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# Managing Intellectual Property

The Global IP Resource

## THE MOST INFLUENTIAL PEOPLE OF 2006

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01 July 2006

### **MIP presents its fourth annual list of the most influential people in IP. Join us as we meet the 2006 top 50**

Influence takes many forms. From the academics and theorists whose ideas filter down to shape our views, to the legislators, administrators and judges who set and uphold the rules, to the IP creators, owners and users who seek to sway opinions and protect their interests, the *MIP* team had to choose from a wide pool.

This year we have grouped the top 50 into five distinct groups: the rulemakers, the campaigners, the strategists, the enforcers and the innovators. These divisions demonstrate that people and organizations with radically different views on IP often influence the system in a very similar way. Our campaigners group, for example, includes both Eli Lilly's Bob Armitage and the AIPLA's Mike Kirk, supporters of patent rights, and Ellen t'Hoen and James Love, representatives from non-governmental organizations concerned with access to medicine. This highlights the disparate nature and interests of those seeking to change the existing IP regime to benefit users and consumers.

Reform is a key theme among those included in this year's list. Some are involved in legislative changes in the US; others in discussions over opening up the patent system in Europe; and a few have proposed more radical, international, reforms to the IP system as it affects developing countries and access to drugs, for example.

Our group of innovators is also diverse. It includes the ubiquitous patent troll and Nathan Myhrvold of Intellectual Ventures, representing a new trend towards assertive IP litigation, alongside Microsoft's Marshall Phelps and GE's Todd Dickinson, who are more likely to find themselves on the receiving end of aggressive, and sometimes frivolous, patent claims. But what all of them have in common is that they are shaking up the way businesses approach their IP rights and defend their assets. The same is true for some of the other people included in the innovators category, who represent brand owners and the fight against counterfeiting.

Although we believe the list represents the most important trends in IP theory and practice, it is not a survey and it is not scientifically compiled. No one has paid to be included; no lobbying has taken place. The order of appearance in the list does not reflect any ranking.

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## The rulemaker

### **IP'S MAN IN WASHINGTON**

**Proposals to simplify, improve and harmonize the US patent system have provoked controversy and split US industry. Congressman Lamar Smith has the task of reconciling competing interests to provide a patent law for the 21st century**

There is a lot of dissatisfaction with the US patent system. Complaints range from the quality of patents granted to the costs of litigation and the perceived imbalance between patent owners' rights and freedom to innovate. Problems with the existing system were highlighted in reports published by the US antitrust watchdog, the FTC, and the National Academies in 2004 – and



these in turn prompted legislative efforts in Congress.

At the heart of these efforts is Congressman Lamar Smith, who chairs the 22-member House subcommittee on courts, the internet and intellectual property. He told *MIP* he considers it an honour to chair the subcommittee, which he says is "the most sought-after assignment, the number-one choice" for members of the larger judiciary committee. Smith is a Republican Representative from Texas, a state which has its fair share of high-tech industry and where property rights are widely respected, and the subcommittee provides him with a chance to place his personal stamp on one of the biggest policy issues in the US.

A congressman since 1987, Smith also sits on the judiciary committee's immigration subcommittee, and serves on the House science committee (and its space and research subcommittees) as well as the committee on homeland security and the committee on standards of official conduct. He has been widely recognized for his work: the Information Technology Industry Council named him Legislator of the Year in 2005 and the *National Journal* identified him as one of the 100 most influential people in Washington DC.

In response to calls for reform of the US patent system, Smith last year proposed a bill known as HR 2795, which was followed shortly by an amended version, and these form the basis of the changes being considered to the system of patent protection in the US. Smith says it is clear why reform is needed: "The first goal is to improve patent quality – that benefits everybody – patent filers and public. The second aim is to eliminate abuses of the system where individuals file frivolous lawsuits on patents and the third is to make US patent law more harmonized with practice worldwide."

But despite broad agreement on the need for basic reforms – such as the switch to a first-to-file system and the adoption of a post-grant opposition – progress has been slow. This is partly because a number of the original proposals split US industry down the middle.

While most patent owners agree that reform is needed, some have very different priorities to others. Those in the IT industry have pushed hardest for reforms to deal with the threat of over-litigious patent trolls – but some of the proposed remedies threaten to undermine principles that are important to other industries. For example, the Biotechnology Industry Organization strongly opposed provisions in the original bill that would restrict injunctions and do away with the best mode requirement; these were removed from the amended version. Smith acknowledges the challenge posed by conflicting interests: "There are diverse interests of interested parties and different business models for different types of companies. We're trying to balance all the interests of various parties and come up with legislation that will do no harm to any particular section." To address some of these questions, Smith's subcommittee has held seven hearings, with two more due in the coming months, covering issues including patent quality enhancement in the information-based economy, patent harmonization and patent trolls.

Smith agrees that patent trolls are the biggest immediate concern for many companies: "Unfortunately there are too many instances of individuals who have weak patent claims and file lawsuits against companies to get them to settle out-of-court for many thousands of dollars. The cost of defending can easily be half a million dollars. There is a temptation to go pay the \$50,000 or \$100,000 and eliminate the necessity of going to court." While some patent owners are genuine inventors with good motives, he says, "other individuals have very suspect patents and simply file lawsuits".



The Supreme Court's intervention in the *eBay* case in May went some way towards reining in the trolls, by tightening up the rules on when injunctions should be granted. Smith believes that has addressed one of the issues that had been holding up reform: "The recent Supreme Court case in *eBay* was very helpful. It sent out a message that injunctions are not always automatic but decided on a case-by-case basis."

While the main focus of Smith's work is domestic, he also has to confront international issues, especially to do with IP enforcement. "I'd like to see IP rights enforced in countries making an industry out of copyright infringement and piracy – China and Russia for example," he says. "We are trying to leverage trade agreements with those countries and enforce IP rights. We'll try to promote that in any future trade agreements." But he believes the incentive to promote and protect IP will come with increased development in such countries: "Until those countries have self-interest in protecting IP rights, it will be difficult to get them to enforce rights from other countries."

But for the foreseeable future it is patent reform that will be the main priority for the Yale-educated Republican congressman, who previously practised law and managed a family ranch in Texas. "I'm optimistic we'll get it done next year," says Smith. "The biggest challenges for IP owners are being able to protect their IP rights and the need to make sure they are enforced, as well as educating the public on the need to protect them."

