

06 November 2005

TRILATERAL USERS CONFERENCE (MUNICH, 17 NOVEMBER 2005)

- On behalf of the Industry Trilateral I would like to express our appreciation of the invitation from the Trilateral Offices to have a dialogue with the users of the patent systems in Europe, U.S. and Japan.
- But let me first explain to you who we are and why we set up this unique platform. The Industry Trilateral comprises three major associations representing users of the patent system in the corresponding geographical regions where your Offices operate.
- IPO and AIPLA represent the U.S. side:
- **IPO (Intellectual Property Owners' Association)** represents more than 100 large companies that include most of the largest patent filers in the U.S. IPO members also include some smaller businesses and individuals who own or are interested in patents, trademarks, copyrights and trade secrets.
- **AIPLA (American Intellectual Property Law Association)** is a bar association whose nearly 17,000 members represent corporate and private clients in all fields of IP law. Representing both plaintiffs and defendants, AIPLA is interested in reforms that further an efficient, effective and balanced patent system.

- **JIPA (Japanese Intellectual Property Law Association)** from the Japanese side consists of 876 regular members (Japanese companies) and 206 associate members.
- **UNICE** from the European side represents more than 20 million small, medium and large companies. UNICE's members are 39 central industrial and employers' federations from 33 countries.
- Our associations are committed to defend and promote the value of intellectual property and are in a permanent dialogue with their patent offices and respective governments to ensure that the needs of users are reflected in any legislation on intellectual property.
- As you very well know, you set up Trilateral cooperation in 1983 to solve common problems related to the protection of industrial property rights, to promote the dissemination of advanced technology and exploit the full potential of work performed by the other Offices.
- We consider your trilateral and other international bodies that deal with intellectual property issues, such as WIPO and WTO of key importance to the interests of users in Europe, U.S. and Japan.
- We have witnessed in the last few years that anti-intellectual property forces have managed to bring forward their agenda in those bodies, sometimes successfully, derailing discussions on important issues.

- Therefore, in a similar spirit as your conviction on the need to improve international cooperation, we formed our Industry Trilateral with the firm belief that strengthened cooperation will work to the benefit of users of the patent system in Europe, U.S. and Japan and will also help clarify a lot of misconceptions spread in the last few years by the anti-IP forces on the value of intellectual property.
- The world is going global. Solutions to problems that affect users of the patent system in Europe, U.S., or Japan, can be found only together with our partners in those regions. And the Industry Trilateral has been a first step in this direction.
- Among the specific issues on which the Industry Trilateral has been active so far, I would like to say a few words about harmonisation efforts regarding patent law. We will have the opportunity during our meeting to discuss other specific issues in greater depth.
- From early on, our Industry Trilateral has focused its work on patent law harmonisation discussions, held at WIPO.
- Progress in these discussions is key for companies around the world, in order to reduce applicants' costs, promote legal certainty and reduce pendency.
- The Industry Trilateral has supported efforts of the Trilateral Offices to make progress in these discussions. I have already mentioned the importance

of those discussions for companies. In addition, such progress will also have a positive impact on the Offices by relieving some of the pressures of their growing workloads.

- In this respect, we have also supported your coordination and cooperation efforts in work-sharing, e-business development as well as harmonisation or standardisation of search strategies, tools and substantive patent law.
- Before concluding, I would like to stress the need to ensure effective enforcement of our intellectual property rights all over the world and deal effectively with the problem of piracy and counterfeiting. This is an issue of strategic importance for users in Europe, U.S. and Japan. Developing countries (China, India among others) have to deal with this and implement the necessary measures at all levels. We are working hard to make the value of intellectual property rights better understood also among the business communities in developing countries, whose role is key in the fight against piracy and counterfeiting.
- Let me conclude by stressing that from its inception, the Industry Trilateral has considered establishing a direct link with the Offices Trilateral a key priority. We regard today's meeting as a good starting point and we look forward to develop an open and constructive dialogue with the Offices on all key issues for users. We hope for instance that you could use the Industry Trilateral as a forum to test any new ideas or proposals and have a first reaction of the users before moving forward with those.

- The Offices Trilateral does not operate in a vacuum. It is our firm conviction that its work should reflect what the users of the patent system need.
- This is why we welcome today's opportunity to have this dialogue with the three main Patent Offices in the world.
- We hope that today's meeting will not be a one-time event but will give to all of the opportunity to continue this dialogue further for the benefit of both the users of the patent system and the patent offices.

* * *