



SISTEMA ECONÓMICO
LATINOAMERICANO
Y DEL CARIBE



Final Report

Economic and Technical Cooperation

XXVIII Meeting of International Cooperation Directors for Latin America and the Caribbean: Cooperation for intellectual property

Panama City, Panama

7 and 8 November 2017

SP/XXVIII RDCIALCCPI/IF-17

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I. RAPPORTEUR'S REPORT

1. The "[XXVIII Meeting of International Cooperation Directors for Latin America and the Caribbean: Cooperation for intellectual property](#)", organized by the Permanent Secretariat of the Latin American and Caribbean Economic System (SELA) and the Government of the Republic of Panama, through the Ministry of Foreign Affairs, with the support of the Pérez-Guerrero Trust Fund (PGTF) of the Group of 77, was held on 7 and 8 November 2017.
2. The XXVIII Meeting of International Cooperation Directors for Latin America and the Caribbean had the following objectives: i) Present a general assessment of the advances in the field of regulatory frameworks for cooperation on intellectual property, industrial property, copyright, trademarks and patents in Latin America and the Caribbean; ii) Promote cooperation and exchange of experiences among intellectual property offices of the Member States of SELA; iii) Exchange best practices and lessons learned in the field of cooperation on intellectual property; and iv) Identify opportunities for international, triangular and South-South cooperation in the field of intellectual property with the support and coordination of focal points in charge of international cooperation in Latin America and the Caribbean, as well as cooperation actions and initiatives that can be developed with regional and international organizations.
3. In accordance with the approved [agenda](#), four working sessions were carried out to deal with the opportunities for regional cooperation in the field of intellectual property and successful experiences in the region, the impact of intellectual property on productive development, innovation and progress, and round tables to identify synergies and common views for an agenda for action among national authorities in charge of international cooperation and intellectual property.
4. Participants included representatives of the following Member States of SELA: Argentina, Belize, Bolivia, Brazil, Colombia, Chile, Cuba, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Panama, Peru, Dominican Republic, Trinidad and Tobago, Uruguay and Venezuela; representatives of the following organizations: Spanish Agency for International Development Cooperation (AECID), Inter-American Intellectual Property Association (ASIPI), CAF-development bank of Latin America, Andean Community (CAN), the Caribbean Community (CARICOM), United Nations Office for Disaster Risk Reduction (UNISDR), United Nations Environment Programme (UNEP), delegation of the European Union in Panama and the Permanent Secretariat of the Latin American and Caribbean Economic System (SELA). In addition, representatives of public, private and academic institutions of Panama attended the regional meeting. The list of participants is available [here](#).
5. For this regional meeting, the Permanent Secretariat prepared the document "[Achievements in cooperation initiatives in the areas of intellectual property, industrial property, copyright, trademarks and patents in Latin America and the Caribbean](#)" (SP/XXVIII RDCIALCCPI/DT N° 2-17), which served as the basis for discussion and debate. This document was prepared by Dr Sary Levy-Carciente, SELA's consultant, whose vast and extensive professional and academic experience can be consulted [here](#).
6. In addition, the Permanent Secretariat provided participants with [documents and support material](#) on international cooperation in Latin America and the Caribbean, as well as on

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intellectual property. It would also be advisable to consult the [technological innovation](#) section of CAF–development bank of Latin America.

7. At the opening session, the following participants took the floor: Ambassador [Javier Paulinich](#), Permanent Secretary of the Latin American and Caribbean Economic System (SELA); Mr Leonardo Uribe, Director-General of the Industrial Property Registry of the Ministry of Commerce and Industry of Panama; and Dr [Selina Baños](#), Director-General for International Cooperation of the Ministry of Foreign Affairs of the Republic of Panama.
8. At the closing session, the floor was taken by Ambassador Javier Paulinich, Permanent Secretary of the Latin American and Caribbean Economic System (SELA), and Dr Selina Baños, Director-General for International Cooperation of the Ministry of Foreign Affairs of the Republic of Panama.
9. The presentations made by the speakers are available at [agenda-presentations](#).
10. To see the photographs taken and videos recorded during the event, please visit: <http://www.sela.org/es/eventos/2017/11/xxviii-directores-cooperacion/fotos/>

