

The Way Forward on Improving IP Systems Globally: The Example of a Trade Secrets Law Best Practices Dialogue

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The Way Forward on Improving IP Systems Globally: The Example of a Trade Secrets Law Best Practices Dialogue

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Motivation & Proposal

- It has become more challenging to improve IP systems globally through trade agreements and treaties
- A promising alternative and complementary approach:
 - Voluntary dialogues to establish detailed principles and guidelines – best practices – for improving national laws.

Agenda

- The Current State of International IP Policy
- Multi-lateral, voluntary, dialogue-based processes as a way forward
- An example: A best practices dialogue on trade secret laws

The Current State of International IP Policy

- The trade-IP tie as a “victim” of its own success
- The trade-IP tie as an increasingly challenging platform for progress

New Challenges

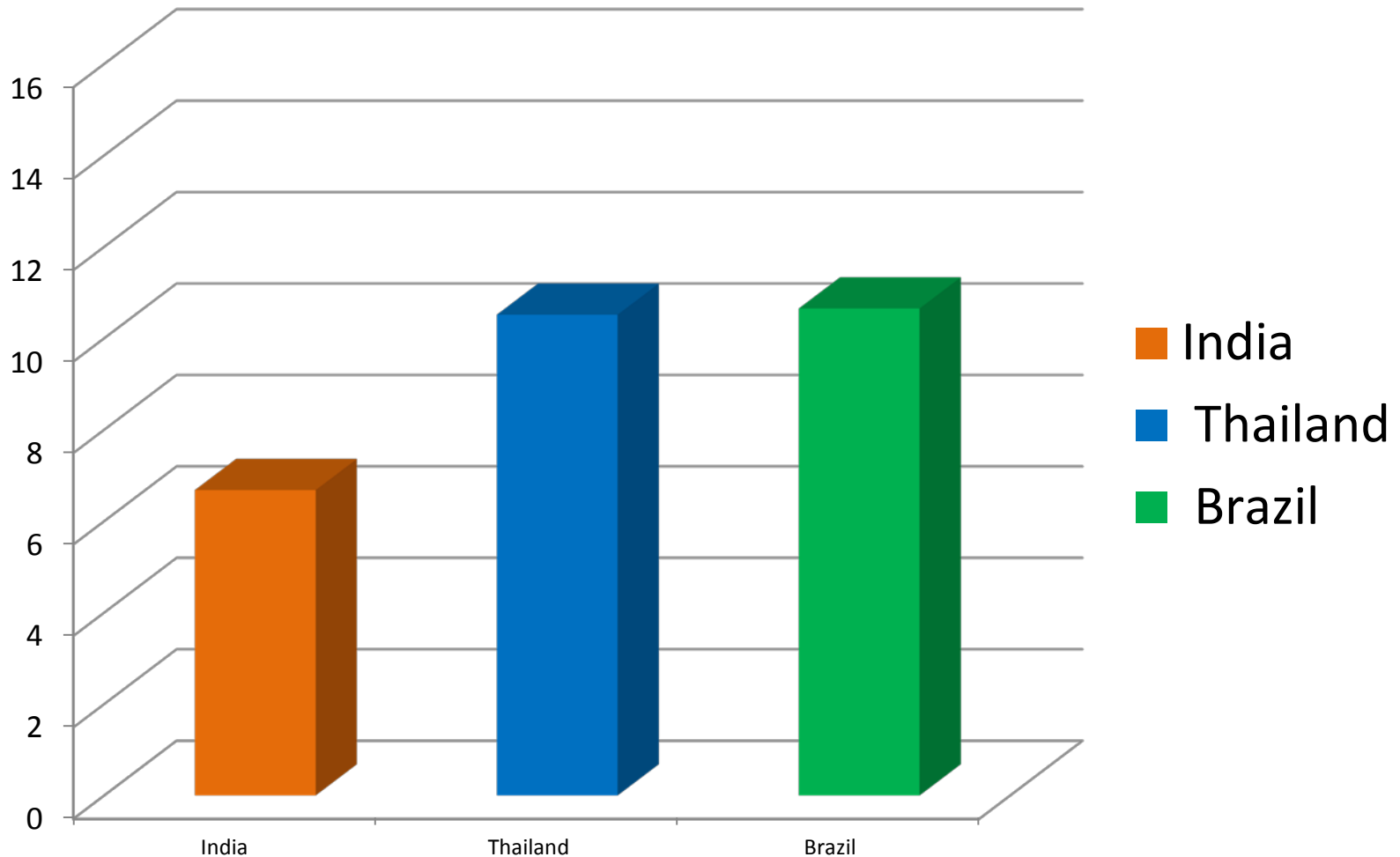
- New technology has vastly changed the nature and scope of some types of IP infringement
- IP is more valuable than ever
- Business is more global than ever

