

2009

FICPI Strategic Plan



FICPI

Basel, Switzerland

FICPI STRATEGIC PLAN

2009

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FICPI VISION 2009-18

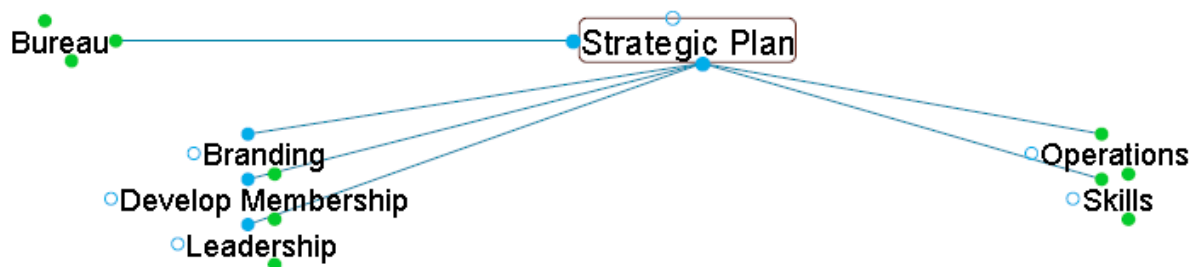
At a time when the value of IP worldwide is on the rise, with an associated increase in challenges to the system, FICPI will move to enhance the organisation's global position as the voice of the world's highest quality IP professionals.

FICPI will actively pursue an expanded base of membership without compromising the current high standards for entry. Similarly, FICPI will work to improve steadily the working skills of the membership, as well as the influence of the organisation and its members in relevant fora, both professional and as advocates for its members' clients and for the IP system overall.

FICPI will also take steps greatly to enhance its communications worldwide, and will expand the organisation's use of and presence on the Internet.

In order to assure success in these undertakings, FICPI will adopt more formalised internal development methods, including a calendar-driven planning cycle, and will encourage the national Associations and Sections to do the same.

GOALS



I. LEADERSHIP

To take a leading role in advancing and stimulating improvements in both the profession at large and the members' professional impact on society.

II. MEMBERSHIP

To increase the percentage of highly qualified attorneys who choose to participate in FICPI.

III. BRANDING

To stimulate globally a greatly enhanced understanding and working impression of the value of FICPI .

IV. SKILLS

To be a primary force in improving the professional capabilities of the membership worldwide.

V. OPERATIONS

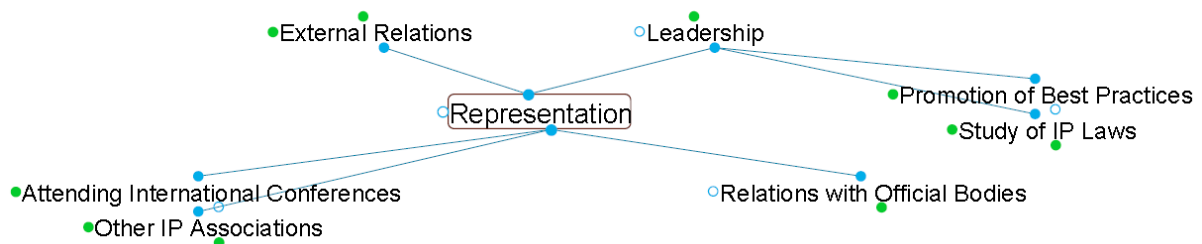
To identify and implement more effective operational and administrative measures throughout FICPI.

I. LEADERSHIP

FICPI will take a leading role in advancing and stimulating improvements in both the profession at large and the members' professional impact on society.

- ✚ Representation of the Free Profession
- ✚ IP Law Development
- ✚ Promotion of Best Practices
- ✚ Excellence in Government Relations
- ✚ Fully Cooperative Alliances with Sister Organisations

REPRESENTATION OF THE FREE PROFESSION



FICPI's assertion to represent the "free profession" internationally is predicated upon a clear definition of FICPI's "Aims" as well as upon having a membership which may be seen objectively to be genuinely "representative".

By the "**free profession**" is meant IP attorneys working in private practice (either as business-owners, sole practitioners or employed persons) whose primary business is the provision of IP services, especially the acquisition of registered IP rights, for third parties; as opposed to IP attorneys working for corporate or governmental entities whose primary business is something other than the provision of IP services to third parties. Although the latter are "IP professionals", their fiduciary duty to their employers means that they are unable to stand for the body of IP attorneys whose livelihood derives from the provision of IP services to more than one client. Many "in-house" IP professionals will also lack experience in private practice. Members of the "free profession" are, in principle, independent and capable of acting for any client, subject to ethical considerations, including conflicts of interest¹.

It is widely recognised by patent offices, international organisations dealing with IP and others that IP attorneys are essential for the efficient operation of the IP system. Most patent offices will say, at least anecdotally, that they could not operate if the majority of applicants were represented by themselves. As such, it may readily be seen that the "free profession" of IP attorneys represents an essential, core element of the IP system at large, which requires representation at the national and international levels as a true, primary stakeholder in the IP system. FICPI uniquely provides that representation at the international level. FICPI's national Sections and Associations also provide representation of the free profession at the national level.

