

Changes in Patent Regimes Stakeholders and Policy Makers Views

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The Changed Environment for Change

Current multilateral environment for IP policy development is characterised by four features:

- 1 Increased complexity of institutional architecture
- 2 Broadened participation in both formal and informal policy discussions
- 3 Increased heterodoxy in approaches to IP policy
- 4 Enhanced appreciation of the value of IP and consequent demand growth

IP Institutions Layers and Functions

	Rules and Norms (legislation)	Grant of Titles (executive)	Dispute Settlement (adjudication)
Multilateral	WIPO WTO CBD FAO WHO	WIPO	WIPO (private party) WTO (State/State)
Regional	Trade and Integration Arrangements: EU NAFTA APEC Mercosur ANDEAN Pact	European: EPO OHIM EPVO EAPO African: ARIPO OAPI	
National	Parliament	National IP Office	Courts ADR

Some Consequences

- A more complex dialogue to manage
 - more difficult to “advance” on the multilateral level
 - trade-offs, forum shopping
- Functionality sometimes hostage to ideology (policy hostage to performance)

Major Issues under Discussion Multilaterally

- 1 Servicing global demand in the knowledge economy
 - PCT Reform (WIPO)
 - Substantive patent law harmonization (WIPO)
- 2 Adjustment of the legislative framework for the digital and networked economy
 - real and virtual identifiers (Internet domain names)
 - content (copyright) in the networked and digital society
 - jurisdiction and territorial rights (Draft Hague Convention)
- 3 The interface with other areas of public policy
 - health policy and access to essential medicines
 - access to genetic resources and benefit sharing
 - traditional knowledge and intangible cultural heritage
- 4 Development and intellectual property
 - TRIPs transitional provisions
 - DOHA declaration

Particular WIPO Projects

- Substantive patent law harmonization (SPLT)
 - the necessity of the project for managing demand worldwide
 - constitutional mandate of WIPO
 - the “one size fits all” perception
- PCT Reform
 - progress to date
 - the next step and resistance to further internationalization of the system
- Folklore and traditional knowledge
 - pragmatism -v- trophies