II. CONCLUSIONS

For the Conclusions session, Dr Sary Levy, SELA's Consultant, and Mr Octavio Espinosa, specialist in intellectual property, presented the most outstanding aspects and ideas expressed by the participants of the "XXVIII Meeting of International Cooperation Directors" from the perspective of opening up spaces and opportunities for recognition and reinforcement of intellectual property as a relevant element for the agenda of regional and international cooperation.

According to Dr Sary Levy, the general ideas on which some level of consensus was reached focused on the following aspects:

1. Giving SELA the credit for addressing a topic of such relevance in the future projection of the economies in the Latin American and Caribbean region and the well-being of its citizens.
2. Megatrends point out that the element creating value and wealth in the 21st century is knowledge. Hence the necessary promotion of innovation, creativity, the so-called "Orange Economy". Therefore, it is important to shore up capacity building in individuals, allowing them to make better use of their potential in the context of freedom and promoting the social responsibility of human actions in society.
3. Emphasis was made on training society in intellectual property. It would be aimed at both lawyers and judges who have to deal with the issue and professionals who have to respond to related requests from public offices. In this connection, participants presented successful experiences in ongoing training of officials thanks to South-South cooperation, with the support of multinational organizations and countries within and outside the region, in face-to-face and virtual format.
4. In addition, emphasis was made on the need to open intellectual property departments or subjects at several universities, not only at schools of legal sciences, but also at those focusing on basic, economic, social and engineering sciences, among others. The goal is to create awareness on the importance of intellectual property for social development and promote

the licensing of innovations. Finally, and with the purpose of highlighting the importance of this issue, participants considered that training should start from the first years of school, so that respect to intellectual property could be part of our cultures.

5. From a legal-policy perspective, the region has a fairly harmonious foundation. The focus is on improving and streamlining procedures, supported by standards and best practices, respecting, of course, differences and special features of each country.
6. It is imperative for entities governing intellectual property to efficiently provide services in the most up-to-date virtual platforms at the lowest possible cost and as transparent as possible, in accordance with the innovative society they project.
7. Intellectual Property Offices must have sufficient, well trained and updated staff (according to the number of applications to be processed, which are normally associated with the potential market to be offered to the applicant). For better results, said offices must have budgetary autonomy, managed with efficiency and transparency.
8. Participants stressed the importance of considering actions that materialize the virtuous effects associated with intellectual property, such as licensing, commercial exploitation and export. In this connection, successful experiences (e.g. the pilot plan in Panama) were presented and now are shared with other cities and countries to accelerate their development. In other words, emphasis should be made on showing the social potential of the promotion of intellectual property. Along with the emphasis on the potential market to be served by intellectual property rights applications, participants stressed the importance that proposed requests for registration have real innovative contents and a careful drafting, so that the number of successful proposals increase. In addition, and together with the innovations that serve large markets, they also highlighted the importance of those that meet local needs, since they provide assistance in solving problems that may well not be of interest in other latitudes.
9. Participants presented a series of valuable regional experiences in improving and streamlining procedures thanks to both firm and clear guidelines of domestic policies and requirements arising from intra or extra-regional agreements. Transformations include unilateral schemes in an effort to give signs of regional openness on the issue.
10. They also presented cases of rescue of (traditional, indigenous) cultural elements as objects of intellectual property for the benefit of various economies.
11. It was evident that regional integration partnerships and agreements become forums for the exchange of knowledge, promotion of synergies in the area and dissemination of experiences. Cooperation strengthens and streamlines national plans, develops synergies, supports the sustainable development policy (2030), and facilitates monitoring, evaluation, learning and dissemination. In short, it provides support in knowledge management. North-South cooperation has decreased (since the region mostly consists of middle-income countries), and thus it becomes necessary to rely on South-South cooperation and triangular cooperation. The region has significant experience in technical, financial, educational and informative cooperation. In addition, it should further rely on cooperation with multilateral organizations specializing in this issue (WIPO). An appropriate relationship between Intellectual Property Offices and cooperation units in each country is a virtuous partnership for the achievement of objectives.