**More rulemakers...**

**PASCAL LAMY, WTO**

There can be few more demanding jobs in world diplomacy. Pascal Lamy, the Frenchman who took over as World Trade Organization (WTO) director general last September, is under pressure to finalize the latest round of global trade talks by persuading governments to slash agricultural subsidies and other barriers to trade. But wrapped up in the debates are three issues of vital concern to IP owners: access to drugs, protection of traditional knowledge and regulation of geographical indications. Member governments failed to agree on any of these issues at the last WTO ministerial meeting, held in Hong Kong in December, and it looks increasingly likely that the IP matters will be used as bargaining chips in broader trade disputes between the developed and developing world. Leaders worldwide, including George Bush, have vowed to kickstart the stalled Doha negotiations but agreement still seems far off. In the meantime, the WTO is likely to grow further with Russia and Vietnam hoping to join this year.



**WUBBO DE BOER, OHIM**

Wubbo de Boer brought a reputation for northern European efficiency when he joined the Community trade mark and design office in Alicante as president in 2001. He now has a new senior team in place, with Peter Lawrence vice-president in charge of finance and Vincent O'Reilly taking over Alexander von Muhlendahl's role shaping law and policy. A stronger emphasis on meeting demands from users means backlogs in examination have been reduced; initial staff resistance has been overcome; and, most importantly for applicants, fees were substantially reduced last year. But de Boer still has to satisfy critics that examination standards have not been sacrificed, and the Board of Appeals – a semi-autonomous part of the Office – has to become more efficient and consistent under its new head, Paul Maier.



**PETER MANDELSON, EC**

Critics of policy making in Europe point out that IP issues span too many different portfolios – with Internal Market Commissioner Charlie McCreevy, Competition Commissioner Neelie Kroes and Trade Commissioner Peter Mandelson, among others, all playing a role in shaping strategy and priorities. Of these three, former UK trade minister and political fixer Mandelson has impressed observers with his support for IP owners. On a recent visit to China, he spelt out what the EU expects in terms of enforcement – and promised to keep revisiting the country until demands are met. He has also spearheaded a joint EU-US plan to combine resources in countries with high levels of piracy.

**FRANCIS GURRY, WIPO**

The brains behind WIPO, according to one observer, Francis Gurry is the amiable Australian who was recently reappointed as deputy director general in charge of some of the Organization's most important activities, including the PCT and management of the Arbitration and Mediation Center. After 21 years in Geneva, following a career as a solicitor and law lecturer in Australia, he has

worked in almost every area of IP, and his current responsibilities cover patents (the PCT), domain names (the UDRP, under which more than 600 cases had already been filed by May 10, compared to a total of less than 1500 in the whole of last year) and traditional knowledge and folklore, where WIPO is working alongside other international bodies to address the developed/developing country divide. Gurry's term as deputy director general expires in 2009, when he will be 58, which probably rules him out of taking on the top job at WIPO. But watch this space.

## **KAMIL IDRIS, WIPO**

Kamil Idris has survived considerable controversy over the past two years. Although no accusations were ever made against him personally, he has had to lead an organization whose finances and projects have been subjected to in-depth scrutiny following accusations of cronyism and mis-spending. Idris has responded by putting in place systems to improve accountability and address criticisms – not an easy task given the limits placed on his ability to make decisions by WIPO's member states. Idris was reappointed to a second term as WIPO director in 2003 and will remain in Geneva until 2009. Popular with representatives of developing countries (he comes from Sudan), Idris has brought an evangelical zeal to promoting the role of IP in development. He has also raised the profile of issues such as traditional knowledge at WIPO. His role includes being head of the International Union for the Protection of New Varieties of Plants (UPOV).

## **JON DUDAS, USPTO**

As head of the USPTO, Jon Dudas is President George Bush's main man on IP. His role includes not just managing the Office but helping to shape the future of the US patent system and liaising with (and sometimes putting pressure on) counterparts overseas. Domestically, Dudas is pushing forward with plans to increase private sector involvement in patent searching, to cut pendency by hiring more staff, to improve patent quality and to implement Congressional reforms. Internationally, the USPTO is taking a bigger role, sending staff to places such as China to share IP knowledge.

## **LORD SAINSBURY, DTI**

You might have expected to see Andrew Gowers in this list. The former *Financial Times* editor was asked by the UK government to prepare a report into IP strategy, which is due to be published before November this year. But Gowers is already moving on to new things and it will fall to others to digest and, if necessary, implement his report's conclusions. Foremost among them will be Lord Sainsbury, the supermarket magnate who was appointed as a minister with responsibility for science and innovation in 1998. His work includes overseeing the Patent Office (where he has a strong working relationship with chief executive Ron Marchant) and other IP services, and he has won a lot of support among rights owners in the UK for his work on amendments to the Enterprise Act, delivering on IP commitments and demonstrating a genuine interest in IP issues.

## **LYNNE BERESFORD, USPTO**

With so much attention being paid to the role of patents in the US at the moment, it is easy to overlook the important developments regarding trade marks. With anti-dilution legislation pending before Congress, controversy over Trademark Trial and Appeal Board rulings and USPTO applications back to record levels, trade mark protection remains of vital importance to the American economy. Lynne Beresford, appointed USPTO Commissioner for Trademarks in 2005, is at the centre of many of these issues. She is well-qualified to head the team of trade mark examiners, having started as one herself back in 1979. Her previous role in the Office of Legislation and International Affairs saw her involved in WIPO negotiations on trade marks, designs and geographical indications.

## **ERIK NOOTEBOOM, EC**

Consistently highly rated by IP practitioners, Erik Nooteboom is probably the key figure in IP in Brussels. Just one of his many tasks is handling the consultation on patent policy that may lead to a proposal for a Community patent. The Commission is now considering the written submissions made by business, campaigners and members of the public, and will hold a public hearing on July 12. A veteran of debates over the computer-implemented inventions directive, Nooteboom will have no illusions about the scale of the task facing him in devising and securing agreement on a Community patent.

## **JAMES SENSENBRENNER, HOUSE JUDICIARY COMMITTEE**

The chair of the House judiciary committee oversees the work of the judiciary subcommittees,

including that on courts, the internet and intellectual property chaired by Lamar Smith. Republican James Sensenbrenner has held the post since 2001. He is a former attorney and takes a close interest in, and a strong stance, on IP protection. For instance, during an official visit to Moscow in April this year, he called for more aggressive enforcement activities and the strengthening of existing legislation in advance of Russia's application to accede to the WTO, and he has made similar demands of China in the past. Sensenbrenner, who is 63, has been a Wisconsin Congressman since 1979.

## ANTONIO CAMPINOS, INPI

It is rare for heads of national patent or trade mark offices to win plaudits from IP owners – but Antonio Campinos of Portugal's INPI has managed to achieve just that. The Office has introduced a number of online services and impressed users with its efficiency and forward-thinking. Campinos also has an important role internationally as chair of the working group on the legal development of the Madrid system at WIPO, which was formed in July last year. The working group is looking at all aspects of the Madrid Agreement and Protocol, including the safeguard clause, the refusal period, the language regime and model provisions on transformation. Another question that is likely to be raised is whether it remains necessary to have two systems operating in parallel. Observers of the discussions have been impressed with Campinos's management, skill and efficiency in chairing them.

