

# Managing Intellectual Property

## The Global IP Resource

### IP'S MOST IMPORTANT FIGURES

01 July 2003

**After months of research, MIP unveils its list of the most influential people in the IP world. Featuring politicians, judges, industry leaders, regulators, authors and campaigners, the list provides an indicator of who matters - and why - in IP today**

Who are the most influential people in intellectual property today? Who determines the scope of protection, the changes in the law, and the new business initiatives that shape the IP world? And who provides the ideas and inspiration that affect policy, decision-making and commercial strategies? Who would you most like to write a trade mark textbook, or to speak at a patent conference?

These were the questions we asked when compiling this list of the 50 most influential people in IP. We started with the premise that intellectual property is a global business. Above all, we sought people who have an international impact and whose decisions and ideas have a direct effect on industry and consumers, and not just on the mechanics of the law.

Some of the names here will be obvious. Others are perhaps more surprising. Some may cause shock or amusement (the list is not restricted to supporters of the IP system, or IP rights in general). You may feel there are some notable omissions (if so, please write and tell us).

Many more people than the 50 named were considered for inclusion, but (thanks to lots of research and consultation with a range of practitioners) the list was gradually whittled down to the final 50. The people on the list - who are influential in many different ways - represent most of the main currents of opinion and influences on IP today. But the list is not a survey; it is not scientifically compiled. No-one has paid to be included; no lobbying has taken place. Names are listed alphabetically.

#### The list at a glance

Not surprisingly, figures from the United States dominate the list. The world's largest economy provides nearly half of the total - 23 out of 50 people. Second most prominent is the UK, with four representatives, while Germany, India and China all have three. Beyond that, there is a wide spread, with a total of 17 nations represented. Australia and Japan contribute two people each, while Belgium, Canada, Denmark, France, Italy, the Netherlands, Singapore, South Africa, Sudan, and Uruguay all have one each.

Just eight of the list are women - a reflection perhaps of male dominance particularly in the higher levels of politics, administration and justice. Of the 50 people listed, 19 are known mainly for working in the patent field, 13 in trade marks and 6 in copyright, with the remaining 12 covering a mixture of areas.

Exactly half of the people on the list work in law-making, administration or regulation at either national or international level. Of the remaining 25 people, 13 represent business, commerce or research, five are judges, and the other seven are known for their writing, lobbying or campaigning on IP issues.

#### Greg Aharonian, Internet Patent News Service

A patent searcher by day, Greg Aharonian is also editor of the *Internet Patent News Service*, a newsletter read by many IP professionals in the US and beyond. Whether you agree or disagree with his outspoken views, Aharonian is still one of the leading commentators in the IP community. With a readership that includes high-ranking bureaucrats and senior lawyers, Aharonian often scoops other IP publications, thanks to his readers emailing him with the inside line on a variety of big issues - such as the latest candidates for the top job at the EPO. Aharonian's recent newsletters have focused on what he believes is the tax-dodging scandal of patent donations, and received so much attention that he was interviewed on the topic by *The New York Times*.



#### An Qinghu, SAIC

An Qinghu was appointed as director general of the Trade Mark Office of China's State Administration for Industry and Commerce in October 2001. He has presided over the drafting of several regulations to adapt the newly-amended Trade Mark Law, to protect well-known marks and collective and certification marks among other things. Efficient methods of registration and record keeping are essential in the Trade Mark Office, which receives thousands of trade mark applications annually. Under An's leadership, the Office has completed the conversion to Phase II of the Automation System for Trade Mark Registration and Administration, which has led to a shift in trade mark examination methods, from one based on paper and manual operation to an electronic one.



#### Teruaki Aoki, Sony Corporation

As senior executive vice president for IP at Sony, Teruaki Aoki's responsibilities extend across a range of different industries. Not only does Sony make the equipment, such as televisions, computers and stereos, which people use to entertain themselves, it also produces much of the content displayed on those devices, through businesses such as Sony Pictures, Sony Music and Sony Computer Entertainment. Aoki is a 33-year veteran of the company, joining at the beginning of 1970, less than six months after earning a PhD in Materials Science from Northwestern University in Illinois. Sony's range of businesses and the volume of IP work it generates give it a stake in a wide range of IP issues, such as the reform of the patent and trade mark systems and the enforcement of digital copyright.