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12. The repeated topic of links between Innovative Ecosystem and Productive Ecosystem was addressed on several occasions. This required the review of their links and directionality and the review of the internal operation of their core bodies (university-company). Emphasis was made on the fact that, although there is no applied research without pure research, focus should be placed on those studies that meet the requirements of large populations (markets) and identified needs. Links between said ecosystems cannot be treated as a result of transfer of funds, but of knowledge sharing to increase the productivity and competitiveness of economies.
13. Among the challenges identified are those linked to the observance of respect for intellectual property in the digital environment, as well as the country brand issue and the way to handle it.

For his part, Dr Octavio Espinosa presented the following general conclusions of the meeting:

Presentations made by international cooperation and intellectual property (IP) authorities of the Member States of the Latin American and Caribbean Economic System (SELA) during these two days have been especially rich in ideas.

In the following paragraphs, the conclusions presented by Dr Sary Levy-Carciente are complemented by two lists of ideas to consider and clarify cooperation activities on intellectual property matters. One of the lists refers to potential recipients, while the other includes various topics on which cooperation could give valuable results for beneficiaries in the region.

Then, what sectors can benefit from cooperation in the field of intellectual property? The first group of potential beneficiaries that seems particularly relevant is that of judges and magistrates. In several countries of the region, IP authorities assist and cooperate by providing training to judges and magistrates. Cooperation authorities must focus on those activities, which can be carried out not only locally, but also at the level of regional agencies. It is precisely before judges and magistrates where the observance of the IP finally materializes. If the judicial authorities do not clearly understand the rules and principles of IP, the economic and competitive system can be affected by decisions that may hurt the stakeholders in the market and ultimately the economy.

Another group of potential beneficiaries of cooperation are students, young innovators, and even schoolchildren. This is an area in which the positive effect can be very large. Participants mentioned, for example, the experience of the Dominican Republic with the innovative summer camps and Panama with young entrepreneurs. Such initiatives can be encouraged, financed and implemented based on regional cooperation activities.

Another repeatedly mentioned group of beneficiaries is that of SMEs and MSMEs, which should be inserted into the central flow of IP in the countries of the region. These companies tend to become marginalized in the economy, because they are not in the formal market. Informality does not help develop a strong economy, and therefore it is important to gradually introduce SMEs in the formal market. In this connection, it is important to take these businesses to a more formal level of use of intellectual property rights.

For the purpose of regional cooperation, it is also worth considering the possibility to group companies by selected sectors of technology. In each country, there are areas of excellence and more developed technological sectors. For example, agriculture, agricultural research,

biotechnology, some renewable energy sources. Emphasis could be made on linking companies or sectors of companies with which a type of activity of use of IP can be carried out, in particular the right to patents of invention or plant breeder titles. It is important to develop technologies with sectors that have knowledge and experience in the use of IP rights and clearly understand their interests.

Technology and Innovation Support Centres (TISC), technological innovation centres at universities and research centres are also natural recipients of cooperation activities. They can also be generators of horizontal cooperation, within their countries and towards others within the region. The activities of patent drafting, presentation and strategies are relevant. Cooperation activities can be developed to use the patent system, learn how to write patent applications, learn how to use the system and make the most of it. Technological innovation centres at universities and centres of excellence in several countries of the region are already doing this, and gathering this experience at the regional level should be a priority.