## TIAN LIPU, SIPO

China has passed through a series of IP landmarks over the last 26 years. In 1980 the State Council set up the Chinese Patent Office (later renamed the State Intellectual Property Office) and four years later China promulgated its first patent law. Last year the office received almost half a million applications for patents, utility models and designs, up more than a third on 2004. Tian Lipu, who assumed the role of Commissioner last year, has witnessed all of these seismic changes first hand, starting his career as an examiner at the Office's inception. Observers praise his commitment to boosting cooperation with both patent applicants and IP offices overseas and his efforts to make China's young patent system more transparent. He speaks candidly of the challenges the country's patent regime faces given the surge of applications, and is leading the Office during a critical time for China's IP system: SIPO is active in the government's efforts to formulate a national IP strategy and is working on the third set of amendments to the patent law, which could be in force by 2008.

## The campaigner

### CURING THE WORLD

**Campaigners such as Ellen t'Hoen have been successful in their bid to allow compulsory licensing to provide cheaper generic drugs to patients in poor countries. But has this success come at the expense of patent rights?**

Last month, the European Union became the latest state to adopt the WTO Doha Declaration, when it introduced a Regulation allowing for compulsory licensing of pharmaceuticals for export to countries in need.

The Regulation was adopted by the Council on April 28, published on June 9 and entered into force on June 29. Once implemented by member states, it will enable generic producers of drugs in the EU to seek a licence to manufacture drugs for export, without the authorization of the patent owner. The Regulation also provides for a role for non-governmental and international organizations to buy drugs or request them on behalf of an importing country.

The rapid implementation of the rules follows the adoption at the WTO ministerial meeting in Hong Kong of a decision to make permanent an amendment to the TRIPs Agreement agreed at Doha in 2001. The amendment allows any WTO member to export drugs made under compulsory licences to supply developing countries that have no manufacturing capacity of their own. Two-thirds of WTO members need to accept the amendment for it to take effect: they are due to do this by December 1 2007.

Although the TRIPs amendment is often seen as a victory for those who have sought to prevent patent rights from blocking access to drugs in poor countries, many campaigners say it does not go far enough. Foremost among these is Ellen t'Hoen, coordinator of the globalization project for Médecins Sans Frontières (MSF). T'Hoen has worked in the area of drugs and health advocacy since 1981, after graduating from the Social Work Academy and taking a masters in law at the University of Amsterdam.



She says: "The Doha Declaration has opened a large number of doors. Many countries are using it to import medicines and be a bit less concerned about patents than before." But she adds that the new rules allowing manufacturers of generic drugs to apply to export their products are too cumbersome and mired in red tape to be of real use to patients. So far, there have been no compulsory licences for exports granted, even though a growing number of jurisdictions – including Canada, China, India and Norway as well as the EU members – have changed their rules to allow it.

As a result, t'Hoen is not giving up her campaign. And she believes that the trend towards bilateral agreements between the US and developing countries that demand a higher level of IP protection than that provided by TRIPs risks undermining what has already been achieved through the WTO. She told *MIP*: "Bilaterals are much harder to fight. The US would never get away with these demands at the WTO." She argues that developing countries are pressured into signing agreements that include so-called TRIPs-plus provisions on patent term and data protection: "There should be a moratorium on provisions affecting the Doha Declaration. I've yet to see a developing country that sees the benefits."

She also believes that while progress has been made in supplying generic versions of first-line drugs, more must be done to make sure patients can get the latest products: "A very important priority for us is to ease availability of generic competitors of newer medicines."

T'Hoen and other campaigners who have promoted compulsory licensing are viewed by some as trouble makers who would destroy the basics of the IP system. But t'Hoen denies that is the case: "I don't think patents are good or bad. Under certain conditions, they encourage innovation. I have problems with patents if they lead to exclusion, rationing or mean that only a few can afford the products."

Rather than ending patent protection, she argues, alternative means need to be found to incentivize research, especially for conditions where the size of the market offers little benefit to pharma companies, such as sleeping sickness. She says: "Shouldn't we have a larger variety of ways of financing development? We need a radically new way of thinking about issues. Patents and high prices are not the sole mechanism for R&D." T'Hoen would like to see consideration of other ways of funding research, such as more government sponsorship, as well as patent pooling and even research trading as James Love has proposed. She says a new definition of innovation is required: "Innovation is not real innovation if you can't deliver it. The definition includes delivery. The Doha Declaration looked at access problems. Now we need to look at delivery in terms of R&D."



To this end, MSF has been working with the World Health Organization, which set up the Commission on Intellectual Property Rights, Innovation and Public Health (CIPIH) in 2003. The Commission published its report in April this year; in May, the WHO's governing body, representing all 192 member states, agreed a resolution to look at new incentives for research and report back in two years' time.

The CIPIH report stated that "because the market demand for diagnostics, vaccines and medicines needed to address health problems mainly affecting developing countries is small and uncertain, the incentive effect of intellectual property rights may be limited or non-existent". It called for a global plan of action to secure funding for developing drugs and make them accessible.

But where would this leave the pharmaceutical industry? "I think they need to take a longer-term view," says t'Hoen. "If the innovation system excludes 90% of the population, they will run into bigger problems. It's in the industry's interest to engage in debate in a less defensive way than they have so far."

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## More campaigners...

### HERB WAMSLEY, IPO

As more and more patent cases wind their way up to the Supreme Court, with the potential to reshape US patent law fundamentally, Herb Wamsley, who leads the Intellectual Property Owners association (IPO), has found himself playing an increasingly delicate balancing act. The association represents IP owners from across a spectrum of industries, from IT to biotech and heavy industry to pharmaceuticals, each with their own particular IP interests in addition to their

common aim of securing strong IP protection. That these companies are increasingly likely to be pitted against each other as against meddling politicians and troublesome counterfeiters makes Herb Wamsley's job more challenging than ever.

## JAMES LOVE, CPTECH

One of the pharmaceutical industry's *bêtes noires*, Consumer Project on Technology director James Love is one of the foremost opponents of the way the drugs industry funds its research and development and protects potentially life-saving breakthroughs with monopoly patent rights. But Love is not merely a critic of the existing system of IP rights and their impact on the world's poor and sick. The Harvard and Princeton-educated economist has also developed alternative proposals for the way that pharmaceutical R&D should be financed.

Although they are dismissed by drugs companies as unworkable, in the event of a global pandemic, the public and politicians may be more willing rethink how resources should be targeted at preventing and treating diseases.