“Next Step” Challenges

- Administration and Capacity Building
- Non-substantive and procedural issues
 - Rules of evidence
 - Access to proof
 - Judicial expertise

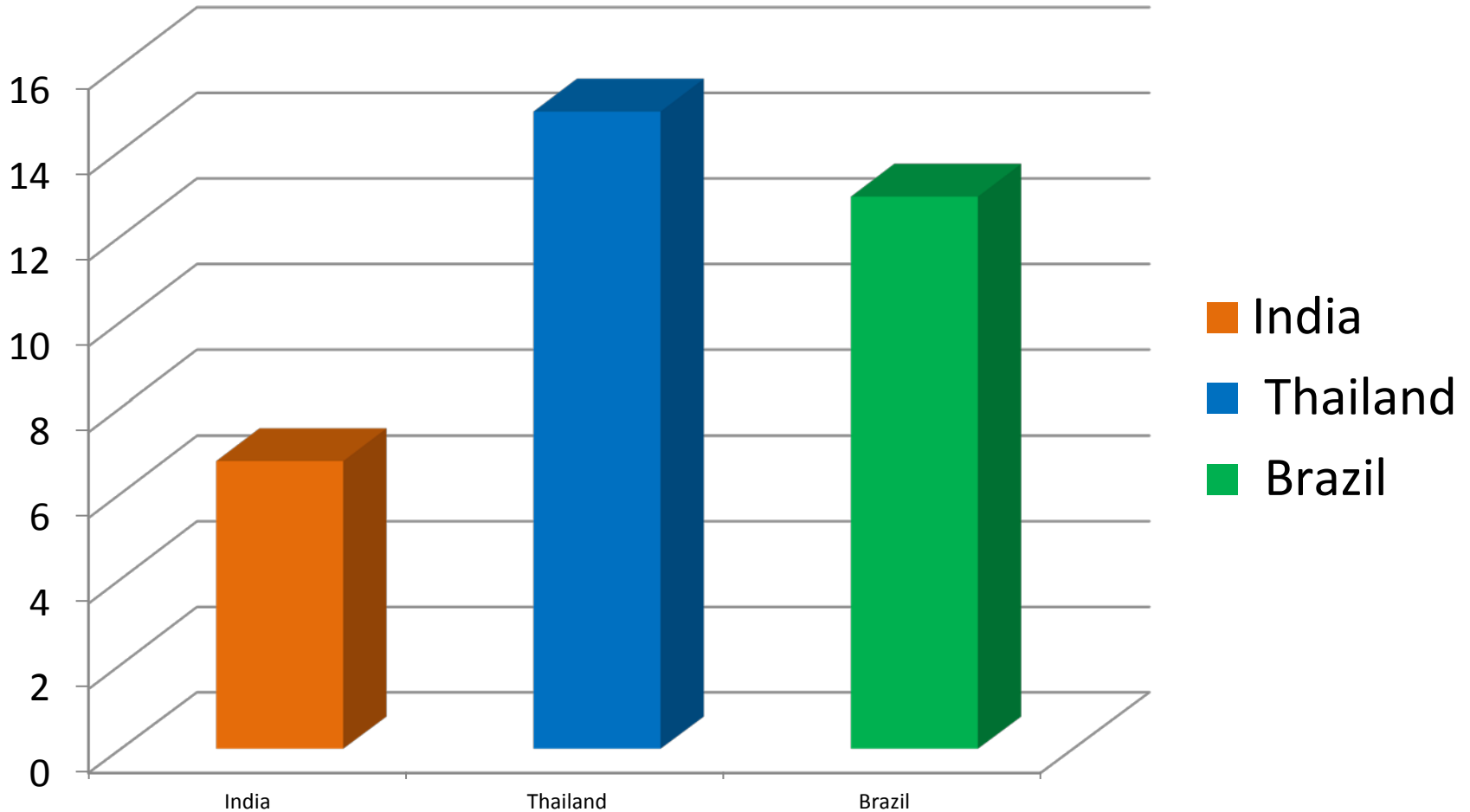
Average Age of Patent Application at Grant Date