Cooperation activities should also be considered with conciliation, mediation and arbitration centres in the fields of intellectual property and unfair competition. At present, the World Intellectual Property Organization (WIPO) Arbitration and Mediation Centre operates at the multilateral level. At the regional level, it would be interesting to identify mediation and arbitration centres in chambers of commerce and universities or specialized centres, and try to horizontally develop those centres as recipients of cooperation, but also as generators of support to other arbitration and mediation centres.

It is necessary to consider the general public a beneficiary sector, with the purpose of ensuring wide dissemination and raising awareness of intellectual property and its commercial value.

Experiences of socialization and dissemination in several countries of the region, such as book fairs, are valuable, because they spread the results of intellectual creativity and introduce the population of the countries to the concept and practical application of IP and the way the IP is relevant in their daily lives. Cooperation in this field can be horizontal, and SELA could be a forum where some new forms of cooperation could be structured to that end.

This list of beneficiary sectors may be complemented with a thematic list, identifying some issues of priority and permanent concern in the field of IP. This thematic list is not exhaustive, and most issues have also emerged from presentations of this meeting.

A first issue is the need for national intellectual property strategies. Countries must have a strategy that defines how they will address, promote and regulate intellectual property in their jurisdictions, and how IP should be applied to their economic development. IP strategies must be periodically updated, because this is a subject that evolves very quickly. The exchange in these areas within the region is important, and therefore strategies related to this topic should be monitored.

At a more specific level, it is also necessary to develop strategies at the institutional level. In fact, institutions such as universities, companies, which are entities that manage IP or generate it or are users, including research centres, libraries, archives, etc., must have IP management policies. In these areas, cooperation is possible. In addition, it is important to point out that WIPO has materials and guides on this subject, which can be used in cooperation activities to favour the interested sectors of the countries in the region, in particular universities and research centres.

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An issue that should be considered for cooperation activities is the intellectual property regulation, covering industrial property, copyright and related rights. Some countries in the region are currently applying laws that were enacted twenty (20) years ago or more; rules that were designed for the economic context of other times. It is necessary to regularly update the intellectual property regulation, including basic laws and regulatory standards, taking into account the processes of harmonization and international standards, which are increasingly refined. In this context, participants said that several countries have manuals of examination of patents and trademarks, among others. These instruments can also become obsolete and should be updated and complemented. For example, thought should be given to the manuals of examination and registration of industrial designs, which are useful but insufficiently developed in the region. This issue deserves attention, because especially SMEs can exploit their creations, taking advantage of the exclusive protection of the designs of their products.

Another relevant issue for cooperation refers to the support and advice efforts for the countries in the region to adhere to multilateral treaties on intellectual property. At the multilateral level, WIPO administers a growing number of treaties of a different type. It is good to adhere to these multilateral treaties, especially because they provide concepts, structures and help countries develop their administrative and regulatory systems of intellectual property internally. The accession to these treaties may require some rearrangement, human resources training and preparation of enforcement authorities.

In this connection, the topic mentioned by Dr María del Pilar Troncoso, President of ASIPI, concerning the budgetary autonomy of intellectual property offices, is also of interest for regional cooperation. Much can be done in this respect through cooperation activities that not only disseminate the experiences on best practices, but also help governments in the region implement this autonomy at the regulatory and administrative levels, along with the institutional strengthening of these entities. Intellectual property offices must no longer be passive registration institutions. Instead, they should become drivers for innovation as a factor that contributes to the technological development of countries.

Participants also mentioned the issue of collective management in its electronic dimension. It is a matter of interest to all countries. The growing use of information and communications technologies can be considered a subject of cooperation to establish single windows for the payment of fees on the use of copyrighted works.

