President’s Report

2016 was a busy year for FICPI. It was the first full year of the new term, and the first full year of our trial programme of only a single ExCo meeting per year. The change in the ExCo meeting schedule was intended to reduce the cost incurred and time spent by our ExCo delegates in attending ExCo meetings, and to reduce the expenses incurred by FICPI in organising and holding those meetings. It is probably too early to tell whether or not we can continue with a single ExCo meeting per year. On the one hand, there are obvious cost savings both to FICPI and to the delegates in having only a single meeting per year, but the reduced schedule increases in some ways the workload on the Bureau. On the other hand, the work associated with the organisation and running of an ExCo is avoided.

FICPI’s year started with a meeting organised in Tokyo by Mr. Masaru Itami, President of the JPAA. This meeting of several IP organisations is referred to as the Presidents’ Meeting. At the first of these meetings, held in July 2015; FICPI was represented by Mr. Shogo Ohnishi, President of FICPI Japan. That meeting was attended by representatives of FICPI, JPAA, KPAA, ACPAA, APAA, AIPLA and ASPA (Singapore). The second meeting in January 2016 included, in addition to delegates from those organisations, representatives of IPAT (Thailand), CIPA (UK) and IPTA (Australia), and was attended by FICPI’s Vice President, Julian Crump, as I was engaged in a long trial at the time. These meetings have focused on the dangers posed to patent attorneys and other IP attorneys in private practice by developments in globalisation such as the global dossier and ePCT. At the January 2016 meeting, a declaration referring to the need for local representation at the time of filing of an application in any particular country, “cross-filing”, and machine translations was signed or approved by all delegates, except for the representative of the AIPLA. Preserving the requirement for local representation in any globalised filing system will be an important part of FICPI’s representation of IP practitioners over the next several years.

At the end of January 2016, a CET meeting was held in Rome, preceded by an all-day Bureau meeting, and followed by a meeting of the St. Petersburg Forum organising committee. The CET meeting focused on preparations for the Zürich ExCo, the St. Petersburg Forum, and the submissions to be made to various IP offices over the course of the year.

In March 2016, FICPI worked with FICPI-Russia to present a seminar in Moscow to introduce FICPI to Russian practitioners, to attract new members, and to raise awareness of the St. Petersburg Forum.
Patrick Erk, Julian Crump and Ena Pugatsch gave presentations at the seminar, which was organised locally by Valery Medvedev and FICPI’s Russian Section.

The sole ExCo meeting of 2016 was held in April in Zürich, preceded by a Bureau meeting, a CET meeting, and a meeting of the Advisory Council. For all FICPI officers, the six days of the Bureau, CET, Council and ExCo meetings is a very busy time, but provides a great opportunity to meet with the delegates, sub-delegates and various Commission Presidents, and to ensure that FICPI is keeping up to date on the issues that affect its members. Notwithstanding the increased workload imposed on delegates by the once-per-year meeting schedule, all items on the agenda were covered, including approval for the 2017 Budget, and four resolutions dealing with TRIPS compliance, examination of applications for design protection, the need for accurate registers in the Madrid System, and undue restrictions on the use of trademarks and trade designs. Those resolutions are posted in the Library on the FICPI website. In addition, the delegates participated with enthusiasm in six workshops on a variety of topics.

At the beginning of May 2016, FICPI made its annual visit to the USPTO, meeting with Commissioner Lee, and many members of the USPTO staff. Detailed reports of this visit, and of all other official visits made by FICPI during the course of last year are available, or will soon be made available, on the FICPI website. FICPI had been seeking an invitation to participate in the meetings of the TM5, and in our meeting with the USPTO we repeated our request for an opportunity to participate in TM5 meetings. Our request was supported by the USPTO, and FICPI has since been invited to send a representative of our US members to the TM5 meetings, and to a number of preparatory meetings on TM5 issues held at the USPTO. These visits and our participation in IP5 and TM5 meetings allow us to stay up to date on developments that may have a significant impact on our members. We continue to seek to improve our status at these meetings.

FICPI has a very good working relationship with the European Patent Office, with which we meet annually to exchange views on the EPO’s operations, and on issues that affect FICPI members. In 2016, the EPO executive team was in Lisbon for the European Inventor of the Year awards, and we were invited to attend the award ceremony as part of our planned meeting with the EPO. Julian Crump, Antonio Pizzoli, Robert Watson and I met with the EPO officials on the afternoon before the award ceremony, and the next morning we attended the Inventor of the Year award ceremony, where we met several members of the
ACPI, the Portuguese Association of FICPI. I would like to thank Mr. Battistelli, President of the EPO, and his team for their continued cooperation with and support for FICPI.

Immediately following the EPO meeting, members of the FICPI Bureau met in Cheltenham, England for a couple of days to review in some detail some of the issues facing FICPI, including updating FICPI’s Strategic Plan, determining FICPI’s objectives for the next few years, and considering the declining membership of FICPI in some countries and possible changes in membership structure. These issues will be discussed at the Hangzhou ExCo.