#### **Kathryn Barrett Park, General Electric**

As chief of trade marks for one of the world's biggest companies, Kathryn Barrett Park would have strong claims for inclusion in the list even if she were not the current president of the world's biggest IP association, the International Trademark Association. The sheer scale - and networking opportunities - of INTA's Annual Meetings are legendary. As president and formerly executive vice-president of INTA, Barrett Park has stressed the international nature of the organization and its membership. Most recently, the Association worked successfully to see the Madrid Protocol ratified in the US. Then, after the Supreme Court's ruling in the *Victoria's Secret* case, Barrett Park set up a special committee to decide if further legislative change is needed to strengthen dilution protection. Expect more Capitol action.



#### **Wubbo de Boer, OHIM**

De Boer is now half-way through his five-year term as the second president of Europe's Community Trade Mark Office, and has already made his mark. In the past two years, the Office has been reorganized and the backlog in appeals has been cut back, while the initial explosion in applications has levelled off. But the biggest challenges lie ahead: EU expansion, promoting electronic filing, Madrid Protocol accession and a political stand-off over the abolition of national searches all have to be dealt with over the next 12 months. OHIM's growth in its first six years has been spectacular, but a period of consolidation now beckons. De Boer insists he wants the Office to remain competitive and efficient, and to keep fees to a minimum, but whether that will be possible is the key dilemma the keen amateur cricketer faces.



#### **Alison Brimelow, The Patent Office**

Multi-lingual Brimelow has spent a lot of time in Germany, and may soon be returning there permanently. She is favourite among many patent attorneys to succeed Ingo Kober as president of the European Patent Office later this year, following a busy couple of years as head of the UK's Patent Office. In that time, she has raised the profile of the Office, improved service and controversially introduced plans to outsource searches. Some fear that, if elected to the EPO post, she could initiate radical plans that would upset examiners and users alike. Others believe her experience, knowledge, diplomacy and language skills would make her the perfect choice as the first female EPO president.



#### **Vint Cerf, ICANN**

Known as the father of the internet, Vint Cerf perhaps contributed more to the creation of the world wide web than any other individual. Cerf's work, together with Bob Kahn, on designing protocols that allowed computers to talk to each other, remains the cornerstone of internet technology. Cerf's influence on IP and technology continues today, thanks to his chairmanship of ICANN, and his enthusiasm to see the international domain name system run smoothly. Together with new ICANN president Paul Twomey, Cerf will have to mediate between the demands of users, registrars and IP owners over issues such as new top-level domains, new languages and access to Whois data. Cerf also works on networking innovations at MCI, including plans for an interplanetary internet.



#### **Anne Chasser, USPTO**

As Commissioner for Trademarks at the USPTO, Chasser manages over 300 examiners and a business that generates more than \$150 million each year. In a country where brands rule, the USPTO receives up to 300,000 trade mark applications every year. Unlike many PTO specialists, Chasser is not a career administrator: she was formerly president of INTA after becoming interested in trade marks through Ohio State University's licensing programme in the 1980s and 1990s. Since joining the USPTO in 1999, she has promoted the online filing of trade mark applications to the point where, despite initial scepticism from users, the majority of applications are now made via the net.



#### **Cheng Yongshun, Beijing Higher People's Court**

The credibility of IP litigation in China is rising, thanks to the efforts of some independent-minded judges. Cheng Yongshun, deputy presiding judge of the IP Tribunal of Beijing Higher People's Court, is perhaps the best known of these pioneers. He presided over the first six judgments to recognize the fame of foreign marks in domain name cases at the end of 2001 - Ikea and Procter & Gamble being among the beneficiaries of these rulings. Observers also believe that the Beijing Higher People's Court's verdict in favour of Honda, the Japanese vehicle maker, in its recent case against the State Intellectual Property Office, is another sign of Cheng's attempt to encourage IP tribunals in China to adopt international thinking when deciding

IP cases.