## JOHN HOWKINS, ADELPHI CHARTER

John Howkins is director of the commission that prepared the Adelphi Charter on Creativity, Innovation and Intellectual Property, a 450-word statement issued in October 2005 that seeks to set out the public interest imperatives the authors believe should underpin IP rules. A broadcast regulatory specialist and former chairman of the London Film School, Howkins gathered together a group to work on the project, including academics, representatives from the Australian Competition and Consumer Commission and the Arts Council of England, the Brazilian Minister of Culture and John Sulston, who won the Nobel prize for his work on human genome sequencing. Together, they hope the Charter will act as a clear statement of public interest principles against which governments should benchmark their IP regimes.

## FLORIAN MÜLLER, NOSOFTWAREPATENTS.COM

Some proponents of patent protection for software might have hoped they had seen the last of Florian Müller after the demise of Europe's computer-implemented inventions (CII) directive last year. But Müller, the German software developer behind the website nosoftwarepatents.com, shows no sign of going quietly. Indeed, the Federation for a Free Information Infrastructure, which Müller works with, has expressed concerns over the European Commission's plans to discuss patent reform in Europe, and claims that a Community patent will lead to software patents by the back door. If he can win half as much support in opposing the Community patent as he did opposing the CII directive, Müller could upset the Commission's plans.

## MIKE KIRK, AIPLA

With so many US patent disputes making their way to the Supreme Court this year, the AIPLA has had a busy time. The association, which represents American IP practitioners, has filed *amici* briefs in a series of cases including *Metabolite*, *eBay*, *Illinois Tool Works*, *Integra Lifesciences* and *Grokster*. And as US politicians tackle important issues about the USPTO's strategic plan and patent reform, the AIPLA has been seeking to inform and persuade, frequently delivering testimony to Congress and sending reports to the government. One of the best-known figures in IP, AIPLA executive director Mike Kirk has a key role at this influential organization.

## BOB ARMITAGE, ELI LILLY

Armitage is increasingly viewed as the leading voice of the drugs industry in debates over the direction of US patent reform. Many of the issues at stake, from injunctions to the best mode requirement, are pitting the IT industry against manufacturing industries, and Armitage is highly regarded for his commitment to defending big pharma's interests. A regular speaker and delegate at the leading IP conferences and before Congressional committees, Armitage has played leading roles in groups such as the American Intellectual Property Law Association (AIPLA), the Association of Corporate Patent Counsel (ACPC), the Patent Committee of the Pharmaceutical Research and

Manufacturers of America (PhRMA), the National Council of Intellectual Property Law Associations (NCIPLA) and the Intellectual Property Committee of the National Association of Manufacturers (NAM).

## The innovator

### EUROPE REVISITS PATENT DEBATE

**Previous attempts to make patent protection in Europe cheaper and simpler have failed in the face of political opposition. Thierry Sueur of Air Liquide, who has been in the front line of negotiations between industry and policymakers, hopes the latest attempt may turn out differently**

When it comes to debates over a European Community patent, Thierry Sueur has seen it all before. But two years after the last attempt to create an EU-wide single patent collapsed in failure as member states squabbled over translation issues, French industrial gas group Air Liquide's vice-president of IP is ready to take up the battle once more. As an advocate of changes that make securing IP rights cheaper and simpler for IP owners by cutting the cumbersome requirements to translate the patent application into a number of European languages, Sueur will back the new attempt to reduce the cost of patenting. But this time around, he will urge the Commission to take a step-by-step approach.



"I am 100% in favour of a Community patent, but I also witnessed the negotiations that took place earlier," he says. Now he thinks politicians should first focus on implementing the London Agreement. The October 2000 Agreement was designed to reduce the number of translations IP owners must prepare when filing patents across Europe but has still not come into force because the French have yet to sign up to the deal. Once this language hurdle has been overcome, politicians should set up a specialist patent court that would slot into Europe's existing judicial framework, says Sueur. Only after these issues have been resolved does he believe that decision makers will be persuaded of the benefits of a single Community patent. "It's *realpolitik*, but probably the only chance we have of getting it is to get there step by step," he says.

As vice-chair of the European business lobbyists UNICE's patent group and chair of the French Industry Federation's IP committee, Sueur has done much to narrow the divisions between business leaders and IP owners who want to see greater harmonization of patent application procedures and those national politicians and patent attorneys who see attempts to reduce the burden of translation requirements as an attack on their independence and revenue streams. Sueur's compatriots in the French government – which must ratify the London Agreement before it can come into force – could be on the verge of accepting the deal, he says. "We have done some work. There has been extensive lobbying. Sometimes I have the feeling I spend half my life on it." Debates in the French parliament in February culminated in two reports last month from politicians recommending the government back the Agreement. "It is fantastic. We couldn't believe it," he says. "The atmosphere [now] is completely different." Of course, Sueur will be happier still if and when the French government finally inks the deal.

The effort to create a Community patent is just one of the IP issues Sueur has taken up on behalf of his colleagues in industry. In his lobbying capacity, he has attended scores of meetings with the aim of encouraging politicians and IP officials to make life easier for innovators – and, he insists, society as a whole – by lowering costs, harmonizing rules and formulating long-term pro-IP policies. Sueur finds Europe's ad-hoc approach to IP policy making particularly frustrating. "I would like the EU to realize that we need a real EU IP policy," he says. "We have not seen anything like this so far. As long as we don't have one it prevents people from seeing the bigger picture on IP issues."

He compares policy reform in Europe unfavourably with that in the US, where he says reports by bodies such as the Federal Trade Commission and the National Academies which demonstrated the economic benefits of a strong system of IP protection to the country helped politicians understand how IP rights could boost innovation and job creation. "To avoid the controversies that we have seen in Europe over IP – in areas such as biotech and software, for example – there needs to be better explanation to parliament and other stakeholders so that they can see why an IP policy is good for the economy and society as a whole. Many MEPs I have spoken to don't understand what IP is for."

Sueur's interests are not confined to Europe. He is working with his counterparts in Japanese and US industry groups to find ways of further harmonizing the global patent system. But he complains about the lack of progress towards convergence and is frustrated by blocking tactics adopted by some countries at



WIPO. "Many developing countries have issues that they want to be addressed – such as traditional knowledge. And this is legitimate, in my view. We should deliver on promises to resolve these issues. But to get what they want, they are almost holding developed countries hostage. This is not acceptable."



UNICE had earlier hatched a plan with colleagues in the US Intellectual Property Owners association, the American Intellectual Property Law Association and the Japan Intellectual Property Association to discuss options for global patent reform. These proposals for change would then be presented to national governments at WIPO. But those plans have since been revised. "Now WIPO is effectively blocked. Instead, we are wondering whether to advocate an agreement [for greater harmonization] between a limited number of countries," says Sueur. Last year the group met representatives of the US, European and Japanese patent offices at the trilateral meeting in Munich. This year they will lobby again for greater convergence, even if only between a few key jurisdictions, when the trilateral offices meet in Tokyo in November.