Following that Bureau meeting, I travelled to Alicante where I was joined by David Brophy, Robert Watson, and Elia Sugrañas for our annual bilateral meeting with the EUIPO, formerly OHIM. As part of this meeting, the four of us became a test panel for a survey that the EUIPO is planning to conduct on its users on various issues affecting the EUIPO and its stakeholders, including the CP1 (Common Classification Practice), and we had a demonstration of the new on-line capabilities of the EUIPO. We continue to enjoy a productive relationship with Mr. Campinos and his team, and are grateful for their cooperation and hospitality in our meetings with the EUIPO.

FICPI has an ongoing cooperative relationship with the AIPLA, and we are regularly invited to attend meetings of that organisation. I attended the AIPLA Spring Meeting in Minneapolis, where I had useful discussions with Lisa Jorgenson, AIPLA’s Executive Director, on issues regarding the global dossier and the need for local representation, in order to understand the position that the AIPLA will likely be taking on these issues. FICPI’s close relationship with the AIPLA does not mean that we have the same views on all topics; these discussions with Lisa Jorgenson reinforced my view that the issue of local representation will be a key issue for FICPI going forward.

One of the major ongoing activities of FICPI’s executive is a review of FICPI’s Strategic Plan, under the direction of our Vice-President, Julian Crump. The current Strategic Plan was developed at the Sydney ExCo in April, 2008 and adopted at the ExCo back-to-back with our World Congress in Washington DC in June, 2009. As part of this review, FICPI has engaged Marc Chinoy, an experienced facilitator whose services were instrumental in reaching a consensus view on the 2009 Strategic Plan in Sydney. Julian, Marc Chinoy, John Knox, President of FAB and I met in Mississauga, Ontario (just outside Toronto) at the end of August 2016 to prepare for the discussion of the Strategic Plan that will take place at the 2017 ExCo Meeting in Hangzhou, and to determine what changes to the Strategic Plan should be considered. We
decided to arrange for discussions between Mr. Chinoy and some of the attendees at the St. Petersburg Forum about their views and expectations of FICPI. We developed an outline of the questions that would be asked not only in these discussions but possibly in a subsequent survey of the FICPI members that was contemplated.

During the meeting in St. Petersburg, Mr. Chinoy met with many of the attendees, mainly in one-to-one interviews, but also in a few small group discussions, and in informal discussions on bus rides and at meals. These discussions focused on a couple of questions: For FICPI members - What should FICPI be doing for you that it is not doing now? For non-members: What would it take to get you to join FICPI? The purpose of these questions, and of the subsequent membership survey, was to determine what changes, if any, we should consider making to our Strategic Plan to maintain and increase our membership and to ensure that we were offering our members full value for their money.

Using the results of the interviews in St. Petersburg, Marc Chinoy and Julian created and conducted a survey of our members. I expect you have all seen the survey; we obtained responses from over 18% (761 responses) of our members. This is an excellent response rate for surveys like this and provides a solid foundation for our work going forward. The results of the survey, and of the discussions in Hangzhou will be the subject of a later report.

FICPI's 16th Open Forum was held in St. Petersburg in early October. When plans for St. Petersburg were first made, we had some concern about possible low attendance and the financial repercussions of an unsuccessful Forum. As many of you know, the Forum is an important event for FICPI not only for the revenue it generates but also because non-members can attend and learn more about FICPI. Our concerns were unfounded. The Forum was “sold out”. For some events, we had to add a second venue; for other events, like the gala dinner, we had to turn people away. Credit for the success of the Forum goes to our Secretary-General, Roberto Pistolesi, as well as to our speakers, delegates and guests. The Forum was a remarkable financial success, contributing a significant amount to FICPI's revenue for the year.

About five years ago, FICPI started conducting what is now referred to as the “Asian Tour”, a visit to the IP offices in four Asian countries - India, China, Korea and Japan - combined with visits with the local FICPI group, the local patent attorneys Association, and the conducting of seminars in these countries. Our 2016 Asian tour was no different: our visit started in Mumbai with a meeting with IP India organised by the President of FICPI-India, Sharad Vadehra, who joined our delegation along with Swarup Kumar and Calab
Gabriel. Following that meeting, the FICPI international delegates (Coleen Morrison, Robert Watson and I) and local FICPI-India members (Swarup Kumar, Sharad Vadhera, Manish Saurastri, Essanese Obhan, Richa Pandey and Malathi Lakshmikumaran) participated in a well-attended roundtable discussion on various topics in Mumbai. Following the roundtable, we left for Delhi where on the following day we met with members of the executive of FICPI-India and conducted another roundtable discussion with about 50 attendees from the Delhi area. Other speakers in Delhi included Ranjan Negi, Sunita Sridharan and Neha Chugh. That evening, Robert Watson returned home to the UK, while Coleen Morrison and I flew overnight to Beijing.