#### **Michael Eisner, The Walt Disney Company**

Eisner may not be an obvious choice for a list of IP stars, but the fact is that politicians love executives, and few in the copyright world match the stature and pedigree of Disney's top man. While Jack Valenti at the Motion Picture Association of America lobbies aggressively, and effectively, for the US movie industry, Eisner's intervention in any debate is sure to command a higher level of attention. When Congress passed the Copyright Term Extension Act in 1998, many were quick to dub the new law the Mickey Mouse Act - a sign of Disney's wish to see the new law brought in to protect the company's most valuable IP asset.



#### **Tove Graulund, Arla Foods**

Some say that being an in-house counsel is an excuse for a quiet life. Not for Tove Graulund. As well as managing the trade mark portfolio for Danish-based Arla Foods (with brands including Lurpak, Lactolite and GULP!) Graulund has spent the past few years working tirelessly as chairman of MARQUES, representing brand owners across Europe, and even finds time to sit on a panel of arbitrators on trade mark disputes in Sweden. As MARQUES chairman, Graulund, who started her career as a translator, has been at the forefront of campaigning on behalf of trade mark owners on issues such as the Madrid Protocol, the threat from own-brand products and simplification of the Community Trade Mark system.



### **Anil Gupta, Honey Bee Network**

The naming of the Honey Bee Network in 1998 was not an accident on Anil Gupta's part. The professor of entrepreneurship at the Indian Institute of Management in Ahmedabad, who is also a biochemical geneticist, says it reflects how a bee takes pollen from lots of individual flowers and pollinates them without taking anything back. And that's how he imagined the Honey Bee Network operating: a group offering innovators recognition for their discoveries and inventions and providing access to the means of protecting their IP rights in traditional knowledge, particularly biodiversity. Central to Gupta's ideas is the collection of information. The Honey Bee Network's database has more than 20,000 entries detailing knowledge not only from India, but also Africa, Asia and North America.



### **Francis Gurry, WIPO**

Francis Gurry is WIPO's assistant director general and legal counsel. His wide range of responsibilities includes WIPO's activities in the area of patents; biotechnology and genetic resource policy questions; traditional knowledge; and electronic commerce. Above all, many IP owners can thank him more than any other individual for establishing a successful arbitration system for domain name disputes. In addition to his duties in Geneva, Gurry is a vice president of the International Federation of Commercial Arbitration Institutions (IFCAI). An Australian national, he has a background in law and philosophy and practised as an attorney in Melbourne and Sydney before joining WIPO in 1985.



### **Senator Orrin Hatch, US Senate**

Probably the most powerful lawmaker in the IP world, Hatch is the final port of call for any IP legislation in the US. Without his approval, it would be very hard, if not impossible, for any IP bills to make it to the Senate floor, regardless of House efforts. Hatch has served on the Judiciary Committee for more than 25 years, during which he has overseen the passage of every piece of IP legislation passed in the US. Hatch's aides drew up the two most well-known, and controversial, pieces of IP law in recent times, the Copyright Term Extension Act and the Digital Millennium Copyright Act. Former staffers attest to the Senator's attention to IP issues and his belief in the rights of IP holders.



### **Robert Holleyman, BSA**

As president and CEO of the Business Software Alliance, based in Washington DC, Robert Holleyman is responsible for the software industry's public policy, education and enforcement campaigns in 65 countries. He frequently testifies before Congress and represents the software industry before foreign governments on policy issues affecting the high tech industry including copyright protection, trade issues, electronic commerce and other internet-related concerns. Prior to joining BSA in 1990, Holleyman served as senior counsel for the US Senate Committee on Commerce, Science, and Transportation. He is the founding president of the Alliance Against CD-ROM Theft, which combats the production and distribution of illegal CD-ROMs throughout Asia.



### **Brad Huther, USPTO**

Huther is USPTO chief James Rogan's senior advisor on the big issues at the Office. As the main author of the 21st Century Strategic Plan, the fundamental reform template of the USPTO, Huther's influence in IP is unquestioned. Like Rogan, Huther is not an IP professional, though he spent 16 years as associate commissioner and chief financial officer at the USPTO before joining the Census Bureau in 1997. Huther worked as a special attaché at WIPO from 1999 to 2002, before Rogan enticed him back to the USPTO to help with the reform effort in April 2002.



