

International Association for the Protection of Intellectual Property

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Report on the AIPPI Baltic conference, 2-5 September 2009, Tallinn, Estonia

Report by *Thierry Mollet-Viéville, President of AIPPI and Stephan Freischem, Deputy Secretary General of AIPPI*

Under the pleasant and efficient direction of Mr. Urmas Kauler, President of the Estonian Group of AIPPI, and of Mr. Enn Urgas, Chairman of the Organizing Committee, the three Baltic Groups of Estonia, Latvia and Lithuania met once again in Tallinn, on September 2-5, 2009, for their 8th biennial meeting.

AIPPI was represented by its President, Thierry Mollet-Viéville, and its Deputy Secretary General, Stephan Freischem.

The Estonian Group of AIPPI was the first one founded in the Baltic region, in 1992.

This meeting brought together 101 participants (like the Parliament of Estonia), from over 20 countries, including Peru (Francisco Espinosa-Bennido), Canada (Peter Milne) and Japan (Keiichi Ota).

The large number of participants provided an opportunity for the President and the Deputy Secretary General of AIPPI to meet many officers of the AIPPI Groups of this Northern European region, and particularly the Presidents of the Finnish and Latvian Groups, Rainer Hilli and Agris Bitans.

One particularly notable presence at the Conference was the large Russian delegation, including from the neighboring city of Saint Petersburg.

The program

A complete list of the topics, speakers and their presentations is posted on the website of the Estonian Group of AIPPI (www.konverents.eu/aippi2009).

Stephan Freischem opened the conference by discussing the role of intellectual property in stimulating creativity and innovation, adding it would be questionable to extend IP protection as widely as possible and that it was necessary to find a balance between intellectual property, on the one hand, and competition and the public domain, on the other hand, while still making sure to prevent excessive and abusive actions on the part of certain IP rights owners.

1) The first day was devoted to trademark rights

Alexander Von Mühlendahl, former Vice-President of OHIM, provided the assembly with the latest news of the world (including WIPO's SCT work) and he brought up the declaration 58 of the G8 summit in Aquila, in connection with the measures of the World Customs Organization (WCO) and the Anti-Counterfeiting Trade Agreement (ACTA). He also confirmed that a study is being carried out by the European Commission on the review of the community trademark system.

Various speakers stepped up to discuss the case law (sometimes conflicting) dealing with the scope of protection of a renowned trademark, and in imitation matters, depending on the defendant's good or bad faith.

Once again, the conflict between trademarks and designs raised several questions: can an automobile be registered as a trademark, or as a design, and can a trademark can be the reason for a cancellation of a design, and vice versa?

Two professional designers explained the need to get a better understanding of the new working methods and the role of a designer. Indeed, in their work to understand the context of their clients' activities, these "new designers" are concerned with first listening to their needs, in order later to provide them with answers from the realm of concepts, in order "to shape meaning." Afterwards, the President of the Global Anti-Counterfeiting Group (GACG) presented his organization's strategies and means.

2) The second day was devoted to patent rights

Anne Rejnhold Jorgensen of the Danish Patent Office made a remarkable presentation of the "Patent Prosecution Highway" (PPH), which is used by 14 Offices and is the subject of 21 bilateral agreements. Such a system actually promotes a very efficient cooperation, allowing in particular to avoid the duplication of work and therefore to ensure greater speed and savings. The PPH system is certainly one of the solutions to the current problem of huge backlogs in the patent offices.

Then Professor Manuel Desantes Real, former Vice-President of the EPO, brilliantly presented the prospects of the patent system, which will certainly take on new dimensions, particularly from economic and social standpoints, so that a new framework will need to be devised to ensure its quality and efficiency in the future.

On a European level, not all the speakers seemed convinced about the need for a Community Patent, and they all expressed their interest in having a European Patent Court endowed with all the necessary means of efficiency (Leo Steenbeek of Philips), without discrimination (Manuel Desantes Real), and in a judicial organization that is consistent with Europe's political and social needs (Thierry Mollet-Viéville).

The day's proceedings closed on a highly interesting presentation of the case law of the different Judges of northern Europe, including in Finland (Rainer Hilli). These case law comparisons were most constructive and helpful for the professionals who attended the conference, particularly in the area of pharmaceuticals and in connection with the matter of the imminence of an infringement to be prevented by the Judge.

Conclusion

The quality of the discussions during these two days was also evident from the questions raised by the participants, which included many young professionals, a fact that was noted with satisfaction.

Such a conference provides hope that Intellectual Property will continue to arouse an increasing interest in the countries of this region, including Latvia, where the next AIPPI Baltic Conference will be held in Riga in 2011.