

INTELLECTUAL PROPERTY RIGHTS' EXPERTS GROUP (IPEG)

Report for the

CTI ANNUAL REPORT TO MINISTERS

For AMM's information

(a) Key outcomes and achievements in 2023

Capacity Building Programs:

- [Roundtable](#) on Copyright and Creativity in the Digital Economy (IPEG 01 2023S)
- [Workshop](#) on Geographical Indications and Preservation of Common Names (IPEG 02 2023S)
- Workshop on Leveraging Industrial Design Protections for Small-and-Medium Sized Enterprises
- Field trips and workshop of a Green Technology One Day [Program](#) (IPEG 03 2023S)
- [Information Sharing](#) on APEC Economies' Initiatives to Advance Women's Participation in the Global Intellectual Property (IP) System (IPEG 04 2023S)

Concept Notes:

- Peru's [Best Practices](#) on the Collection and Analysis of Samples for the Determination of Plant Variety Rights Infringement
- Peru's [Guidebook](#) on Digital Enforcement to Improve Fight Trademark Counterfeiting
- The Philippines' [Feasibility Study](#) of an APEC-wide Sharing Mechanism on IP Rights Enforcement

(b) Work undertaken by fora in pursuit of the [Putrajaya Vision 2040](#), including through the [Aotearoa Plan of Action \(APA\)](#)

[to be removed before submitting: Kindly refer to the "Collective Actions" (in the APA) for the relevant fora. Please also outline any individual actions that your fora has showcased during the year.]

The following/Various activities undertaken by the IPEG directly implement [APA Collective Actions](#) to: "Promote adequate and effective protection and enforcement of intellectual property, including by providing capacity building, particularly to spur economic development and innovation"

The Philippines, as new chair of the APEC Intellectual Property Rights Experts Group (IPEG), proposed the APEC-IPEG work plan 2023 to 2024, aimed at advancing meaningful discussions toward workable outcomes in IP financing, IP in the digital economy and interconnectivity, IP for sustainable and inclusive growth, and other cross-cutting issues. APEC Executive Director, Dr. Rebecca Fatima Sta Maria suggested adding AI to the priority

list of the work plan. The IPEG Chair is receptive and encouraged every member economy to propose potential projects and initiatives.

IPEG's overarching objectives are to create a coherent perspective among IPEG delegates on Intellectual Property rights and to provide advice to the CTI on intellectual property rights.

- IPEG shared views on Free Trade Agreements (FTAs) and Regional Trading Agreements, with a view to developing a coherent perspective and implement APA Collective Actions to “Carry out discussions on, and studies into, areas of convergence and divergence across all chapters of trade agreements in the region that contribute to high standard and comprehensive undertakings”
 - China added its experience from RCEP, in which the IPR Chapter constitutes the longest of all 20 chapters and represents the most comprehensive content of all previously signed FTAs signed by China;
 - Malaysia and the Philippines underlined the significance of further pursuing the Free Trade Area of the Asia-Pacific (FTAAP) initiative, advocating IPEG's contribution to its progress and scope;
 - Singapore shared the added value of IP chapters in FTAs, which help create a business-facilitative environment, create a network of FTAs that enhances businesses' IP protection in the territories of Singapore's FTA partners, ensuring that Singapore businesses expanding abroad are assured of familiar IP regimes, enforcement standards and rules, and can make use of one-stop filing systems like the Madrid Protocol and Patent Cooperation Treaty (PCT) to reduce costs and administrative burdens of protecting their brands, inventions, and products overseas.
- Regarding Digitalization, IPEG implemented APA Collective Actions as it did “share best practice, and promote approaches for a digital economy that fosters competition and promotes innovation”
 - Indonesia summarized findings from DESG 06 2021A, which shared knowledge and best practices on implementing AI in IP Examination, particularly trademark examination, to enhance efficiency and reduce compliance costs. Experts presented on various AI topics, and representatives from different economies shared their experiences in AI implementation in their respective organizations.
 - Japan summarized conclusions from a co-developed World Intellectual Property Organization (WIPO) and Japan Intellectual Property Association (JIPA) [workshop](#) on the role of intellectual property in driving future innovation, in which IP plays a critical role in a Digital Age Wave and a Deep Science Wave.
 - Korea highlighted its enforcement efforts against copyright piracy in the digital environment, explaining the increasing need for a framework to be developed within the APEC region for member economies to collaborate in the fight against copyright piracy in the digital sphere;

- Korea highlighted [efforts](#) to transform IP services to provide continuous, uninterrupted digitalized public education during and since the pandemic; through fair copyright exceptions and limitations for educational purposes as well as fair use defenses.
- Thailand shared actions against online IPR infringement, including criminal enforcement, website blocking and a “notice and takedown” system, supported by awareness raising.
- The United States provided updates regarding a document proposed by the United States titled: “Effective Enforcement Practices Addressing the Streaming of Protected Content and Illicit Streaming Devices and Applications.”