In Beijing, Coleen and I were joined by Julian Crump, Michael Caine, and Lena Shen, and we met with officials of the Chinese patent office, including Deputy Commissioner Mr. He Hua and Mr. Yang Wu of the All-China Patent Attorneys Association, and also President of FICPI-China. We then had a lunch meeting with members of FICPI-China and of the All-China Patent Attorneys Association. In the afternoon we participated in a seminar organised by ACPAA and FICPI-China with presentations by Coleen, Michael, Julian and myself. We joined members of FICPI-China for dinner.

The following morning, we met with members of the executive of the China Trademark Association. We have been attempting to meet with the CTA for a couple of years but had been unable to arrange a suitable time on earlier visits. This meeting was very productive and cordial, and I hope it will lead to greater cooperation between FICPI and the CTA in the future. We appreciate the assistance of ACPAA and FICPI-China in arranging all of our meetings in Beijing.

Following the meetings in Beijing, we flew to Seoul, Korea. The following morning we met with officials of the KIPO, including Mr. Lee Sung Jong, Director of the Seoul Branch of KIPO, in a meeting organised by the President of FICPI-Korea President, Dr. Insil Lee. After lunch with members of FICPI-Korea, we again participated in a seminar with several of the same topics that we had presented in Beijing, and then met with Mr. Kyowhan OH, President of the KPAA and other members of the executive of the KPAA. Our discussions with the KPAA focused on some of the issues faced by patent attorneys in Korea, including increasing competition from technically-qualified lawyers. It was agreed that FICPI would do what it could to assist the profession in Korea. I would like to thank Mr. OH, Dr. Lee and the other members of the KPAA and FICPI-Korea executive for their hospitality in Seoul.
Our visit to Japan differed slightly from visits in previous years. We had agreed with FICPI-Japan that, on this visit, we would conduct two seminars, one in Osaka and one in Tokyo. We were joined in Osaka by Jürgen Schmidtchen, Deputy Secretary General (who was already in Japan on business) and conducted our first seminar in Osaka on Friday, with presentations by Julian, Jürgen, Michael and Coleen. We met with the members of the JPAA and FICPI-Japan in Osaka on Friday evening. Over the weekend, we travelled to Tokyo where we met on Monday morning with the JPO, including with Commissioner Yoshinori Komiya and Deputy Commissioner Masayuki Koyangi. We were joined in our meeting by four members of FICPI-Japan, Mr. Yoshikazu Tani, Mr. Shogo Ohnishi, Mr. Kenji Sigimura and Mr. Kazuaki Takami. We presented a report on recent FICPI activities, received an update on JPO initiatives, and discussed issues including the quality of patent examinations, double patenting, and the on-going revision of the examination guidelines for trademarks.

Our meeting with the JPO was followed by a working lunch with the JPAA hosted by its President, Mr. Itami and members of the executive of the JPAA. We had an opportunity to discuss topics of mutual concern, including the need to continue to advocate for local representation. As in Osaka, we participated in a three-hour seminar on the Monday afternoon with presentations by Julian, Michael, Jürgen and Coleen, followed by a reception organised by FICPI-Japan and graciously hosted by Mr. Tani on the occasion of FICPI-Japan’s bonenkai.

A few weeks after our meeting, were contacted by the JPO with a request for further details of an example of a problem we had discussed with them, which we provided. The JPO wanted to look into the concerns we had raised and address the problem we had identified. Our submissions are heard, and followed up on, confirming the value of these efforts to our members.

FICPI continued to be active over 2016 in other meetings and in making submissions in support of the profession. These meetings included:

- the Eighth Global Summit in Milan attended by Roberto Pistolesi;
- a B+ meeting in Geneva attended by Jan Modin;
- a meeting of the EU Observatory in Alicante, where FICPI was represented by Daniel Alge;
- a meeting with the EU Parliament in Brussels attended by Antonio Pizzoli;
- ICANN meetings attended by Petter Rindforth in Helsinki and in Marrakech;
- an OHIM users group meeting in Alicante attended by Elia Sugrañas;
- PCT working group session 9 in Geneva where FICPI was represented by Jan Modin;
- SACEPO meetings in Munich attended by Antonio Pizzoli;
• SCP 24 meetings in Geneva where FICPI was represented by Werner Roshardt;
• an SCT meeting in Geneva attended by Toni Ashton;
• the Symposium on Article 84 of the EPC in The Hague attended by Jérôme Collin;
• the TMS mid-term meeting in Beijing, attended by Naresh Kilaru representing US members of FICPI; and
• the Annual General Meeting of the VSP – the Swiss association of FICPI – in Bern, attended by Patrick Erk representing FICPI.

I would like to thank all of those who contributed so much time and effort to advance the views of FICPI and the interests of our members in these meetings.

Douglas N. Deeth
President
January 2017