On top of his advocacy and campaigning work, Sueur has a full time job at Air Liquide to hold down. "My IP role takes about 30% of my time and then I am obliged to work twice as hard in the rest of my job!" he says. And he urges other European IP owners to get more involved in the debates over the future of IP policy. "We often complain about politicians but when it comes to companies in Europe, very few understand that if they want success in IP issues, then they have to make people available. Companies like BASF, AstraZeneca and Philips are good, but it is very limited. We need to realise that we have to do some homework too."

## More innovators...

### SERGEY BRIN AND LARRY PAGE, GOOGLE

No follower of IP developments can escape Google. It is one of the world's most valuable brands, built on innovative technology and enjoying great customer loyalty. But how will it protect that brand against genericization? Will it cope with the loss of the Gmail brand in Europe after another company claimed trade mark rights? What will happen about keyword advertising? Potentially more interesting than any of these questions is what will happen to Google Book Search, the company's ambitious attempt to put the contents of the world's libraries online to be searched by anyone. The project has already incurred the wrath of the Authors Guild as well as publishers worldwide. Google is pressing on with the launch, and argues it is not breaking any laws, but its claims will surely be tested in court before long. In a year's time, will Google's founders, internet pin ups Brin and Page, be viewed as the IP owner's friends or enemies?

### TODD DICKINSON, GE

One of the few ever-presents on the MIP 50 list, Todd Dickinson now occupies one of the most prestigious roles in IP in the US. As chief IP counsel and corporate vice president for GE, Dickinson heads a team that manages some 20,000 trade marks and files nearly 1,500 patents each year, in diverse industries such as jet engines, power generation, financial services, medical imaging, biotechnology and movies. The high-profile role means Dickinson, a former USPTO director, is in constant demand as a speaker and adviser on IP, and he recently took part on hearings on the future of the US patent system in Washington. Would a Democrat

victory in the 2008 Presidential election see a return to front-line politics for the Pennsylvania-born lawyer?

## TOVE GRAULUND, ARLA FOODS

MARQUES, the organization of trade mark owners chaired by Arla Foods' Tove Graulund, has been increasingly active in promoting rights' owners interests in Europe – with striking results. EU membership of the Madrid Protocol and the reduction in fees for application and renewal of Community trade marks and designs are two of the issues that MARQUES has called for – and got. Further initiatives that the association has worked on include the creation of a database of information on geographical indications and the establishment of a regular meeting of representatives of European national trade mark offices. While many trade mark counsel from European and other companies work on these projects, Graulund has led the organization since 2001 and takes an active leadership role.

## NATHAN MYHRVOLD, INTELLECTUAL VENTURES

Myhrvold is the patent troll's patent troll. Formerly chief strategist and chief technology officer for Microsoft, where he worked for 14 years, the former postdoctoral fellow of Cambridge University (he worked with Stephen Hawking) is now CEO of Intellectual Ventures. The company develops, selects and exploits inventions across technologies providing patent owners with an opportunity to earn royalties for their inventions. Famed for its brainstorming sessions with scientists, Intellectual Ventures – which Myhrvold founded with inventor Edward Jung and former Intel executive Peter Detkin in 2000 – is leading the revolution that will transform the business of patents in the US.

## GERHARD BAUER, DAIMLERCHRYSLER

Gerhard Bauer is chief trade mark counsel for DaimlerChrysler in Stuttgart, a position he has held since the merger of the two car makers in 1998. He is responsible for the company's trade marks, design patents, domain names and IP contracts. Its assets include the famous brands Mercedes and Chrysler and their logos. He is a prominent speaker on IP topics, and has lately been devoting particular attention to the protection of designs and spare parts in Europe. A member of the INTA Board, Bauer will be closely involved with the Association later this year as it expands its activities in Europe by setting up a Brussels office.

## MICHAEL DOUGLAS AND CATHERINE ZETA-JONES

Adding a touch of glamour to the MIP 50 list are movie stars Michael Douglas and Catherine Zeta-Jones, who will be starring in *Hello v OK: the sequel* in the UK's House of Lords this November. Eighteen months after the couple won a Court of Appeal ruling over the publication of photos taken at their private wedding, but were awarded paltry damages, the case is returning to the courts. It will give the Law Lords another opportunity to discuss the right to privacy in the UK, following their



ruling in favour of model Naomi Campbell in 2004. Who knows, the glamorous couple might even make another appearance in court themselves to liven up the wigs and gowns.

## **JACK CHANG, GE**

The Quality Brands Protection Committee is an influential association of IP owners in China who have lobbied hard for the government to take their IP concerns more seriously. In the six years since the organization was set up it has recruited 145 brand owners and developed influence with some high-level government contacts. Two years ago China's IP tsar and vice premier Wu Yi described the QBPC as her "capable right hand assistant". Jack Chang has been committed to the group and its aims from the outset – he was a founding member and served as chair of its legal committee and vice chair before taking over the chairmanship in 2003. Chang is able to speak on IP issues in China with authority: he was the China-based assistant general counsel of Johnson & Johnson before he moved to GE Corporate in February. He is now the US company's senior IP counsel for Asia.

## **RICHARD HEATH, UNILEVER**

A key figure in the fight against piracy worldwide, Richard Heath, general trade mark counsel at Anglo-Dutch consumer goods and healthcare company Unilever, was recently given the additional title of global anti-counterfeiting counsel. He is also secretary to the Board of INTA, where he focuses on anti-counterfeiting issues, and has been involved in the Global Business Leaders Alliance Against Counterfeiting (GBLAAC) since its formation. The Alliance brings together executives from diverse industries to campaign for policies to reduce counterfeiting worldwide.

## **MARSHALL PHELPS, MICROSOFT**

Bill Gates may be bowing out and devoting his time and money to charitable causes, but Microsoft continues to seek new businesses and partnerships. Central to its strategy are IP rights: it has upped its filing programme and recently received its 3,000th US patent, but has also been on the receiving end of infringement lawsuits – one of which in Texas awarded \$133 million against the company earlier this year. Meanwhile, the company has continued to develop its licensing and cross-licensing strategy, and is building its corporate IP ventures programme to earn revenue from unused innovations. Marshall Phelps, who formerly headed IBM's technology licensing programme, where he helped it to earn \$1 billion a year, joined Microsoft as corporate vice president and deputy general counsel in 2003 at the particular request of Gates. He is now in charge of all IP matters at the computer software company. He also encourages other technology companies to raise IP issues with policy makers, and testified before Congress on patent harmonization last year.

