



## **Sixth Meeting of BRICS Heads of IP Offices**

### **SUMMARY REPORT**

Held at the Federal Service for Intellectual Property (Rospatent), Russia  
on 21-22 June 2016

*Chairperson: Director General of Rospatent Mr. Grigory IVLIEV*

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#### **1. Opening and welcome**

Mr. Grigory IVLIEV, Director General of the Federal Service for Intellectual Property (Rospatent) and Chair of the IP BRICS Cooperation, opened the meeting and welcomed the delegations of the Intellectual Property Offices from Brazil, India, China, South Africa and the representatives of the Federation Council of the Russian Federation and of the Embassy of Brazil in the Russian Federation.

The BRICS delegations were greeted by Mr. Ilyas UMAHANOV, Deputy Chairman of Federation Council, who stressed the importance of cooperation of BRICS countries in the area of IP.

The Heads of delegations of IP Offices delivered their introductory remarks expressing their thanks to Rospatent for hosting the HIPO meeting, as well as the IP BRICS Coordination Group meeting (20 June, 2016).

The list of participants is attached.

#### **2. Historical background and general evaluation of IP BRICS cooperation**

Mr. Grigory IVLIEV presented the progress of the BRICS Intellectual Property Offices cooperation from 2012 up to date, indicated the major events and their outcomes.

He delivered an overview of the activities performed by Rospatent as the Chair and the Secretariat Office of the IP BRICS Cooperation and summarized the discussions of the IP BRICS Coordination Group on the Mandates of each Office with regard to their respective Cooperation Streams defined in the BRICS IP Offices Cooperation Roadmap (Roadmap).

### **3. Roadmap evaluation by BRICS IP Offices**

All delegations provided details on the respective Mandates under their leadership and provided comments on the other Offices' Mandates.

It was decided to approve all discussed Mandates subject to the reservations proposed by the IP BRICS Coordination group on 20 June, 2016.

It was agreed that the Offices will keep reviewing the Mandates as the need may be in the course of cooperation, each amendment being subject to common consensus.

#### **Stream 1: Training of Intellectual Property Office Staff and Examiner Exchange (Leading Office: Rospatent)**

All delegations gave a positive feedback on the training program organized by Rospatent for experts from the BRICS IP Offices (29 February - 4 March, 2016) and congratulated Rospatent on having successfully begun implementing their respective Mandate (adopted by HIPO in October, 2015). It was agreed that IP Offices may further freely provide their propositions on the organization and topics of further trainings under this Mandate, which will be considered by Rospatent in due course.

Some of the BRICS Offices expressed themselves in favor of the idea to organize similar trainings each year on rotational basis and noted that this may be beneficial for exchange of BRICS IP Offices' experience. CGPDTM agreed to consider the possibility to host the next training program in due course. Details of the program are to be further discussed between the BRICS IP Offices.

In addition to training and examiner exchange programs, Rospatent proposed to organize online courses for representatives of BRICS IP Offices on the basis of Rospatent's subordinate institution, Russian State Academy of Intellectual Property (RGAIS). This proposal is to be further considered by each Office and details are to

be discussed at the BRICS IP Coordination Group meetings for placing before the HIPO.

**Stream 2: Promotion of public awareness on IP in BRICS countries  
(Leading Office: SIPO)**

SIPO suggested to extend the scope of their Mandate under the Cooperation Stream 2 and to amend its title as follows: National IP Strategy and Promotion of Public Awareness on IP. However, INPI noted that the issue of national IP strategy does not fall within their jurisdiction as Brazilian IP Office. It was resolved that INPI will participate in this aspect of the Mandate within the limits of its jurisdiction. BRICS IP offices agreed in principal with SIPO's suggestion and more details on implementation will be further considered.

With regard to the training part of the mandate under the Cooperation Stream 2 and the respective mandate led by Rospatent and CIPC, it was decided to cooperate and coordinate the implementation of the three Mandates in case of any possible overlapping on targeted groups of training activities under each mandate. As the first step for implementation of the Mandate the BRICS IP Offices agreed to exchange information of their recent IP publicity/IP awareness activities (with the focus on the activities related to the World Intellectual Property Day) by the next HIPO meeting in Geneva. It was also agreed that by March-April 2017 the Offices will make an effort to exchange the information on their IP publicity/IP awareness activities planned for the year of 2017.

**Stream 3: Information services on IP (Leading Office: SIPO)**

SIPO presented a revised Mandate for data exchange and cooperation on information services between the BRICS IP offices, with a new schedule for data exchange that comprises 5 steps and better reflects the principle of equal participation of the Offices in joint activities. This approach was endorsed by all Offices.

It was decided that the BRICS IP Offices will start cooperation under this Mandate by sharing their experiences in international information exchange and by providing each other with a list of information that they would be willing to share with the BRICS IP Offices and/or would be interested in obtaining from the other IP Offices. Deadlines for exchange of such information will be preferably before the first BRICS HIPO meeting in 2017.

CGPDTM also proposed for making a website or alternatively for development of a platform wherein all offices can share their information. SIPO agreed to look into this aspect.

#### **Stream 4: IP/Patent processes and procedures (Leading Office: INPI)**

INPI proposed to start implementation of the Mandate by focusing on processes and procedures related to patent classification. This proposal was supported by the BRICS IP Offices.