Finally, other issues and areas on which SELA's cooperation could focus within the region include the following points for consideration by the authorities:

- i) Protection of geographical indications and collective trademarks. These elements are particularly useful for producer groups and associations of small businesses, which must act together to promote their products and services;
- ii) Protection of traditional and ancestral knowledge, considering that the region of the Member States of SELA is particularly rich in this matter;
- iii) The relationship between genetic resources and the protection of inventions. This issue is related to the prevention of the so-called "bio-piracy", which affects, in particular, the countries of the region rich in genetic resources and biodiversity;

- iv) Develop limitations to exclusive intellectual property rights in the legislation. Exceptions and limitations to exclusive industrial property rights, copyright and related rights should evolve with the development of intellectual property, so that exclusive rights do not interfere with the objectives of public and general interest. Emphasis should be made on developing cooperation activities to assist governments in the implementation of exceptions and limitations to the exclusive copyright and related rights, and incorporate them in the relevant national laws. These topics are already under review at the forum of WIPO, and those results must be used and emulated.

Among the general conclusions for international cooperation and intellectual property stand out the following:

Concerning the scope of regional cooperation:

1. Emphasis was made on the importance of closing cooperation relations among national IP offices and cooperation agencies, as well as of strengthening cooperation relations with WIPO and IP offices from other regions (Europe, Asia and the USA).
2. The value added of cooperation initiatives:
 - i) Lies in cooperation among national, regional and international organizations contributes to spreading best practices in order to protect intellectual property rights;
 - ii) Contributes to strengthening IP systems in the least developed countries through economic and technological resources, as well as the exchange of information, shared work and improvements in the processes;
 - iii) Helps encourage governments to adopt better policies on IP that promote competitiveness and innovation;
 - iv) Encourages States to become aware of the need to take advantage of IP to promote economic and social development (SMEs, entrepreneurs, universities);
 - v) Contributes to greater legal certainty and investor confidence;
 - vi) Encourages trade integration.
3. It is necessary to strengthen the initiatives in the fields of cooperation and intellectual property developed by subregional integration schemes (CAN, MERCOSUR, SICA, CARICOM, the Pacific Alliance and PROSUR).
4. Restoring the potentialities of free trade agreements in the treatment of intellectual property is a priority issue.
5. An institutional framework was created through PROSUR with potential to contribute to cooperation in the field of intellectual property and industrial property, as well as of trade and innovation (www.prosur.org).
6. Regional cooperation will serve as an anchor point for the harmonization of intellectual property laws.

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7. The Inter-American Intellectual Property Association (ASIPI) has made efforts to establish a unified strategy within countries to avoid the dispersion of efforts, make the system efficient and materialize impacts arising from international cooperation.

As regards intellectual property, the main conclusive ideas were as follows:

1. To assess the status of technological innovation in the region, it is necessary to consider its contribution on the basis of: i) high-tech exports; ii) participation in royalties for intellectual property licensing; iii) patents granted in large markets (Asia, Europe and the USA), and iv) applications for patents internationally.
2. There is a pressing need to increase the development of strategic technological patent applications in international markets.
3. It is necessary to define priorities and strategies for the patentable technological innovation and establish technological accelerators in the region.
4. Efforts should be made in unifying strategies and policies related to industrial property for Latin American countries, in particular patents, so that they contribute to increasing, in the short term, royalties for IP licensing and transfer and, in the medium-term, high-tech exports. To that end, it is essential to:
 - i) Patent inside and outside the region, especially in major markets;
 - ii) Work with entities related to the industry and foreign trade on the unification of strategies and policies;
 - iii) Work with key large private companies (anchors) to help create a showcase effect that drags small and medium-sized enterprises and other large companies.
5. Pilot public investment projects should be created to finance patentable technological innovation micro-ecosystems, in order to capitalize on the showcase effect.
6. Mixed innovation strategies should be established and executed to directly involve the private sector in the technological innovation ecosystem.
7. It is necessary to continue the collaborative work among IP offices, judges, prosecutors, customs and other government bodies dealing with IP, as well as among international, regional organizations and professional associations.
8. The main challenges for innovation in Latin America and the Caribbean include:
 - i) Linking of innovative sectors with the commercial sector;
 - ii) Protection of intellectual property in the digital environment;
 - iii) Update of the regulatory framework with respect to international standards.