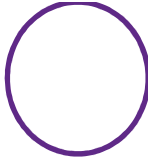


NTM classification for Intellectual Property

Progress Report

**MAST Meeting, day 1
Geneva, October 2016**





What are "measures" in IP rights?

ALTERNATIVE 1

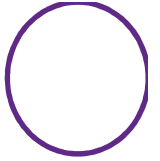
Would it be enough to register broad IP laws enabling for product protection?

- "All" or almost all products would be affected
- Loses economic meaning

ALTERNATIVE 2

Is it practical and does it make sense to consider every protected registered product?

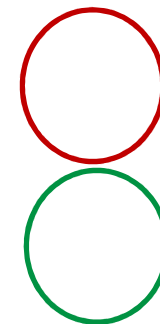
- Will be thousands of trademarks, etc.
- Advantage is that countries with higher innovation and IP will appear as more regulated, which is coherent



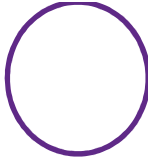
What are "measures" in IP rights?

- Do we require immediate effect on trade as under SPS?
 - Registered IPRs are private rights
 - Enforcement of rights and invocation of exceptions depend on action by right holder

The first idea is to take broad groups as the categories

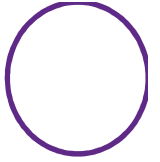


Copyright	N1
Trademarks	N2
Patents	N3
Geographical indication	N4
Industrial designs	N5
Other (n.e.s.)	N9



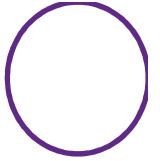
Do we treat all IP categories the same?

- IP as a "condition" (product characteristic) to be met by the product to be traded ?
 - Comparable to SPS requirements
 - Patents: protected technology directly affects the product / is inherent to it / characterizes it
 - Trademarks, GIs, non-functional designs: product as such may be traded



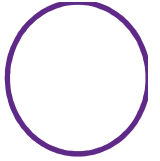
How do we treat products covered by several IPRs?

- Pharmaceutical product:
 - Patents on the ingredients
 - Trademark on a similar name
 - Design right on the shape of the pill / capsule
- Can the HS code be used to reflect all of these different IPRs?
 - Can there be a single code on a product for a certain type of IPR, when that product is subject to several IPRs?



Can we link an IP category to the HS code?

- High tech products comprise multitude of patents
 - ICTs: patents on software, microprocessors, etc
 - Medicines: patents on ingredients
- HS codes do not reflect the same level of detail: final product level



So what type of information is relevant?

- There is no database on all patents covering final products
- But trademark registers exist for finished products
 - Multitude of trademarks for like products
- **WIPO IP Statistics Data Center**
 - <http://ipstats.wipo.int/ipstatv2/>
 - covers the following types of indicators:
 - APPLICATIONS registered for
 - patent, trademark, industrial design, utility model, as well as those under PCT, Madrid and Hague system
 - Data source
 - data collected from national and regional IP offices;
 - data generated from the international filing and registration systems administered by WIPO;
 - data extracted/compiled from the Patstat database.

Thank you