(c) Work Undertaken by the fora in response to Ministerial, SOM and CTI direction

In 2023, IPEG discussed and identified ways in which IPEG can contribute to Bangkok Goals on the Bio-Circular-Green (BCG) Economy, as endorsed by APEC Leaders in 2022.

- Chile outlined initiatives to promote Green Technologies for MSMEs by supporting innovators with preferential treatment.
- Japan outlined initiatives for Green Transformation (GX) such the Green Transformation Technologies Inventory (GXTI), an inventory published by the JPO in June 2022 that gives a bird’s-eye view of technologies related to GX and also provides the patent search formulae (IPC and keywords) for analyzing patent trends in the fields of GX-related technologies.
- Korea outlined priority examination it provides for applications on green technologies, so that MSMEs with green technology patents can secure funds to commercialize their technologies.
- The United States organized a Green Technology one day program bringing together policymakers and individuals involved in the research, development and commercialization of green technologies, to discuss with IPEG the importance of IP protection and enforcement as essential tools to foster a green economy.

IPEG also shared best practices with a view to developing a coherent perspective on how the forum can contribute to La Serena Roadmap for Women and Inclusive Growth (2019-2030), as endorsed by APEC Leaders in 2019, re-emphasized under APA Collective Actions, and highlighted as a priority by the Host Year 2023.

- Chile summarized actions highlighting ways in which intellectual property can be used in the creative industries (particularly the experience of entertainment companies led by women) to promote women's active involvement and inclusion generally, by implementing a Gender Policy to guide efforts;
- Peru showcased findings from [IPEG 02 2021](#) “Women and Patents in the APEC Region: Current Situation, Performance and Challenges”;
- The Philippines shared findings from its Information Sharing on APEC Economies’ Initiatives to Advance Women’s Participation in the Global Intellectual Property

System, aiming to promote women's participation by learning from each other's best practices, and identifying practices that can possibly be replicated.

- Singapore discussed study findings of a steady rise in the number of women brand owners and inventors (i.e. share of patents with at least one woman inventor increased from 21.6% to 34.0% between 2020 and 2021), hence strengthened women's involvement in the IP system, which indicates that understanding gender trends in IP can drive IP Offices to better structure support to encourage women participation and inclusivity.
- Chinese Taipei highlighted initiatives to enhance gender equality, such as interviewing remarkable women in IP, underscoring relevant legislative amendments, and promoting cross-gender participation in IP.
- The United States presented inclusive approaches for raising public awareness, such as through the Empowering Women's Entrepreneurship initiative, the Unleashing American Innovators Act, increasing representation of Native Americans in STEM and innovation generally, among other initiatives;

IPEG examined best practices with a view to developing a coherent perspective on how the forum can to APA Collective Actions "Promoting start-ups and advancing MSMEs' access to finance, global markets, and global value chains as well as assisting in building their capacity to effectively participate in the wider economy."

- Chile shared initiatives promoting benefits of IP for MSMEs, including through the access, knowledge and use of technological and scientific information available in the industrial property system worldwide, as well as promoting the effective use of such knowledge;
- Indonesia outlined IP protection activities encouraging economic recovery through MSME empowerment, particularly through enhancing their understanding of the appeal of IP Protection in increasing the value of a product/service and thereby strengthening Indonesia's competitiveness in the global market.
- Korea communicated findings from [IPEG 03 2021T](#), "A Study on the Harmonisation of IP Financial System" that business demand is shifting toward intangible assets, such as IP rights, thus strengthening the importance of finance for IP particularly for MSMEs who experience challenges obtaining finance for corporate growth. The project offered recommendations for harmonious APEC-wide development of IP finance, such as establishing a legal basis for IP Finance; government IP Finance support through policy and implementation; classification of IP rights with mortgage value; and establishing collaboration between government, financial institutions and evaluation institutions.
- Peru noted findings from [IPEG 01 2021T](#), "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs"
- Singapore shared that the Singapore IP Strategy identified Intangible Asset (IA)/IP valuation and financing as priorities to advance, so that enterprises can better articulate values of their IA/IP in a consistent manner to stakeholders. Singapore is thus collaborating with industry stakeholders to develop an Intangibles Disclosure Framework (launching Q3 2023).

(d) Key Issues Under Discussion by IPEG

In support of APA's Objective of "...Growth of international trade flows in the region [to] become more stable and predictable including with increased coverage of WTO rules, through APEC members' effective and transparent implementation of existing and future commitments..."; IPEG has fostered the exchange of information and best practice related to the protection of Geographical Indications (GI) and Genetic Resource, Traditional Knowledge, and Folklore (GRTKF) issues.

