

Annex II

RUSSIAN GROUP OF AIPPI **40th ANNIVERSARY**

Introduction

The Russian group of AIPPI is celebrating its 40th anniversary, and it is with great honor and joy that the Vice President of AIPPI is present to participate in this ceremony.

- 1/ Thirty-six years ago already, in 1971, the Council of Presidents of AIPPI was admirably welcomed in Saint-Petersburg, a city that Pushkin described as made of granite and cold.
- 2/ After that, the Chamber of Commerce and Industry hosted AIPPI's Executive Committee twenty-five years ago, in 1982, here in Moscow, the city that perfectly reflects the Slavonic soul, with its amazing Red Square framed by the multicolored cathedral of Saint Basil the Blessed, and the Kremlin's imposing towers and its gleaming golden cupolas.

Moscow, a city that boasts eight centuries of history – the place from which the Russian land came together, and now the capital of one of the world's greatest Nations.

In 1982, Paul Mathely, our President of Honor, paid homage to Mr. EP. Pitowranow, who presided the Russian group with distinction and authority, assisted by Professor Boguslavsky, whose great science was well-known throughout the world and who was capable of the most affectionate kindness, and by Mr. Gorodissky, whose action was as efficient as it was pleasant, when he was the Secretary and later on the President of the Russian group of AIPPI.

The particularities of AIPPI

1/ Since this Executive Committee in Moscow in 1982, AIPPI has nearly doubled in size and now counts over 8,300 members from nearly 100 countries from all the continents of our Earth.

Indeed, AIPPI is unique by its international scope.

2/ It is also unique because its members originate from the three families interested in Intellectual Property: businesses, lawyers and authorized agents (particularly before the Offices).

Such diversity in the origins of its members provides broad horizons for the expression of reasonable opinions with respect to the problems and solutions that can be encountered in the world of Intellectual Property.

3/ AIPPI's working methods are another of its particularities.

On each substantial question, AIPPI groups are invited to present a report on their national situation (which constitutes a remarkable comparative law database) and to express their wishes on a solution that could be internationally accepted.

The Reporter General's team prepares a summary of all these reports, and the Working Committee makes a Resolution proposal to the Executive Committee.

Thus, each year, AIPPI passes at least three resolutions to inform all interested circles about its opinion on a given problem and its potential international solution.

4/ AIPPI is also remarkable in that it covers the three major branches of Intellectual Property: patents (including computer software, integrated circuits and plant varieties), trademarks (including appellations of origin and geographical names), copyrights, models and designs, not excepting competitive freedom and fairness.

Current events

Within the coming twelve months, AIPPI will address at least four series of questions.

1/ On December 2 and 3 this year, AIPPI and its Egyptian group will cooperate in the Symposium that the Republic of Egypt and WIPO are organizing in Cairo on the theme of « challenges for developing countries in a global economy. »

Under the aegis of the Egyptian Ministry of Commerce and Industry, and of the Executive Director of WIPO, this Symposium will deal with the following five themes:

- « Intellectual Property and emerging global challenges: getting the balance right »
- « Brand protection and consumer protection »
- « Traditional knowledge, genetic resources and Intellectual Property rights »
- « Intellectual Property, innovation and technological development »
- « IPRs and development agenda: issues and perspectives »

The Bureau of your AIPPI, represented by its Vice President, its Secretary General, and its two Deputy Reporters General, shall take part in these two days of study and discussion between the professionals of this region.

2/ On April 7 and 8, 2008, AIPPI will cooperate in the seminar that the ASIPI and IPO associations have decided to hold in Mexico City on the important question of the influence of Free Trade Agreements on Intellectual Property rights in the Americas.

Several representatives of AIPPI will participate in these current event questions, particularly on the efficiency of Intellectual Property rights in the area of trademarks and in the pharmaceutical industry.

3/ In May 2008, AIPPI will also join WIPO in the task it has undertaken on the question of the privilege that should be granted to Intellectual Property professionals.

Although a consensus has arisen to allow all Intellectual Property professionals the right and the duty to keep confidential (even before a Judge) the information they have been given to allow them to formulate a professional opinion, the question still remains whether or not the client who requested such an opinion is also entitled to keep it confidential, together with the information.

In any case, it seems necessary to institute an international treaty on this issue, so that each country can apply a uniform basic system to foreign professionals in its own territory.

4/ Lastly, among its traditional questions, AIPPI will address the four following topics at its Boston Congress in September 2008:

- The impact of public health issues on exclusive patent rights (Q202)
- Damages for trademark infringement through counterfeiting and piracy (Q203)
- Liability for contributory infringement of IPRs (Q204)
- Exhaustion of IPRs in cases of recycling or repair of goods (Q205).

Working guidelines have been prepared for each of these questions, and all AIPPI's groups are invited to present their reports on each of them during this next winter.

Relations

1/ AIPPI has been striving, particularly through the members of its Bureau, to cooperate closely in Intellectual Property matters with the various international authorities.

This is the case of WIPO, with which AIPPI is cooperating to sponsor symposia, such as the one to be held on the privilege of IP professionals (May 2008).

AIPPI also makes every effort to stay in direct contact with the US, European and Asian Offices.

2/ AIPPI is also working on promoting its activities in those areas of the world that request its attention, such as here in Moscow, in the Middle East (December 2007), in Central America (April 2008).