### **Kamil Idris, WIPO**

Idris is the director general of WIPO and the secretary-general of the International Union for the Protection of New Varieties of Plants (UPOV). He is responsible for developing global co-operation in IP and has focused on its developmental aspects. Idris joined WIPO as a senior programme officer in 1982, became deputy director general in 1994, and director general in 1997, the same year he became secretary-general of UPOV. Although the WIPO director general is seen by some as no more than a figurehead, WIPO staff testify to Idris's willingness to get involved in the details of policy, and he has proved especially popular with member states from developing countries. He was recently re-elected for a second term, taking his tenure in the role up to 2009.



### **Mr Justice Robin Jacob, High Court**

Jacob's promotion to the Court of Appeal, a post which he will take up in October, confirms his position as the leading IP judge in the UK at the moment. A judge in the Patents Court since 1993, Jacob has heard a string of landmark cases across all areas of IP and has recently initiated the new streamlined procedure in patent litigation. Previously a barrister specializing in IP, Jacob is respected for his knowledge of both law and technology, and is not afraid to invalidate high-profile patents when he sees fit. His background makes him one of the most experienced patents judges in Europe, and is one reason why many litigants choose to come to the UK. But he is on record as saying that he would not be interested in serving on the proposed European Community Patent Court in Luxembourg.



### **Advocate General Francis Jacobs, ECJ**

Jacobs has been advocate general at the ECJ since 1988, before which he was professor of European law at University of London and a Queen's Counsel. Cases at the ECJ are distributed among the advocates general for detailed legal opinion before the judgment is made. Lately, Jacobs has handled a series of important trade mark disputes including *Baby-Dry* and *Doublemint*, which divided the trade mark community over the issue of distinctiveness; *Boehringer Ingelheim KG v Swingward Ltd*, which tackled the exhaustion doctrine in trade mark infringement law; *Pharmacia & Upjohn v Paranova*, which dealt with parallel imports; and *Davidoff v Gofkid* on trade mark dilution.



### Sean Johnston, Genentech

Genentech is viewed by many as not just the first but the biggest success story of the US biotech industry. And this is largely thanks to its strong IP position. The company has over 800 US patents - not bad considering it was only founded in 1976. Former scientist Sean Johnston first worked for the company as a law intern in 1987 and is now a director and vice president, intellectual property. The company stresses the importance of patent attorneys and scientists working together at the early stages of inventions, as well as with other departments in the company, to ensure it has the strongest possible IP position.



### Mike Kirk, American Intellectual Property Law Association

The main man in the USPTO on legislative affairs for more than 20 years, Kirk is considered by many to be the most important non-governmental voice in the IP community. He is the representative of more than 14,000 IP professionals, meaning that lawmakers in Washington DC know they must listen when Kirk speaks. By no means a radical, his strong opposition to any increase in USPTO fees without an end to diversion shows his willingness to fight when he thinks it necessary. Under his stewardship, AIPLA membership has risen from about 7,000 in 1995 to more than 14,000 today.



### Naomi Klein, author

One of the youngest people on this list, Klein is also one of the most controversial. Her book *No Logo*, published in 2000, attacked capitalism and the sweatshop economy by the novel route of examining the role of brands and marketing. As such, it was one of the most thought-provoking publications dealing with intellectual property rights in many years. Her writings may be aimed at campaigners more than lawyers, but what she has to say about the role and limits of trade mark rights is enlightening, and has prompted much head-scratching, argument and rebuttal in the IP community. Klein, a 33-year old Canadian, published a follow-up book of essays, *Fences and Windows* last year, and regularly writes and lectures on this and related

topics.



### Ingo Kober, European Patent Office

Kober became EPO president in January 1996, after a career in the German Ministry of Justice. He is due to retire, aged 61, this year and leaves behind him a legacy of continued growth at the Office, which now provides protection across 26 countries in western, southern and central Europe. Some say the EPO has been slower than its counterparts in the US and Japan to deal with new technologies, perhaps due to political wrangling. Nevertheless, many believe that its patent examiners - supported by the Boards of Appeal - are among the best in the world, even though there are not enough of them. The Office has also invested heavily in the past two years in EPOLINE, its online filing software, which is gradually being taken up by

European attorneys.