- China, Malaysia, Indonesia and the Philippines outlined developments on control mechanisms and measures to protect registered GIs and the Philippines reported on the beGI initiative that gathered stakeholders from various government agencies and representatives of potential GI holders.
- Thailand shared advancements of a GI system legal framework and their efforts to expand business opportunities regarding GI products in both offline and online markets, including awareness raising activities and packaging support.
- The United States' Workshop on Geographical Indications and Preservation of Common Names focused on the importance of protecting GIs while ensuring that terms that do not qualify as GIs, such as common names, are not protected.
- Indonesia outlined legal innovations it developed to overcome challenges in addressing IP and GRTKF and the Philippines highlighted global perspectives and the benefit of collaboration between member economies and development partners.

Members shared information and exchanged on Individual Actions that they have taken in domestic IPR laws, policies, initiatives, and other relevant updates that contribute to the development of a robust IP System within the region.

- Hong Kong, China provided an update on its multi-pronged policy and strategy to develop itself as a regional IP trading centre through enhancements of various IP regimes, support measures for stakeholders and sustained promotion efforts. It also outlined results of a 2022 survey on domestic public awareness of IP rights protection that showed an increase of awareness of the existence and significance of IP legislation as well as positive public perception regarding Hong Kong, China as a regional IP trading centre.
- Japan presented their Anti-Counterfeiting Campaign to raise awareness particularly among youth, and featured counterfeit goods identification seminars to inform enforcement officers in overseas economies.
- Japan offered its IP Acceleration program where a team of business experts and IP experts visit startups in early business phases to help develop IP strategies.
- Korea shared the outcome of [IPEG 04 2021T](#), "A Study on the Patent Linkage System for IPR and Public Health Harmonisation".
- Korea presented an initiative on ODA model of invention education.
- Korea outlined developments regarding their design police and its major investigation cases, the latest amendment of Korean Trademark law and efforts to fight against bad faith filing, and the latest amendments of their industrial design law.

- Korea presented the Special Judicial Police (SJP) initiative, whereby administrative officials can be granted status and investigative authority of a judicial police officer. SJP has specific expertise in technology and IP law enabling them to contribute to trade facilitation, as it assists measures to combat counterfeiting through joint crackdowns, support operations, domestic and border investigations, and cooperation with international agencies.
- Peru summarized new legal provisions for the simplification of trademark procedures.
- Singapore shared that 2021 IP filings reaching unprecedented levels, signifying that innovation is resilient even in challenging times and that IP represents a critical prerequisite. To remain innovative, agile and resilient, Singapore adapted its services to better support stakeholders in the IP and innovation ecosystem to thrive through intangible assets and intellectual property management transformation.
- Chinese Taipei shared an overview of the work of its IP office, including the net zero emissions IP information section on its website, green technology accelerated examination program, support measures for startups and SMEs, and its future outlook in 2023.
- The United States shared trademark office developments at the U.S. Patent and Trademark Office and information on providing adequate and effective protection of technology and related intellectual property rights, particularly public views on the current jurisprudence in the United States on patent eligible subject matter.
- The United States outlined STOPfakes, an U.S. interagency program offering online resources and in-person outreach to help U.S. businesses protect their intellectual property in foreign markets, with tutorials, economy and industry toolkits, and economy snapshots, as well as outreach events, such as trade shows and STOPfakes roadshows.

In support of cross-fora collaboration, IPEG discussed how it plans to:

- Cooperate with the Sub-Committee on Customs Procedures (SCCP), if the CN for a Feasibility study for APEC-wide sharing on IP enforcement receives approval;
- Involve the participation of the Digital Economy Steering Group (DESG) for comments and input, if the CN for a Guidebook on Digital Enforcement to Improve the Fight against Trademark Counterfeiting receives approval;
- Involve the Finance Ministers' Process (FMP) on advancing IP financing initiatives.

Enhancing collaboration with the private sector, IPEG featured discussions with:

- WIPO (virtually), updating members on Green WIPO, Women in WIPO and suggesting concrete ways to further enhance engagement with IPEG, such as actively participating in different WIPO fora including the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), and the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- ABAC representatives, who outlined the 2022 recommendations to APEC on IP and offered suggestions for continuous engagement with IPEG, particularly on IP Financing about which members expressed deep interest and which represents one of the three identified priorities of the IPEG Work Plan for 2023 to 2024.

- The Executive Director of the Screen Actors Guild, American Federation of Television and Radio Artists (SAG-AFTRA), presented experiences and activities on how they protect actors' and artists' intellectual property rights.

(e) Items to submit to Senior Officials or Ministers

- Seek CTI's endorsement of the Annual IPEG Report to Ministers
- Seek to be involved in PSU project on FTAAP (Free Trade Area of the Asia-Pacific)