The composition of AIPPI

1/ As you know, AIPPI is managed by a Bureau, which – in addition to its President – is essentially formed of the following:

- the General Secretary and his team, who administer the Association and organizes its various meetings
- the Reporter General and his team, who deal with substantial questions
- the Treasurer General, in charge of finances.

2/ The supreme organ of AIPPI is the Executive Committee, formed of the Presidents of the national groups and their delegates, the number of which is determined by the size of their group.

The number of delegates varies from 1 to 17 (17 for Japan, 16 for Germany, 12 for France and the U.S.A, 11 for The Netherlands and 10 for Spain, Italy and Switzerland).

3/ The Council of Presidents, which holds a session at least once every Executive Committee, can make urgent decisions, and it is involved in the selection of the senior officers of AIPPI.

4/ All AIPPI's topics are treated either by a work commission or by a special commission.

Working Committees study AIPPI's customary questions that are discussed in Congresses or in the Executive Committees (for instance the four questions Q202 to 205 at the Boston Congress).

The Special Committees are entrusted with urgent or exceptional tasks, such as for instance the recent Special Committee Q199 on the task force on the privilege of IP professionals.

5/ Alongside the Bureau, there are also statutory and Advisory Committees.

a) There are two Statutory Committees:

- for the work program (Program Committee)
- for the nominations (Nominations Committee)

b) Finances are also examined by the « Finance Advisory Committee » (FAC)

Other Bureau Advisory Committees work on major questions concerning:

- AIPPI communications, both internal and external, through its website and its newsletter, which is now available in electronic form (Q197)
- certain reforms of the Statutes and Regulations of AIPPI (Q200)
- the improvement of relations between AIPPI members, and the increase of membership (Q201).

Strategic planning

The Bureau of AIPPI will meet on April 4, 5 and 6, 2008, in Mexico City, particularly to devise a strategic plan.

Indeed, experience has shown that it is necessary to define action plans for each two-year period corresponding to the term of the President of AIPPI.

Given that AIPPI is a unique organization, it must keep a leading position in the world, so that it is important to strengthen it in all its modes of action.

1/ The Bureau will therefore be working on the newsletter that is to be distributed via the Web in 2008.

The Bureau will continue to work on improving its website, to make it richer, more user-friendly and accessible. Already, special electronic mailboxes have been open to allow people to make comments, particularly on Q197 (Editorial Advisory Committee) and Q200 (Bureau Advisory Committee on Statutes and Regulations).

2/ The Bureau will research how to improve the efficiency of the Special Committees and their task forces, as well as that of its members, so as to represent AIPPI as broadly as possible throughout the world and with the various International Authorities in each continent.

Such efforts naturally require new financial resources (for instance by achieving surpluses in the budgets of the various AIPPI meetings).

3/ The Bureau will continue its studies on its educational role and its « AIPPI Award for IP publication. »

The Bureau will also seek to determine how to improve the use of the group's reports and AIPPI's resolutions.

4/ The Bureau will consider the improvement of the choice and treatment of the substantial questions to be examined.

How to discuss the selection of future questions, even when the vote is cast by electronic mail?

How much time do the groups need to prepare their reports in reply to the working guidelines?

Should the Report General's team consider preparing two documents: one summary compiling the groups' replies and one synthesis presenting alternative solutions, including those already accepted by a majority of groups?

5/ The Bureau could reflect on its meeting organization.

Should there be a yearly Congress? Its meetings would be held in a single hall that would be accessible to all participants and their guests, organized by degree of participation – voters, participants, auditors and observers.

If the voting of decisions is made by mail (particularly via electronic means), how to make sure we do not lose the benefits of live discussion and of direct exchanges of opinions?

6/ The Bureau will study these different points, and others that might be raised, with the goal of increasing the quality and authority of AIPPI, and those of its members.

With the help of the Membership Advisory Committee (Q201), AIPPI must strive to draw as members a larger number of industry players, who are the true beneficiaries of Intellectual Property, while obtaining the assistance of young professionals, professors and academics, and even judges.

Conclusion

It seems that the complexity and sophistication of the studies undertaken by AIPPI on substantial questions require efforts – both intellectual and financial – that might discourage many volunteers.

However, it is precisely this intellectual effort that enhances the quality of AIPPI's work, and makes our Association so prominent.

This is why, if we want to be of influence in the world of Intellectual Property, we must pursue our efforts to promote the quality and the wide distribution of our work.

In 1982, here in Moscow, Paul Mathely quoted Maxim Gorky's invocation: « man is the only wonder on Earth, everything else is the fruit of his imagination, his intelligence, his creative will. »

It is therefore in favor of man that we apply our efforts, as Paul Mathely used to say, in favor of his person, his rights and his happiness. Our intent is for research, invention and progress to be made and to serve in the interest of peace. Peace is an understanding between men, between communities of men, shunning hatred and violence.

There can be no doubt about this, here in the homeland of Dostoyevsky, the man who called out the message to humanity that « to be Russian, perfectly Russian, is to be nothing else but to feel oneself to be the brother of all men. »

This is why the work of AIPPI must contribute, if only modestly, but with enthusiasm, to serving humanity and peace.

For this, I hope that an AIPPI meeting can be held soon in this Russian "continent." Meanwhile, I look forward to seeing you all at our next Congress in Boston in September 2008.

Thierry MOLLET-VIEVILLE
Vice President of AIPPI
November 7, 2007