### Lawrence Lessig, Stanford Law School

Stanford Law School professor Lawrence Lessig is one of the US's most outspoken, and listened to, critics of the country's copyright regime. A passionate believer in the public domain, Lessig acted for online publisher Eric Eldred in the case of *Eldred v Ashcroft*, which went all the way to the Supreme Court. Lessig argued that the 1998 Sonny Bono Copyright Term Extension Act was unconstitutional, but the Court was unimpressed, finding 7-2 against Eldred in its January 2003 ruling. A specialist in internet law, Lessig founded Stanford's Center for Internet and Society and, despite his recent setback, is a hero to public domain activists worldwide.



### Bruno Machado, OHIM

Machado, a Frenchman, was appointed to be President of the Board of Appeals at OHIM in Alicante last year - and to tackle what was seen by users as one of the problematic parts of the young Office. Already he has reduced the backlog and taken steps to increase consistency between the Boards, which have recently been reduced from four to three in number. Formerly director of trade marks at WIPO, Machado was responsible for overseeing negotiations over the Madrid Protocol. If current European Commission proposals are implemented, a new OHIM Enlarged Board of Appeals will be created to increase consistency next year, probably with Machado as its president.



### RA Mashelkar, CSIR

Since becoming director-general of India's Council of Scientific and Industrial Research (CSIR) in July 1995, RA Mashelkar has turned the organization from a reverse-engineering refuge into an innovative research powerhouse. CSIR equalled Korea's Samsung Electronics as the biggest filer of PCT applications in the developing world last year, and the Council earns close to 40% of all US patents granted to organizations from India. Mashelkar, a chemical engineer, is a patentee himself, holding (with others) 19 Indian patents, four US patents, one Canadian patent and one European patent. "We need to create a balanced system of IP rights," he says, "where the innovators get their due and, on the other hand, where the poor get the benefit of what is due to them."



### The Honorable Justice Paul Michel, Court of Appeals for the Federal Circuit

The Federal Circuit in Washington DC is the most important forum for patent disputes, handling hundreds of appeals each year and establishing precedents for district courts across the US. Only the US Supreme Court can overturn its decisions. The Federal Circuit's 12 members are all distinguished jurists, despite their varied backgrounds. The high profile of cases such as *Festo* and *Duke University* has brought some of the debates within the Court into the public. In these debates, some discern the powerful voices of justices Rader and Newman. But over the coming year most attention will focus on Michel, who (as the senior member of the court) will soon take over as chief justice, and will be responsible for directing and

organizing its approach.



#### **Mario Monti, European Commission**

The European Commission's competition chief has been at the forefront of some high profile antitrust actions, including that involving Microsoft, the EU's biggest case to date. An Italian national, Mario Monti has been a member of the Commission since 1995, when he was involved in internal market and financial integration. He has headed up the competition directorate since 1999. With a background in economics and management, Monti has held academic posts in universities, including professorships, and has sat on various committees working in the areas of economics, finance and competition. With IP issues likely to be at the heart of EU competition policy in the coming years, Monti's decisions will affect many IP rights owners.



#### **Frederick Mostert, Rlichemont**

One of the foremost campaigners for the rights of trade mark owners internationally, Mostert is IP counsel for the Rlichemont Group, which owns valuable luxury brands such as Cartier, Chloé, Dunhill, Hackett and Mont Blanc. He is best known as a campaigner for the recognition of the rights of famous and well-known marks, and his book on the subject is an essential text for trade mark practitioners the world over. Born in South Africa, a member of the New York bar, and a lecturer at Peking University, Mostert has also been INTA president and is a neutral in WIPO's Arbitration and Mediation Centre.



#### **Alexander von Mühlendahl, OHIM**

The brains behind the Community Trade Mark, von Mühlendahl has worked at OHIM in Alicante since the Office opened in 1996. As vice-president (legal affairs), he has been instrumental in establishing the CTM, promoting it to industry and recently presenting OHIM's arguments before the ECJ in a string of controversial cases. There is probably no-one who knows more about trade marks in Europe. Von Mühlendahl's experience in overseeing the integration of the IP regimes in East and West Germany will be invaluable in the coming months as the EU expands to include 10 new countries. His current term as vice-president is due to come to an end in 2004.



