

WORLD INTELLECTUAL PROPERTY
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ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

April 11, 2006

Dear Dr. Jefferson, *Dear Richard,*

I am writing to follow up the visit of your colleague Dr. Connett Porceddu to the World Intellectual Property Organization (WIPO), and our own two previous discussions concerning the possible forms of cooperation between Cambodia and WIPO.

Following our discussions, we have reviewed the possible areas of cooperation in the light of our existing resources and potential areas of future development. As we agreed, I am writing to set out our understanding of the specific possibilities for cooperation. These fall into three main areas: (i) exchange of patent data (including regular access to new data) and cooperation on back data; (ii) further information management and development of new information products and tools; and (iii) policy and licensing questions in the life sciences.

As we have discussed, we can see the potential for synergies in our work in each of these areas, and suggest that it would be most useful to explore cooperation separately under these distinct headings. We note, in particular, the work you have been undertaking to enhance the quality, the utility and the actual uses, of patent data, including PCT data. One reason for pursuing cooperation in this area is to explore the potential for synergy or mutual benefit from investments made in the enhancement of these data and the effective availability and use of these data.

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Dr. Richard Jefferson
Chairman and CEO
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Current patent data

I note that the Cambia patent database provides enhanced forms of access to and use of patent data, including PCT data, for public interest and not-for-profit purposes. I confirm our earlier undertakings that, in view of this not-for-profit status, we are able to provide access to standard PCT data for Cambia free of charge. The forms and timing of access would be similar to other external users of these data. This would include both front page and full text of newly published international applications. In particular, in response to your request for the contents of the available data, this would include:

- the front page of PCT international applications published and republished in a given week, including bibliographic data and abstracts, in Roman or Japanese characters (and others such as Cyrillic, Korean when available), in XML, TIFF g4 and PostScript files;
- a weekly publication index file;
- a parameter text file;
- Gazette XML files (Sections I to III) and bilingual Gazette PostScript files (Sections I to III); and
- drawing files with text matter, if any, for the front pages of the individual international application included in the publication (both first publications and reissues).

For the practicalities of accessing these data, I suggest that you or your designated person contact directly my colleague, William Meredith, Head, IP Statistics Section (william.meredith@wipo.int, +41 22 338 9658), who is in charge of PatentScope and patent data, to make necessary arrangements. Current resource limitations constrain our capacity to produce tailored information products beyond these data, but we would be glad to discuss the evolving possibilities in the future, particularly if we can advance the proposal, discussed at our past meetings, for an IT specialist to cooperate with use on site at WIPO.

Back data

Both WIPO and Cambia have developed expertise and invested resources in creating OCT text of past PCT filings. It is a goal of both WIPO and Cambia to enable general public access to the full electronic text of past PCT documents. I therefore confirm our interest in exploring areas of cooperation on the OCR capture of back data or other possible cooperation on further OCR work.

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Dr. Jefferson, Canberra - April 11, 2006

Information management

We discussed the possibility of cooperating on various aspects of information management and data verification, and I can confirm our interest in pursuing this in practice, but with the details to be developed through further dialogue. For instance, this could in time address such questions as:

- improving the quality and availability of information about national phase activity; as we discussed, this could include cross-checking on national phase entry data received by WIPO with the INPADOC status data, which has been enhanced and checked by Cambia and is available on the Cambia site;
- enhancing access to information about status of patents and patent applications;
- making sequence data searchable, with direct links through the references to sequences in the text of patent claims.

We discussed how this kind of cooperation might be progressed by greater interaction between specialist staff, and the possibility of a Cambia staff member being temporarily attached to WIPO. WIPO is under tight constraints at present concerning additional staffing or new posts; however, one possibility we discussed was for an externally-sponsored temporary attachment to WIPO, or for an IT expert to spend a prolonged visit at WIPO to progress these areas of cooperation. We should actively explore the practical possibilities for this kind of direct cooperation. In the immediate term, I suggest a telephone conference involving key members of the two teams concerned to enable an in-depth review of the current status of the WIPO and Cambia programs in this area, and to consider possible forms of coordination, reviewing the full range of areas of potential interest.

An additional possibility to explore, mirroring your discussions with national offices such as the USPTO, would be the establishment of a mechanism for third-party notification of relevant prior art, to provide an open medium for communication of material with potential bearing on patentability in the life sciences domain. This kind of mechanism cannot have any legal or procedural status, but may be a useful practical supplement to the formal system, even at the international level. At this stage, I suggest that we could discuss the possibilities in this area, in the light of parallel proposals.

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Policy and licensing questions

We also discussed a range of policy and licensing questions touching on the patent system and innovation in the life sciences. While WIPO does not enter the debate from a particular position, it does have a commitment to enhancing the information available to international and national policymakers. This is one rationale for recent work on improving access to patent information. We are seeking to build on this foundation by developing patent landscapes and related studies in sensitive areas of technology in the life sciences. In addition, we are reviewing the emerging and alternative innovation structures within the life sciences field, including the mechanisms and strategies for IP licensing and management that promote and sustain these forms of innovation. These may, therefore, also be fruitful areas of cooperation, given Cambia's own policy interests.

In particular, we would like to explore:

- WIPO and Cambia collaborating on, or Cambia undertaking or providing peer review and advice and technical inputs for, patent landscapes and case studies in key technologies in the life sciences, particularly in the areas of agricultural biotechnology, pharmaceuticals and vaccines. The purpose of these landscapes and studies would be to put before policymakers a richer and more accessible body of information about trends and practical impacts of patenting in technologies that are of policy concern. They may be used to illuminate practical questions of freedom to operate, or broader trends such as directions in technological development and new patterns in research and development, and evolving innovation patterns in the life sciences, with a particular focus on developing countries;
- possibilities for more sophisticated search tools and filters, and algorithms to improve and widen the systematic availability of more practically valuable search results, for policymakers and other users;
- survey and analysis of practical tools for licensing and managing IP rights, particularly patents, to support diverse innovation structures in the life sciences field, such as collaborative, distributive or open source innovation, and to promote preferential access to and actual dissemination of technologies for the benefit of specific target groups in the developing world.

To advance this work, I suggest an extended telephone conference should be scheduled to allow a thorough review of the resources, program activities and current directions of Cambia and the WIPO Life Sciences program, with a view to identifying specific areas of collaboration or coordination.

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Dr. Jefferson, Canberra - April 11, 2006

I look forward to our pursuing these areas of cooperation in the course of this year, and suggest that we exchange regular updates on our work on areas of mutual interest. For immediate follow up, I propose my colleagues William Meredith, Head, IP Statistics Section, as a regular WIPO contact point on questions concerning PCT data, and Antony Taubman, Acting Director of the Traditional Knowledge (Global IP Issues) Division, on life sciences policy issues. We will also be in touch to establish a time for a full telephone conference on the issues identified above, as well as any other possible areas of cooperation you would like to continue to explore.

With best regards,

Yours sincerely,



Francis Gurry
Deputy Director General