

Meeting Summary

Tuesday 17 May 2022 | 13.00 - 16.00 CET

1. Opening session

The meeting was opened by Ingrid Baele, Chair of the ICC Commission on Intellectual Property (IP). In her introductory remarks, she highlighted how the global COVID-19 pandemic has not resulted in a decrease in global innovation but rather in an accelerated rate of developments in intellectual property. Recalling the last commission meeting, she underlined recent global developments affecting the world of IP issues: advancements in the Unified Patent Court (UPC) and the Unitary Patent (UP), diversity in the evolution in the IP system and the consequences of the war in Ukraine.

Together with Danny Grajales, ICC Global Policy Manager, they provided updates on the recent changes within the ICC Global Intellectual Property Commission. In this line, the new members of leadership and current structure were introduced to participants. Importantly, the Commission's work has been structured around 4 working groups (copyrights, designs, trademarks, and patents and trade secrets) and 4 task forces (anti-counterfeiting and piracy, artificial intelligence and IP, dispute resolution and IP, and access and benefit-sharing).

For action: Please contact us if you would like to join any of the IP Commission working groups and task forces.

2. Presentation of guest speakers

The first part of this section was dedicated to presentations from guest speakers on issues related to the work of the Commission. In the first place, ICC Brazil and the Brazilian Ministry of Economy both made a series of presentations to share their respective lines of work and cooperation projects. The speakers from the ministry also provided an overview of the Brazilian IP system and the new National IP Strategy (ENPI), and developments on the Brazilian international agenda on IP.

During the second half, Hélène Dernis, from the OECD Directorate for Science, Technology, and Innovation, provided an overview of the organization's work on IP statistics. Among other issues, she highlighted their ongoing efforts to measure patent quality through a set of indicators of technological and economic value, and the different projects that the OECD has undertaken on IP statistics. Importantly, the ICC and the OECD signed a Memorandum of Understanding in March 2022, including work on IP. In this line, ICC and OECD shall develop partnership initiatives in the upcoming months.

3. Internal working session

The second part of the meeting was comprised of four presentations focusing on a range of issues. They were open conversations updating and identifying avenues of work where the IP Commission can contribute.

a. Presentation and discussion on Intellectual Property Litigation Finance

In the first discussion, Vishal Amin, IP Commission Vice-Chair and Head of IP Policy at Intel (USA), and Susan Wilson, commission member (Intel, USA), made a presentation on the issue of abusive third-party litigation finance. They voiced concerns on this growing cross-sectoral problem for innovation ecosystems that is disrupting litigation systems and intellectual property rightsholders.

Subsequently, they opened the discussion on how the IP Commission may contribute to tackle this issue. Importantly, there was agreement on a **projected workplan** for the work on third-party litigation finance:

- (1) Intelligence gathering. IP Commission will hold an open discussion with its members (including companies, law firms and IP offices) and others of the ICC network that are affected or could be affected by this problem.
- (2) Preparation of a set of key messages. The IP Commission will work on preparing a set of key messages that would identify both concerns, and the governance gaps that are allowing for these abuses of IP legislation.
- (3) Advocacy efforts. Building upon the based on the gathered information and agreed key messages, ICC would use its advocacy channels to encourage progress on addressing this issue and raise awareness.

For information: You will receive a separate communication with additional information on this line of work and a call for input.

b. Presentation and discussion on Trade Secrets

In the second discussion, Caterina Strippoli, Commission Vice-Chair and Patents and Trade Secrets Rapporteur (Head of IP, Enel, Italy), shared updates from the ICC Working Group on Patents and Trade Secrets. She shared that the main line of work for this WG will be the preparation of a **new ICC Report on Trade Secrets**. This report is on its early stages and could include: (a) a chapter on management of trade secrets, (b) a chapter on legal requirements, with a focus on the lack of harmonization, and (c) a chapter valuation of trade secrets, including its complexity and practical considerations for businesses.

Additionally, she shared information about her participation on the [WIPO Symposium on Trade Secrets and Innovation](#) held on May 23 and May 24. She participated as the moderator for one of the panels on behalf of ICC focused on trade secret management.

For information: All members of the ICC Working Group on Patents and Trade Secrets will receive more information on the Trade Secrets line of work.

The full recording of the [WIPO Symposium on Trade Secrets and Innovation 2022](#) can be accessed [here](#).

c. Discussion on SMEs and Intellectual Property

In the third discussion, Christina Wainikka, commission member and IP Policy Expert (Confederation of Swedish Enterprise, Sweden), led a discussion on IP programs for Small and Medium-sized Enterprises (SMEs). She highlighted ongoing programs within the Confederation of Swedish Enterprise that aim at promoting IP protection in SMEs. These programs cover everything from facilitation of IP rights registration to direct assistance and search for financial aid for IP. Even if there has been some initial success, she expressed her concerns on how some SMEs still lack the awareness and knowledge to develop a proper IP strategy, which is key for them to grow, increase their value and attract financing.

National Committees from Latin America joined the conversation with their perspectives on SMEs and IP. Diego Alvarez from ICC Colombia shared the work of the Bogota ICC Center of Entrepreneurship (CoE). They have programs focused on raising awareness on IP and intangible assets, enhancing knowledge management and providing support to SMEs on this issue. Sergio Hellman, Head of ICC Argentina, and regional coordinator, also underlined the work of the Buenos Aires ICC CoE. He highlighted the work of the regional network of the ICC IP Commission which is focusing on the business case for non-traditional forms of IP, such as traditional knowledge or country trademarks.

d. Panel Discussion on Key Global Copyright Developments

In the fourth and final presentation, Richard Pfohl, Commission Vice-Chair and head of the Copyrights Working Group (General Counsel, Music Canada, Canada), led a discussion on recent developments on copyright issues and their impact for the business community. He shared recent developments encouraging the cooperation and collaboration between digital platforms and creative industries. Namely, the European Union [Directive 2019/790](#) on Copyright in the Digital Single Market (on its Article 17) and the issue of website blocking.

Subsequently, he shared updates and impressions on the 42nd [WIPO Standing Committee on Copyright and Related Rights](#) (SCCR) held from 9 May to 13 May. This session recalled on the Covid-19 impact on the copyright ecosystem and was mainly dedicated to review the Revised draft of Broadcasting Organizations Treaty and the new Proposal by the African Group for a Draft work Program on Exceptions and Limitation.

4. Closing remarks

The ICC Secretariat will be providing updates on the following weeks on the several workstreams mentioned on this summary. The aim is to schedule the next meeting of the Commission for the first week of December 2022. At the moment, this meeting is expected to be a hybrid meeting held in the headquarters of WIPO (Geneva). This information will be confirmed with all members of the commission as soon as possible.