#### **Timothy Muris, Federal Trade Commission**

Under Muris's watch, the US Federal Trade Commission (FTC) has launched an in-depth investigation into the relationship between intellectual property and antitrust law. Since 2001, the FTC has held more than 20 hearings across the country, inviting noted IP practitioners, academics, economists and government officials to give their thoughts on the balance between IP and competition. A report, which will recommend some changes to the IP system, is expected before the end of the year. The FTC's decision to go after Rambus and Unocal, in both cases for claiming patents on industry standard technology, shows it is serious in cracking down on IP abuse. And its proposed reforms to the Hatch Waxman law were approved by President Bush in June this year.



#### **Ron Myrick, General Electric**

Myrick is something of a legend in IP circles. A former president of both the Intellectual Property Owners' Association and the American Intellectual Property Law Association, Myrick is also IP chief of one of the world's largest companies. A frequent speaker at conferences and meetings, Myrick is a member of the USPTO's Patent Public Advisory Committee and was nominated by the US to the World Trade Organization's (WTO) Dispute Settlement Roster.



#### **Shinichiro Ota, Japanese Patent Office**

As commissioner of the Japanese Patent Office, Shinichiro Ota has been central to the initiatives the Japanese government has brought forward since 2002 to overhaul the country's IP system. He has taken part in the establishment of the Intellectual Property Headquarters, the formulation of the Promotion Programme on the Creation, Protection and Exploitation of Intellectual Property, as well as the enactment of a Basic Law on Intellectual Property. At the recent Trilateral Conference, he and his American counterpart decided on a plan to mutually exploit each office's search results. Ota, a career civil servant, is widely believed to be leaving the JPO soon after only a year as commissioner. His successor has a substantial record of achievement to live up to.



#### **Marybeth Peters, US Copyright Office**

US Copyright Office veteran Peters is one of the most respected administrators in the IP world. Her command of copyright issues is beyond question, and while her position may not convey as much executive power as that of James Rogan at the USPTO, many credit the Copyright Office's smooth running - in a country where the copyright industry is worth billions of dollars - to Peters's expertise. She has also been at the heart of the debate about the role of copyright protection in new technologies, and has often submitted briefs in high profile cases.



#### **Marshall Phelps, Microsoft**

Phelps's importance in IP stretches far beyond his new role at the world's biggest software company. Before joining Microsoft as corporate vice president and deputy general counsel for intellectual property on June 5 this year, Phelps was best known for holding a similar role at IBM, where he oversaw the company's aggressive IP management and licensing programme. Such was his success that for the past nine years IBM has filed more patents at the USPTO than any other company, and in 2001 became the first company to file more than 3,000 in a calendar year. IBM's total IP revenue for 2001 was \$1.535 billion. Microsoft, with 3,000 patents and a 2002 revenue of \$400 million from its intangible assets, will be looking to Phelps to boost its IP income to similar levels.



### Jörg Reinbothe, European Commission

Since 1996 Jörg Reinbothe has been the head of the EC's copyright unit. He led the Commission's delegations at the WIPO diplomatic conferences of 1996 and 2000. Reinbothe was also involved in negotiations on the TRIPs Agreement in the Uruguay round of GATT and prior to that spent eight years at the Federal Ministry of Justice in Bonn, Germany, focusing on the areas of copyright, unfair competition, industrial property and international aspects of intellectual property. He is a professor of international and EU intellectual property law.



### David Roberts, GlaxoSmithKline

A recent survey revealed that GSK signed more IP licensing deals than any other pharmaceutical company over the past 15 years. This fact alone confirms the company's status as one of the most innovative and successful in the industry. Its activity in patenting, licensing and - when necessary - enforcing its rights in the courts demonstrates how seriously it takes its IP rights, both patents and trade marks. Senior vice president, corporate intellectual property David Roberts has had to oversee the integration of two separate IP portfolios, as part of the merger that formed GSK in 2000. A law graduate and patent attorney, he was formerly head of IP at SmithKline Beecham and before that worked for Sandoz in Basle, Switzerland.