## **PAUL REIDL, E&J GALLO WINERY**

This year's INTA president is overseeing a period of growth and renewal for the world's largest organization of trade mark practitioners. The Association this year implemented its plan for the next four years with four strategic directions: internationalization; policy, development and advocacy; education, information and services; and association, governance, membership and participation. It will open a representative office in Brussels, its first in Europe, before the end of this year, and anti-counterfeiting is another priority. Meanwhile, INTA continues to be at the forefront of efforts to revise the US anti-dilution laws. As associate general counsel at E&J Gallo Winery, Reidl is in charge of protecting IP rights for the world's second-largest producer and distributor of wine, sparkling wine, brandy and coolers.

## **THE PATENT TROLL**

You might have hoped you had seen the last of patent trolls, after the Supreme Court's *eBay* decision in May. But the profile of trolls – companies who own patents, but don't work them and instead sue those who they believe have developed successful products from them – will only get higher. Executives in the electronics, software and financial services industries are increasingly worried about the cost of dealing with trolls, and the perceived threat they pose is being addressed at the highest levels, including the Supreme Court and Congress. You certainly haven't seen or heard the last of them yet.

## **LUCY NICHOLS, NOKIA**

Lucy Nichols spearheads Nokia's enforcement and anti-counterfeiting efforts, which have borne fruit this year in various ways. In Europe, the company terminated its contract with its main UK distributor after an audit confirmed suspicions that they were importing counterfeit or grey market goods. In the US, Nokia successfully sued an importer of fake phone parts from Colombia in Florida. And, just last month, the company sued two Chinese entities accusing them of copying the design of its mobile phones. A graduate of Georgetown University Law Center, Nichols is also closely involved

with internet issues: Nokia is a supporter of the new .mobi top-level domain and she serves on ICANN's Nominating Committee.

## MICHAEL LEATHES, BATMARK

Michael Leathes is head of IP for one of the world's biggest brand owners, tobacco company British American Tobacco. The group he heads was this year recognized as the in-house IP team of the year at the *MIP Awards*. An advocate of mediation and arbitration for solving disputes over trade marks, he has implemented an ADR policy that the company uses in preference to litigation whenever it can. Working with colleagues from car company Ford, he inspired an IP management system that was spun off to become a company called Anaqua. Together with lieutenant Toe-Su Aung, Leathes is also addressing the regulatory threat to trade mark rights in the tobacco industry and others.

### The enforcer

## A LIFE OR DEATH STRUGGLE

**Dora Akunyili's battle against counterfeit food and medicines in Nigeria is removing dangerous fakes and saving lives. Although the struggle has nearly cost her own life, she is determined to fight on**

Dora Akunyili, director general of the Nigerian National Agency for Food, Drug Administration and Control (NAFDAC), has been shot at, attacked, seen her office burned down, her laboratories vandalised and had her house broken into. She has been intimidated, harassed and blackmailed and her staff have been beaten up. Just last month, in an investigation at a market, her investigators and police were attacked and six cars were destroyed. But none of this has stopped her fight against counterfeit drugs.



Her worst day came on December 26 2003. Driving near her village, she was shot at from another car. A nearby bus driver was killed, and she narrowly survived: "The bullet scraped my back and burned my scalp like a hot water bottle." The gunmen were later brought to trial and proven to have links with drug counterfeiters.

Since her appointment to NAFDAC in 2001, Akunyili – who has a PhD in pharmacology and still supervises graduate students at the College of Medicine – has tackled the threat of counterfeit drugs head on. When she started, about 80% of drugs in the market were fake, companies such as Boehringer, Merck and Sandoz had all withdrawn from the country, and local manufacturers were closing down because they could no longer compete. Worse, she says, the counterfeits were causing illness and disease: "People were dying like rats. My own sister died thanks to counterfeit insulin and that hit me. All families in Nigeria have experienced the effects of counterfeits."

Akunyili was appointed by President Olusegun Obasanjo after developing a name for her honesty: in 1999, she was given £12,000 by her then employer for surgery in London, but when the surgery proved unnecessary she returned the money to the chief executive. He told her: "I did not know there were Nigerians with integrity." Her reputation spread and one Sunday, out of the blue, she had a phone call from the president who said he wanted someone to clean up NAFDAC, the agency which regulates and controls the import, sale and advertising of all drugs, cosmetics, medical devices, processed food and drinks for Nigeria's 131 million people. After initial confusion ("I thought it was a con-man") she went to a meeting the following Tuesday and was given the job, even though "some ministers and politicians were very much against me because they wanted their own people". Like many of the counterfeiters she fights, she comes from the Igbo tribe.

Today, the piracy rate for pharmaceuticals has come down to 10%, a figure that Akunyili says is "still unacceptable". Although she says the campaign has "succeeded much more than we ever expected," she thinks it is "realistic" to reduce the rate to single figures. The death rate in hospitals has fallen, multinationals are returning and 24 new drugs manufacturing outfits have been established. In the four-and-a-half years to September 2005, N10 billion (\$80.5 million) worth of fake drugs and substandard products were destroyed and some 50 people convicted of fake drugs-related crimes in court. And, says Akunyili, the counterfeiters are on the run: "The hunter has become the hunted."

NAFDAC's extraordinary success in challenging the counterfeiting problem has come about more through determination and patience than through spectacular ideas. "Knowledge of the problem is half the solution," says Akunyili, who introduced a NAFDAC number for all drugs and food products so that consumers know they are buying an authentic product. Advertising encourages them to check the number and expiry date. This simple measure saw the number of products without a NAFDAC number drop by 80% between 2002 and 2004.

The Agency has also focused on stopping counterfeits coming into the country. Since many come from India and China, the Agency now analyzes goods in those countries before they are exported. It works with importers and banks, and staff go to markets to buy samples and test them. NAFDAC also undertakes systematic surveillance at all entry points to the country. Factories producing drugs must be certified; market stalls are subject to inspection; hawkers on buses will be thrown off. Bakeries have been closed down for using potassium bromate as a bread improver while makers of fake vegetable oil and packaged water have been raided. Above all, Akunyili has made it clear that she will not tolerate any corruption within NAFDAC.



NAFDAC's achievements have also brought personal recognition for Akunyili: last year she was the sole recipient of the Grassroot Human Rights Campaigner Award from the Human Rights Defence organization in London and was also presented with the 2005 industrial award by the International Pharmaceutical Federation in Cairo, Egypt. Her CV lists a further 260 awards and recognitions given to her in Nigeria and overseas.

NAFDAC's work demonstrates how developing countries can tackle counterfeiters. But, says Akunyili, further work needs to be done. In particular, the law needs to be strengthened as drugs counterfeiting remains more attractive to criminals than gun running or cocaine dealing. Recent efforts have also focused on addressing the problem throughout the west Africa region: many counterfeiters who were driven out of Nigeria initially fled to Congo. A forum of west African drugs authorities was held in Abuja three months ago to ensure that "counterfeiters will not find a safe haven anywhere".

