

## **APEC Model Guidelines To Strengthen IPR Capacity Building**

APEC member economies continue to recognize that strong protection and enforcement of Intellectual Property Rights (IPR) is a critical component for economic growth and development in the Asia-Pacific region. As such, they have developed five Model Guidelines on IPR that were approved by APEC Ministers and Leaders in 2005 and 2006. Those Model Guidelines will be useful for member economies to take appropriate measures to strengthen their IPR regimes, especially with respect to reducing trade in counterfeit and pirated goods, protecting against unauthorized copies of copyright materials, preventing the sale of counterfeit and pirated goods over the Internet, securing supply chains against counterfeit and pirated goods, and informing citizens about the importance of IPR protection and enforcement.

Effective IPR protection and enforcement is a global issue and a common challenge faced by all APEC members. Although many developing economies are making efforts to provide stronger IPR protection, they sometimes lack the resources to conduct the training needed for effective enforcement, to consistently carry-out effective enforcement activities, and to undertake public awareness activities intended to convey to the general public the value of IPR and the many reasons it needs to be protected.

On November 19, 2006, APEC Economic Leaders agreed in Viet Nam in their Declaration that “we recognized the need for continued efforts to increase capacity building to assist economies of different levels of development to strengthen IPR protection and enforcement.” In their November 16, 2006 Joint Statement, APEC Ministers called on economies “to increase capacity building efforts to help implement the IPR guidelines.” “Given the importance of actively pursuing strong IPR protection and enforcement in the region,” Ministers also “called on economies to take further steps in the coming year in order to build on the APEC Anti-Counterfeiting Initiative.” In addition, “Ministers stressed the importance of building effective information sharing channels to strengthen IPR border enforcement.” In this context, they “instructed officials to explore the possibilities of establishing the APEC information exchange mechanism of IPR customs protection.”

In addition to continuing efforts to strengthen IPR protection and enforcement, a strong knowledge-based economy requires a comprehensive and balanced IP system as well as an environment that encourages creation and innovation and provides the tools for successful management and exploitation of IPR. Capacity building is important for supporting member economies to work towards achieving this objective. Strengthening capacity building cooperation would also complement the five IPR Model Guidelines already developed. IPR capacity building could be undertaken plurilaterally and/or bilaterally among economies and relevant stakeholders. The following general guidelines serve to aid APEC member economies in the design and implementation of capacity building activities and programs.

### **MODEL GUIDELINES**

#### **1. CAPACITY BUILDING APPROACHES**

It is very important to raise public awareness of IP, to strengthen the education and training of staff in IP offices and to equip various stakeholders, both IP owners and users, with appropriate skills and resources to fully appreciate and utilize their IPR. There is also a need to facilitate information exchange for efficient administration and effective enforcement. APEC economies should endeavor to take a strategic and structured approach to designing, implementing and evaluating capacity building programs. A checklist detailing the different stages of this process is listed in the attached Annex to these guidelines for economies' reference. Some of the approaches to capacity building could include the following:

- Designing capacity building programs that identify and prioritize IPR development goals, and set objectives and measurement criteria for success;
- Implementing capacity building activities in support of these IPR development goals, and

where appropriate, in cooperation with suitable partners and stakeholders; and

- Evaluating the effectiveness of capacity building activities to ensure they meet clear objectives and work towards achieving defined IPR development goals.

Capacity building activities could include:

- Training and education cooperation between member economies of APEC, among APEC fora and with key stakeholders, to jointly organize quality training courses and educational seminars utilizing available sources of funding;
- Encouraging more effective dialogue between government agencies and the private sector on IP protection, enforcement, management and exploitation;
- Cooperating with the private sector to co-sponsor IPR training courses and seminars; and
- Encouraging right holders to cooperate more closely with relevant government agencies by providing information and assistance where appropriate.

### **2. INFORMATION EXCHANGE AND TRAINING ON IP SYSTEM**

With the enormous increase in international trade, IPR protection has become a global challenge for all APEC members. It is therefore necessary to build more effective international cooperation mechanisms between APEC member economies. IPR information exchange and training are vital to improving the IP system, including IP protection, enforcement, management and utilization. To support this effort, member economies could consider the following:

- Exchanging relevant information about infringed and infringing goods where appropriate and possible;
- Exchanging relevant information about IP management and utilization and providing training to concerned parties where appropriate; and
- Assisting member economies that require help in improving their IP system by conducting training activities on IP issues needed.

### **3. MUTUAL COOPERATION**

It is important to recognize that considerable resources are required in implementing effective capacity building programs to strengthen IPR regimes. It will be very helpful for member economies to cooperate in identifying, designing and implementing appropriate measures to address gaps in capacity building and involve relevant stakeholders, where appropriate.

## **Annex: Checklist for Designing and Implementing IP Capacity Building Programs**

### **1. Designing Capacity Building Programs**

- Determine economy's IP development goals
- Identify gaps in capacities
- Consult and validate needs with key stakeholders
- Undertake a stocktake of available resources
- Prioritize needs and areas of focus
- Set objectives and measures for success
- Identify and involve stakeholders and partners
- Determine approach and tactics

### **2. Implementing Capacity Building Programs**

- Establish a capacity building roadmap in support of economy's IP development agenda
- Identify suitable partners and stakeholders for implementation
- Facilitate information exchange between IP agencies (both intra and inter government) for better execution of IP development agenda
- Ensure effective succession planning and skills and knowledge transfer processes
- Capitalize on opportunities for resource/cost sharing, learning, collaboration whether bilaterally or multi-laterally e.g. secondment of experts or frequent exchange of personnel between economy's IP Offices and even with the private sector, jointly organized seminars, etc.

### **3. Evaluating Capability Building Programs and Next Steps**

- Ensure feedback capture processes to measure the level of success and effectiveness of capacity building activities, and to help inform next steps
- Review outputs and outcomes against economy's IP development agenda and goals
- Fine tune and improve execution at the next cycle