### James Rogan, USPTO

The first USPTO chief to come from outside the IP profession since the Eisenhower presidency, James Rogan arrived at his desk with quite a reputation - he was one of the Congressional leaders of the impeachment proceedings against Bill Clinton. Two years into the job, he has yet to win the wholehearted support of the IP community. In part, this is down to uneasiness about an outsider taking charge, and a widely-held belief that the job is simply another rung in Rogan's career ladder. But there can be no denying that Rogan has been using his time as head of the world's biggest patent and trade mark office to engineer some much-needed reforms. His 21st Century Strategic Plan is now largely accepted by IP professionals as a necessary solution to the USPTO's many problems.



### Ernesto Rubio, WIPO

Rubio must have one of the toughest jobs in IP. As the WIPO director responsible for trade marks, geographical origins and industrial designs, his remit covers some of the most controversial issues in IP today. Top of his list of tasks is persuading the reluctant nations of Latin America to join the Madrid Protocol: as a Uruguayan who has worked in the Byzantine corridors of Geneva for a few years, he is well-placed to do so. As a first step, it is likely that the WIPO member states will approve the inclusion of the Spanish language in the Protocol later this year. After Madrid, Rubio may be called on to find a way round the impasse between the US and EU on geographical indications - and that could be a much trickier job.



### Patti Saris, US district court judge

Saris's docket in Massachusetts is usually loaded with patent cases, but her inclusion on the list is mostly due to her involvement on two of the most celebrated patent trials of recent years. Not only did Saris preside over the *State Street Bank* case, but the *Festo* case is also under her watch. Though the Federal Circuit at first seemed to stray from Saris's *Festo* ruling, which allowed latitude in the use of the doctrine of equivalents claim, on a subsequent rehearing following the Supreme Court's intervention there were signs that the appellate judges were moving more in line with Saris's judgment. The Federal Circuit's *en banc* ruling in *Festo* is expected by September, after which the case will return to Saris's district court.



### Congressman James Sensenbrenner Jr, US House of Representatives

With the existence of an IP subcommittee in the House, it would seem that committee chair Sensenbrenner does not matter as much in terms of IP issues as his Senate counterpart Orrin Hatch. Such a belief, however, ignores Sensenbrenner's management style. Unlike his predecessor Henry Hyde, Sensenbrenner keeps a close watch on all his subcommittees, holding firm control of hearings schedules, witness lists and the content of bills under discussion. In most cases, once bills are marked up from the subcommittees, Sensenbrenner will take personal supervision of them to guide them through the House.



### Vandana Shiva, Research Institute for Science, Technology & Ecology

Shiva wears many hats - ecofeminist, author, physicist - but outside India she is known best for her uncompromising stand on behalf of those whom she sees as downtrodden; those, Indians in particular, who have had the resources with which they and their families have worked for thousands of years taken from them and packaged as IP rights. She founded Navdanya in 1991. "We are concerned with the impact of IP rights on life forms as extolled by the TRIPs Agreement under Gatt/WTO," she says. "This is one of many issues put forth from the viewpoint of India's two-thirds economy - the rural poor, who are experiencing further marginalization as 'beneficiaries' of India's structural adjustment programme dictated by the IMF and

World Bank."



### Congressman Lamar Smith, US House of Representatives

As chair of the House IP subcommittee, Smith is the first port of call for IP lobbyists in Washington DC. Though he is still new to the IP world, having taken the job in January 2003, Washington insiders have praised Smith's willingness to learn about the important issues, as well as his attention to detail. Whether working to end USPTO fee diversions or proposing reforms to the Copyright Arbitration Royalties Panel, Smith has shown that he takes his new role very seriously indeed. While some IP professionals wonder at the frequency of his committee hearings - and question how much they will achieve - Smith staffers promise that their boss is just getting started, with the best, as far as IP owners and the reform of the law are concerned, yet to come.



### Pat Smith, WIPO

Since his retirement from the Australian Industrial Property Organization, since renamed IP Australia, in 1994, where, over a long career, he held the positions of commissioner of patents, registrar of trade marks and registrar of designs, Pat Smith has contributed his time and experience of IP to other jurisdictions, particularly in Asia. He spent two-and-a-half years in Singapore between 1992 and 1994, introducing an independent patent system. He has helped jurisdictions such as Brunei, Indonesia and the Philippines. He is now a special adviser to Kamil Idris, the director-general of WIPO, for whom he deals with development cooperation and strategic policy issues, particularly in Asia.