## More enforcers...

### CHIEF JUSTICE JOHN ROBERTS, US SUPREME COURT

The US Supreme Court is taking an unusual interest in patent law. It recently ruled in the closely watched *eBay* case and (after hearing arguments) decided not to issue an opinion in another case on patentable subject matter, *Metabolite*. Next term it has agreed to look at the patent owner/licensee relationship in *MedImmune* and the standard applied to obviousness in *KSR*. Why the big interest in patents? Is it a ticking-off for the Federal Circuit, a reflection of public concern about the scope of patents, or an attempt to handle some of the policy problems that the USPTO and Congress are also addressing? Or, alternatively, does it reflect a personal interest of new chief justice, John Roberts? Roberts, sworn in last September, is a former litigator, who has argued IP cases as a lawyer and sat in IP disputes as a judge. The US's 17th chief justice has not revealed much about his views on patents yet (he wrote a conservative concurring opinion in *eBay* and sat out of *Metabolite* due to a conflict) but if there really are, as some suspect, ideological splits within the Court regarding the role of patents in the economy then his role could become crucial.



### WU YI, CHINESE VICE-PREMIER

Chinese vice-premier Wu Yi has a formidable reputation as a negotiator and a political fixer: she was called in to take over the handling the country's SARS crisis in 2003 and put in charge of IP issues – one of the most sensitive and high profile concerns repeatedly raised by China's trading partners frustrated by high levels of piracy and counterfeiting there. Last year Wu co-chaired the 17th US-China Joint Commission on Commerce and Trade with Secretary of Commerce Carlos Gutierrez and US Trade Representative Robert Portman. She later joked to reporters that they had to go easy on her as both the only woman and the only Chinese at the podium but, in reality, the US team had more than met its match. Under Wu's leadership, the government has published long lists of policy

reforms it plans to undertake to tackle IP breaches and, perhaps more importantly for China's long-term economic growth, spearheaded a cross-departmental task force to formulate a national IP strategy. The group's report is due to be published later this year and observers are keen to see how its recommendations will be implemented.

## PAUL MAIER, OHIM

An OHIM insider since 1995, Paul Maier was earlier this year appointed as president of the Boards of Appeals. Amid the success story of OHIM, which celebrated its 10th anniversary this year, the Boards of Appeal have been something of a blind spot, the result of a big backlog, inconsistency and some heavily criticized decisions – such as that accepting the smell of freshly cut grass as a Community trade mark for tennis balls. Maier's job is to bring some more credibility to the Boards and to oversee the new enlarged Board, which handles cases that are particularly complicated or cover issues where the Boards have diverged. A popular figure, Maier previously presided over the launch of the Community design and worked on enlargement issues when the EU expanded in 2004. But is he up to the challenge of sorting out the Boards?

## CHRISTOPHE ZIMMERMAN, WCO

Anyone who has ever attended a talk by Christophe Zimmerman will remember it vividly. The Frenchman – who formerly worked at the European Commission but now heads the IP enforcement efforts for the World Customs Organization (WCO) – brings a passion to the subject of anti-counterfeiting that few can rival. Armed with samples of seized goods and anecdotes from life at the front line, he presents a compelling picture of the scale of international piracy. His new role at the WCO encompasses training, raising awareness of issues such as the link between piracy and organized crime, giving technical advice and encouraging harmonization. While at the EU, he steered through the new EU Customs Regulation in the face of political difficulties. He has been called a "fanatic" who "lives the job" and would, if necessary, stay at his Customs post for weeks on end.

## CHRIS ISRAEL, DEPARTMENT OF COMMERCE

The US government's decision to create a new post of IP enforcement coordinator says much about both the scale of the infringement problem affecting US industry and the Bush administration's determination to do something about it. Chris Israel, who took up the role one year ago, has the job of ensuring departments across the government develop and implement coordinated policies to tackle IP violations. With IP coming under the remit of agencies and departments as disparate as the Department of Commerce, the Department of Homeland Security, the Department of Justice, the US Trade Representative, and the Department of State, the new post should lead to more joined-up government. Israel has already taken a leading role in the anti-counterfeiting STOP initiative and is well-respected by US business groups.

## BO VESTERDORF, CFI

The future of Microsoft's business in Europe may be in the hands of the Court of First Instance in Luxembourg, which is headed by Danish judge Bo Vesterdorf. The court heard the American company's appeal against a €500 million European Commission fine in April this year, and will rule on whether the fine is legal sometime in the next 12 months. The Commission claims that Microsoft's bundling of its Media Player with the Windows operating system and its refusal to reveal its source code breach competition rules. Although this is probably the biggest case the 25-member Court has handled, it also has a daily involvement in IP law by hearing appeals on Community trade mark and design cases from OHIM. The *Microsoft* decision may turn out to be Vesterdorf's swansong: his term as president expires in 2007.

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## The strategist

### FROM FACTORY TO LABORATORY

**China can beat piracy by promoting the benefits of IP protection, says Zheng Chengsi, the country's leading IP academic. Now he is focusing on taking that message to the very highest levels of government**

On May 27, Zheng Chengsi gave a lecture to the Chinese Communist Party Central Committee's Politburo on the need for China to develop and protect intellectual property. Speaking alongside Wu Handong of the IP Rights Research Centre, he outlined his vision for IP in China. Interviewed by *MIP* after the

lecture, Zheng summarized his message to China's political leaders: "China cannot be a big factory for the world forever. At the moment we have no technology, only manpower." Innovation, he argues, has been neglected outside private enterprise and there is inadequate support for the concept from society as a whole.

Zheng is a professor at the Law Institute of the Chinese Academy of Social Sciences, the country's leading think-tank, part-time professor at Beijing University and a member of the National People's Congress. He has helped draft much of the country's IP legislation. Although he has delivered hundreds of lectures in his career, he was clear about the importance of this one: "I must tell the leaders of our country why we should protect IP. It's a very difficult task. Most of the leaders there understand now what I mean and agree with me."



So it would seem, judging by comments made by China's President Hu Jintao following the meeting. Hu was reported as stressing the urgent need to strengthen the establishment of China's IP system, pointing out the links between strong IP protection, competitiveness, and economic and social development. He also emphasized the need to crack down on IP violations and raise awareness of IP rights.

Zheng's message is that Chinese companies must understand and create their own IP rights if intellectual property – domestic or foreign-owned – is to be respected in the country. He says the majority of companies have not yet realized this: "95% of Chinese companies have no trade marks; they only manufacture and produce." But he is optimistic that things will soon be different. "This year things will change. [Chinese telecoms company] Huawei said you must use legal copyrighted software. That means other people who sell pirated software will have no market."

