the PCT

- Twin objectives:
 - Enhance preliminary search and opinion (annex 1) and preliminary examination reports (annex 2)
 - Avoid unnecessary replication of work in the national phase
- Side-benefit: Providing high-quality inputs to national offices and court decisions in any country, being it a member of the PCT, or not



Conclusion

- Going beyond TRIPS: making the IP System work for all
- Pragmatic agenda to include DC into GINs:
 - Identifying and attracting potential R&D partners, as well as promoting the adequate protection for their IP
 - Enhancing indigenous capacity to demand for IP rights and to make win-win deals with them
 - Enhancing Patent Office capacity and promoting various kinds of cooperation among Patent Offices
 - Improving the PCT and other tools for promoting high quality standards in patent granting everywhere.



Thank you !