Average Application Age in Years (2011-2015)



PHARMACEUTICALS

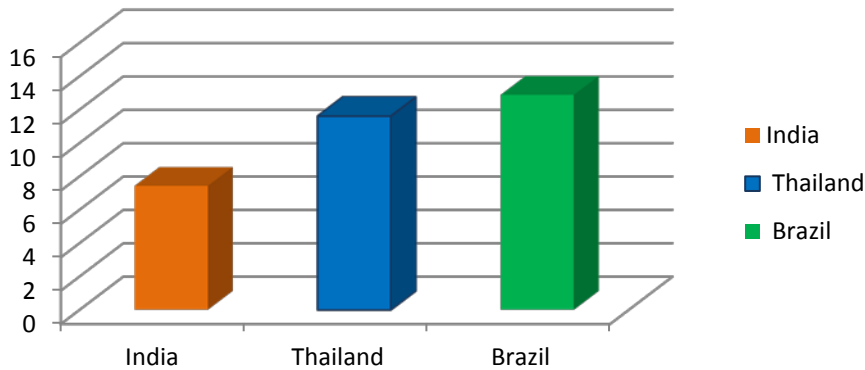
Average Application Age in Years (2011-2015)



High Tech

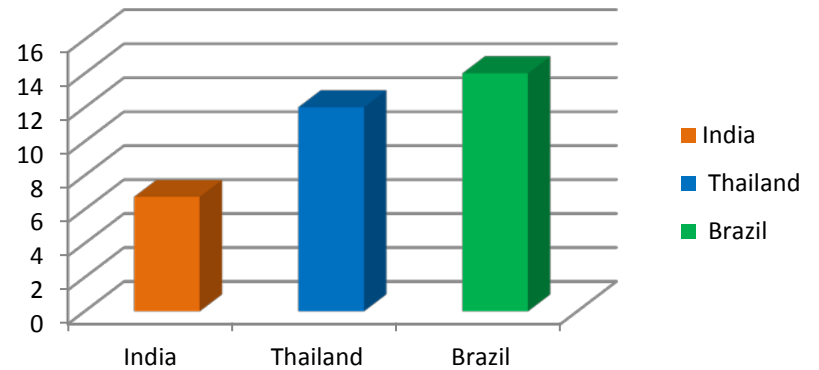
Audio-Visual Technology

Average Application Age in Years
(2011-2015)



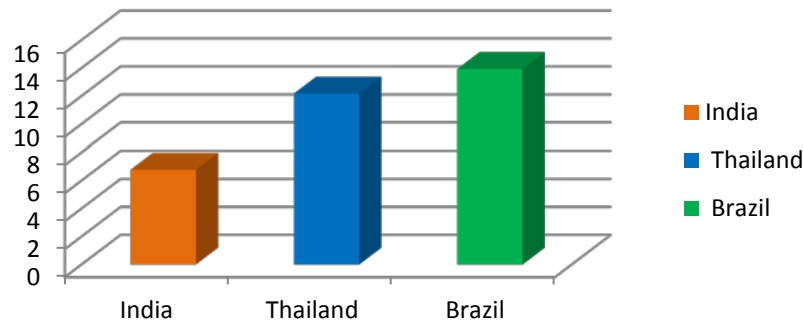
Digital Communications

Average Application Age in Years
(2011-2015)



Telecommunications

Average Application Age in Years
(2011-2015)



Challenges to the IP-Trade Tie

- IP is a bargaining chip for the trade ministry, rather than a tool of business and development
- TRIPS and other trade agreements generated an infrastructure of opposition
- Trade agreements have become more controversial

Multi-lateral, voluntary, dialogue-based processes

- Can address issues that are difficult to tackle in trade agreements and other top-down processes
- Promising precedents
- Can better prepare the ground for progress in other forums

An example: A best practices dialogue on trade secret laws

- TRIPS and recent progress has made trade secret law stronger globally
- But an effective law requires more than minimum standards

Issues a Dialogue Could Address

- Access to proof
- Secrecy during litigation

How it would work

- Expert meetings convened among willing governments
- Detailed discussions
- Issue non-binding, detailed reports
- Use to advocate improvement of national laws

Thank you
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