DEVELOPMENT OF NATIONAL SECTIONS

One area of focus will be the development of membership, typically by way of further national Sections. FICPI cannot purport to represent the profession at the international level without playing its part in developing the profession around the world. FICPI is under-represented in certain regions. A "hunting list" has been

¹ EXCO/US02/BUR/010

established, but efforts are needed in many areas to raise the profile of FICPI. Specific countries will be identified and meetings/seminars arranged with professionals in those countries to encourage membership.

In some countries (*e.g.*, India) the individual members are ready for the establishment of a national Section. However, the membership in other countries (*e.g.*, in Russia, southeast Asia, Latin America and Africa) is less well-developed or established, and more work is needed to establish and subsequently develop national Sections in such countries. This is evidently a task for the **Contact Commission**. An enhanced presence in Thailand, Indonesia and Malaysia is desirable, as that region develops its IP practice. Additional members in Poland, the Czech Republic, Hungary, Slovenia, Cyprus, Turkey and Lithuania should be encouraged to provide strong representation in an expanded EU.

In the meantime, FICPI needs to ensure that it is able effectively to represent its members in those countries that do not have a delegate on the ExCo. Until national Sections are established, such representation might be provided at a regional level where appropriate.

Greater contact with such members and potential members will be facilitated by undertaking selected missions to their countries and regions. This is a matter for the Bureau in cooperation with the Contact Commission.

GOVERNMENT RELATIONS

FICPI's representation of the profession is manifested primarily in its relations with governmental and intergovernmental bodies interested in intellectual property. Article 2(6) of FICPI's Statutes provides that FICPI should aim "*To establish and maintain trusting and cordial relations with official or private international organisations existing in the field of Industrial Property or called upon to deal with questions of Industrial Property.*" Relations with national IP offices are predominantly through FICPI's national Sections and Associations, as well as through individual members, and whilst this is strictly outside the purview of FICPI as an international organisation, the Bureau will work, *inter alia* through the ExCo, to encourage such relations and will continue to develop strong ties at the international level to the pre-eminent national IP offices, namely those in the US and Japan, especially having regard to their role in the Trilateral Cooperation.

At the international level FICPI will continue to develop its strong relationships with WIPO, the WTO, the EPO, the European Commission and other "*official or private*" international organisations.

A regular calendar for meetings with international and selected national offices (*e.g.*, USPTO, JPO, SIPO) will be established by the Secretariat.

FICPI will continue to intervene in international proceedings in accordance with Article 2(5) of the Statutes, including attendance at the regular and *ad hoc* programmes of WIPO. By 'international' in this context is meant proceedings having an impact beyond a single country. It is thought that this is already handled well by the CET.

FICPI's relations with national and international IP organisations is also enhanced through its Colloquia (Rome, 2001; Nice, 2003; Amsterdam, 2007; Miami, 2008) which provide an opportunity at a high level for a constructive dialogue between the profession and such organisations. The Bureau will formally plan on organising such Colloquia at regular intervals, *e.g.*, biennially.

EUROPEAN COMMISSION

Connections with the European Commission have historically been limited to DG Internal Market & Services, which has primary responsibility for developing IP laws within the EU. However, other DGs have interests in intellectual property matters (*i.e.*, DG Trade, DG Research and DG Enterprise & Industry) and whilst relationships have now been established with these other DGs, efforts will be made to strengthen those.

FICPI's **European Members Commission (EUCOF)** will be reinvigorated to facilitate relations with the European Commission and other pan-European organisations interested in intellectual property (e.g., the European Parliament).

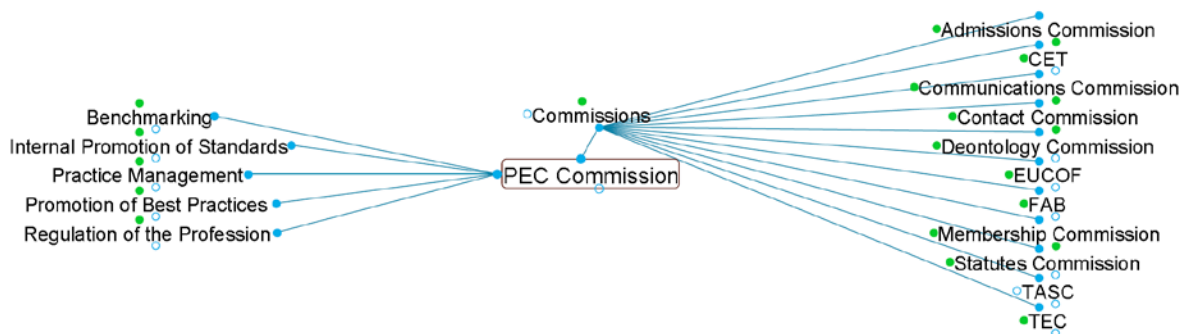
A strengthened EUCOF Commission might also provide support to FICPI members in "smaller" European countries where the profession is weaker (e.g., Belgium), especially following the introduction of the London Agreement. In this sense, the Bureau will consider developing the EUCOF Commission to provide regional representation of FICPI members within Europe.