### Paul Vandoren, European Commission

Belgian Vandoren has been at the European Commission for the past 25 years, working on competition and then anti-dumping work. It was only when he was elected as the new head for the internal market's copyright and neighbouring rights (including international aspects) unit in 1993 that he made his mark in the IP world. His commitment to strengthening copyright legislation and protection in Asian countries in particular led to his latest appointment and the move to the trade directorate-general as its new head of intellectual property, new technologies and public procurement in February 1996. Apart from handling piracy issues at the EU's external borders, Vandoren is also in charge of international trade negotiations on IP-related aspects.



### K K Vanu Gopala Menon, WTO

It is not a position anyone would volunteer for in 2003. K K Vanu Gopala Menon, head of the Singapore mission to the UN in Geneva, became chairman of the TRIPs Council of the WTO in February 2003 just when the debate among the Council members was reaching its fiercest level. One issue dominates the Council's work: the availability of affordable patented drugs in developing countries. According to the Doha Development Agenda schedule, it must be resolved by the end of the ministerial meeting in Cancun in September. Menon is pushing for a deal by July 24, the date of the final TRIPs Council meeting before Cancun. The US's willingness in recent weeks to consider an agreement is a measure of this 42-year-old's influence.



### Jay Walker, Walker Digital

Business method patents may not be as sexy as they were three years ago, at the height of the dot-com boom, but if you want proof of their value to industry look no further than Priceline. The travel company, with its patented reverse-auction sales technology, was the brainchild of Walker and his team of inventors. Today, he is chairman of Walker Digital, inventing, patenting and strategising in a company which invents new methods of doing business and counts some of the world's biggest companies among its clients. The company claims more than 600 original business inventions, and Walker himself owns 200 patents in the US and overseas.



### Herb Wamsley, Intellectual Property Owners' Association

An IPO insider for 20 years, Wamsley speaks for IP owners, with his organization the rallying point for IP counsel from 90 Fortune 500 companies. Though perhaps not carrying the same weight as Mike Kirk and the AIPLA, Wamsley and the IPO are certainly the second most powerful IP lobbying voice in the US Capitol, and he has effectively used his clout to force a revised version of the USPTO's 21st Century Plan that more closely reflects the needs and concerns of his members.



### Wang Jingchuan, State Intellectual Property Office

As China's IP system, which is less than 30 years old, continues to develop and more international companies seek to obtain patent rights in China, Wang Jingchuan's influence will only increase. He heads the State Intellectual Property Office, which includes the China Patent Office. From 1998 to 2001, foreign patents granted by SIPO more than doubled from about 6,500 to almost 15,000. More than 114,000 foreign and domestic-owned patents were granted in 2001 alone. Wang moved up to the position of commissioner from deputy commissioner in January 2001. In the late 1990s, he ran the Chinese Academy of Sciences. He graduated from the computer department of Harbin Engineering College with the title Expert of Outstanding Performance.



### Robert Zoellick, USTR

As the US's lead trade negotiator, Zoellick's negotiating stance has seen the tightening of IP laws in countries around the world, from Chile to Singapore. Zoellick has played a key role in talks at the WTO to allow cheap access to drugs. He also oversees the creation and publication of the annual Special 301 Report, which rates countries according to the IP protection they offer. Countries considered by the report to be a low-rated Priority Foreign Country - Ukraine is the only one in 2003 - can be subject to US trade sanctions: Ukraine has had \$75 million of sanctions imposed on it because of its Special 301 rating.

### Missing persons

Do you agree with this list? Are there other people you think are more influential? If so, please e-mail *MIP* at [mip@managingip.com](mailto:mip@managingip.com) or fax +44 207 779 8934 with the name of anyone you believe is influential and a brief explanation. A selection of the names suggested will be published in the September issue.

### Bookmarks

[Del.icio.us](#)   [Digg.com](#)   [Facebook](#)   [LinkedIn](#)   [Reddit.com](#)   [Stumbleupon.com](#)  
[Twitter](#)