As the first step, INPI decided to submit to BRICS IP Offices a questionnaire on patent classification. It was resolved that the BRICS IP Offices will make an effort to provide answers to INPI questionnaire within a month from this HIPO meeting. Some of the BRICS IP Offices proposed INPI to elaborate a balanced action plan for implementation of the Mandate. In its turn, INPI will consider the possibility to prepare an action plan by the next HIPO meeting in Geneva. The actual deadline remains to be provided by INPI to the IP BRICS Coordination Group.

SIPO's proposal to extend the mandate under Cooperation Stream 4 to include not only patent procedures, but other IP procedures and processes was duly noted and appreciated by the BRICS IP Offices. It was decided to carefully consider this possibility later in the course of IP BRICS cooperation.

#### **Stream 5: IP strategy for SMMEs (Leading Office: CIPC)**

CIPC proposed a wide range of activities to be implemented under the Mandate, which was appreciated by the BRICS IP Offices.

It was also resolved to make reservations regarding some provisions of the Mandate. In particular, some Offices noted that activities related to creation and operation of IP Market Place and Trade Portal exceed their jurisdiction. Some concerns were also expressed with regard to potential financial implications of some provisions of the Mandate. It was thus decided that CIPC will consider the possibility to review and amend the provisions relating to Trade Portal. This issue will be further discussed in due course at the BRICS IP Coordination Group meetings.

#### **Stream 6: Collaboration in International Forums as required and subject to consensus (Leading Office: CGPDTM)**

BRICS IP Offices agreed that this Mandate concerns some very important and delicate issues. It was resolved that the Offices will work together on the ways to

efficiently organize collaboration in international forums and will focus on collaboration at the WIPO platform. However, the Offices agreed that the international collaboration should not be limited exclusively by WIPO framework.

It was resolved that the IP BRICS Coordination Group will collaborate to incorporate any such further issues of common interest (themes) and to include them into the text of the Mandate subject to common consensus. All Offices will be free to propose any themes for removal from and/or addition to the said list at any time in the course of collaboration which will be discussed initially by IP BRICS Coordination group.

As a first collaborative issue in the International Fora, the specific points of consensus which has evolved on specific issues in the matter of draft WIPO Design Law Treaty (DLT) can be taken up at the appropriate forums. Rospatent also proposed for joint statement on technical assistance under the framework of DLT.

In terms of methodology of implementation as proposed in the Mandate, CGPDTM proposed organizing a stakeholders' meeting in order to form a policy concept on the issues of general interest. This proposal is to be further considered and discussed by the BRICS IP Coordination Group in due course.

#### **4. General proposals for further IP BRICS cooperation**

It was noted during the HIPO meeting that, further to SIPO's suggestions, the IP BRICS Coordination Group discussed and developed a number of general proposals on further IP BRICS cooperation, including the following:

- to appoint IP Coordination Group both as a regular mechanism for coordinating current IP BRICS cooperation issues and as an expert level platform for cooperation;
- to also hold regular 2-days' meetings of IP Coordination Group each year 3 months before the HIPO Meeting organized by the Chair Office;
- to define a fixed date, preferably in the second half of June, for HIPO Meetings organized by the Chair Office;
- to decide on differentiated formats and mandates of the first yearly HIPO Meetings organized by the Chair Office and the second yearly HIPO Meetings in Geneva;
- to make the progress and achievements of IP BRICS cooperation public by issuing a joint statement/common initiatives of BRICS IP Offices when necessary;

- to create a common Internet platform for the purposes of IP BRICS cooperation;
- to work together on enhancing cooperation and communication mechanisms;
- to establish together a yearly IP BRICS cooperation calendar comprising all joint activities, etc.

It was resolved to further discuss these proposals in the due course between the BRICS IP Offices.

Mr. Grigory IVLIEV underlined that the issues of communication and coordination are very important for the further smooth cooperation. He addressed to CGPDTM as the next Chair and Secretary Office a kind request to work on proposals on the regulation of further joint work and cooperation between the BRICS IP Offices. In particular, it was suggested that it would be the role of CGPDTM to fix the date of the next HIPO meeting in Geneva in due course.

## **5. Hand over to Controller General of Patents, Designs and Trade Marks (India)**

Rospatent expressed its privilege to having served as the Chair Office of the BRICS HIPO since June 2015 up to the date and handed over the Chairmanship and the Secretariat of the IP BRICS Cooperation to Controller General of Patents, Designs and Trade Marks. Mr. Grigory IVLIEV congratulated the Indian IP Office, wished them success in their new role and delivered an official letter to Mr. Om Prakash GUPTA for this purpose.

## **6. Final summary report and closure**

The BRICS IP Offices proceeded with the approval of the Summary Report of the Sixth Meeting of BRICS Heads of IP Offices.

Following the signing of the Summary Report by the Heads of BRICS IP Offices' delegations, Mr. Grigory IVLIEV once again expressed his thanks to the delegations for attending BRICS HIPO meeting and for good cooperation and joint efforts during Rospatent's Chairmanship.

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Mr. Grigory IVLIEV

Russia - Director General – Federal Service for Intellectual Property

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Mr. Mauro MAIA  
Brazil - Vice-president - National Institute of Industrial Property

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Mr. Om Prakash GUPTA  
India - General Controller - Controller General of Patents, Designs and Trade  
Marks

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Dr. HE Zhimin  
China - Deputy Commissioner - State Intellectual Property Office of P. R.  
China

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Mr. Rory VOLLER  
South Africa - Acting Commissioner - Companies and Intellectual Property  
Commission