These changes coincide with the work of a group given the task of formulating China's national IP strategy. The group, headed by vice-premier Wu Yi and representing more than a dozen different government departments and agencies, was formed at the beginning of last year to coordinate national IP policy. In March this year, the National Working Group for IPR Protection published details of the 2006 IP action plan, including a proposed review of a judicial interpretation issued at the end of 2004 that was designed to make it easier to send people to jail for IP infringements. The plan will interpret some of the issues that have proved controversial since it took effect, including the way that the police calculate the infringers' illegal turnover to determine whether the infringement meets the criminal threshold.

The group will also study the rules governing disputes between trade mark owners and business name owners, and host a China IPR Criminal Protection Forum in 2006, as well as working with the courts to provide more statistics and boost cooperation between administrative officials and criminal law enforcement agencies. The Patent Office will amend and publish its examination guidelines, and translate them into English.



Important though these goals are, raising awareness and developing strategies will not address the concerns of many rights owners, who want to see immediate action on enforcement. Zheng blames the judiciary for many of the problems: "Courts should raise the level of IP judges. Judges need to know what IP means. I suggest letting them go if they are not qualified as a judge." Above all, he says, courts do not offer adequate damages in infringement cases.

He cites the example of a Chinese entrepreneur, Song Zhenghuan, the owner of the Hao Haizi ("Good Baby") company based in Jiangsu province, which makes baby prams and, according to *Forbes* magazine, has 28% of the US market. When Song sued for patent infringement in the US, he won the case and was awarded \$4 million in damages. But, despite winning 14 separate cases in the Chinese courts and being awarded a total of Rmb15 million (\$1.88 million) "he has in fact not got a single penny," says Zheng.

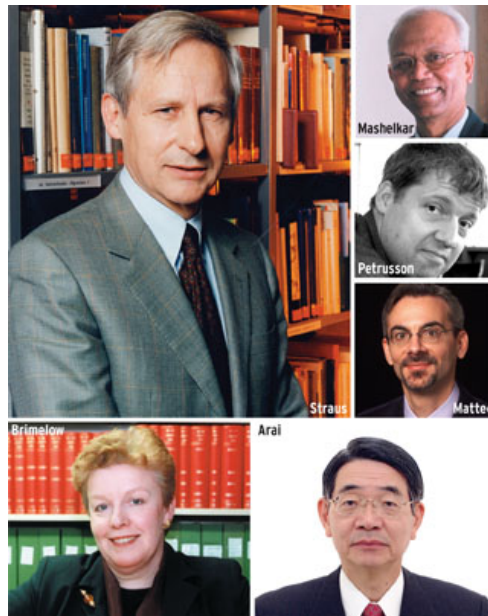
Zheng, a prolific author of books on subjects such as technology transfer, believes part of the blame lies with China's civil law scholars: "They always think more of the infringer. Very few of them think of the rights owners." He says it is necessary to argue with them to get things changed: "My main task is to push my students to debate in academic journals with civil law scholars. The first thing is to protect rights owners."

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## More strategists...

### DAMON MATTEO, PARC

Now vice president of intellectual capital management at the Palo Alto Research Center (PARC), Damon Matteo formerly led Hewlett-Packard's IP licensing programme and is recognized as a leader in managing intellectual assets. PARC, a subsidiary of Xerox, creates and commercializes inventions in physical, computational and social sciences developed by its team of some 170 researchers. It can claim credit for inventions ranging from the graphical user interface to laser printers and Ethernet, and has spun out more than a dozen companies. Matteo's work covers all of PARC's IP operations and he is known as an evangelist for extracting value from IP rights.



## JOSEPH STRAUS, MAX PLANCK INSTITUTE

One of the most prominent IP academics in Europe, Joseph Straus is director of the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich and chairman of the managing board of the Munich Intellectual Property Law Centre as well as being a professor or visiting professor at numerous universities. He has worked at the Max Planck Institute since 1977 where he focuses on patent law, biotech inventions, employees' inventions and international IP protection. His expertise is in demand by many international institutions and he has been a consultant to the OECD, World Bank and the European Commission, among others. He also advises the EPO and WIPO and writes and speaks on subjects including DNA patenting, the impact of TRIPs and the European patent system.

## ALISON BRIMELOW

Alison Brimelow, formerly head of the UK Patent Office, has been away from the IP front line for a couple of years. But in June 2007 she will take over from Alain Pompidou as president of the European Patent Office. Before then, you can expect to see a lot more of her, as she holds a series of meetings with EPO users, considers policy issues and hones her objectives for her time in the high-profile role. It is a safe bet that patent owners will call on her to do what she can to implement the London Agreement to reduce translation costs as well as push forward the European Patent Litigation Protocol – two goals that have (so far) eluded Pompidou.

## HISAMITSU ARAI, IP HEADQUARTERS

As the secretary-general of the secretariat of Japan's Intellectual Property Strategy Headquarters, Hisamitsu Arai is at the forefront of the government's efforts to push IP up the country's economic and political agenda. He is well-qualified for the role: he is a former Commissioner of the Japan Patent Office and a member of the Policy Advisory Committee of the WIPO. Prime Minister Koizumi set up the headquarters a year after his 2002 declaration that Japan should become an "IP nation" and its role is to oversee a series of IP policy reforms in a coordinated way. Arai is the author of two books – *Intellectual Property Policies for the Twenty-first Century* and *The Intellectual Property-Conscious Nation – Mapping the Path From Developing to Developed* – which encapsulate his policy interests.

## ULF PETRUSSON, CIP

Gothenburg's Center for Intellectual Property Studies (CIP) is an unusual institution that draws on IP expertise in management, economics, law and technology. As such, it bridges gaps between legal discussion and business practice and promotes effective IP management. The Center provides education and research opportunities for students and businesspeople from many walks of life, and hosts a biannual conference – the next one is May 2007 – which regularly attracts speakers from the world's leading IP-rich companies. Ulf Petrusson, director of CIP and associate professor in legal science at Göteborg University, has headed the Centre since its foundation in 2000.

## RA MASHELKAR, CISR

Of all developing countries, India has seen the most lively discussions about the proper role and scope of IP protection. Distinguished scientist Ragnath Anand Mashelkar has been at the centre of many of these debates, as director general of India's leading research institution, the Council for



Scientific and Industrial Research. From drugs patents to access to medicines to the protection of traditional knowledge, he has considered many of the IP questions that affect both the developed and developing world – and in some respects he has a foot in both camps. He is vice-chair of the World Health Organization's Commission on IP and Health, which published its long-awaited report in April, was also part of the UK's IP Rights Commission and has advised India's prime minister and Cabinet on science policy.

## COMMENTS

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Tove Graulund

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