WTO

The **TASC Commission** was originally established to build relations with the WTO. However, as the WTO is an international organisation, there is no longer any need to provide for such relations outside of the Bureau. Accordingly, the TASC Commission will be disbanded, and responsibility for developing relations with the WTO will fall to the Bureau, in a similar manner to other international organisations, such as WIPO.

Insofar as the work carried out by the WTO pertains to the development of "administrative or legislative reforms and [...] improvements to international treaties and conventions, with the object of facilitating the exercise by inventors and industrialists of their rights, of increasing their security, and of simplifying procedure or formalities,"² then this will be studied by the CET.

However, insofar as the work of the WTO pertains to the profession itself, such as the regulation of professional services, then this will be followed by another Commission of FICPI established for that purpose (a new "**Practice Excellence Commission**" – "**PEC**"). In this regard, it is noted that prior to 2006, FICPI had a DOC Commission, responsible for "Documentation, Organisation and Communications." Documentation is now handled within the established Secretariat, and there is a dedicated Communications Commission. However, there is a need for a Commission to handle "Organisation" and related matters, such as professional standards, best practices and the conduct of the profession at the international level.



The proposed PEC Commission will also monitor the activities of other free trade organisations such, for example, as NAFTA.

SISTER ORGANISATIONS

FICPI's position of "Leadership" is also related to the question of its relationships with "sister" organisations such as AIPPI, etc. Accordingly, the question of "Alliances with Sister Organisations" comes under the heading of "**Leadership**". The strategic development of such alliances is a matter for the Bureau. In this connection, FICPI will endeavour to support its sister organisations where FICPI considers that it is valuable to do so, including attending such other organisations' meetings on a regular basis.

² Statutes, Article 2(4)

FICPI has limited resources, but is in a position to influence others and to provide quality commentary. To ensure consideration of those ideas and enhance their adoption, FICPI will cooperate with other international IP organisations on a strategic basis and will adopt a leadership stance, for instance in the informal NGO coordination committee.

I. LEADERSHIP: OBJECTIVES

OBJECTIVE A: REPRESENTATION OF THE FREE PROFESSION

INITIATIVE 1: DEVELOPMENT OF NATIONAL SECTIONS

- (i) Further national Sections will be established.
- (ii) FICPI will work towards the establishment of a national Section in India.
- (iii) Consideration will be given to the establishment of additional national sections in Eastern Europe (*e.g.*, Lithuania, Russia, Poland, Slovenia), Turkey, Cyprus, Southeast Asia (*e.g.*, the Philippines, Thailand, Indonesia, Malaysia), Central and South America (*e.g.*, Paraguay, Ecuador) and Africa.
- (iv) Missions will be undertaken to selected countries and regions to promote greater contact with members and potential members.

Owner: Contact Commission

INITIATIVE 2: REPRESENTATION OF THE PROFESSION IN NON-EXCO COUNTRIES AND REGIONS

- (i) Measures will be implemented to ensure that FICPI is able effectively to represent its members in countries that do not have a delegate on the ExCo. Such representation could be provided at the regional level and this possibility will be investigated.

Owner: Contact Commission

INITIATIVE 3: SUPPORT FOR THE PROFESSION IN EUROPE

- (i) The EUCOF Commission will be strengthened to facilitate support for FICPI members in "smaller" European countries where the profession is weaker, especially following the introduction of the London Agreement.
- (ii) Consideration will be given to regional representation of FICPI members within Europe through the EUCOF Commission.

Owner: EUCOF

OBJECTIVE B: IP LAW DEVELOPMENT

INITIATIVE 1: INTERVENING IN INTERNATIONAL PROCEEDINGS

- (i) FICPI will continue to intervene in international (as defined) proceedings in accordance with Article 2(5) of the Statutes, including attendance at the regular and *ad hoc* programmes of WIPO.
- (ii) FICPI will follow the work of WIPO, WTO and other international organisations, including the Trilateral Cooperation, that pertains to the development of "administrative or legislative reforms and [...] improvements to international treaties and conventions, etc."³

Owner: CET

³ Administrative or legislative reforms, international treaties and conventions, *etc.*, pertaining to IP as an asset, *e.g.*, licensing, patent pools, *etc.*, will fall within the remit of CET Group 10.

OBJECTIVE C: PROMOTION OF BEST PRACTICES**INITIATIVE 1: PRACTICE EXCELLENCE COMMISSION (“PEC”)**

- (i) A new PEC Commission will be established to study, develop positions and make recommendations regarding matters of professional practice such, for example, as professional standards and best practices, continuing professional development, the profession as a business, *etc.*

Owner: Bureau

INITIATIVE 2: LAWS & REGULATIONS THAT AFFECT THE PROFESSION

- (i) The work of WTO, other free trade organisations (*e.g.*, NAFTA) and other official or private international organisations that pertains to the profession itself will be followed.

Owner: PEC Commission

OBJECTIVE D: EXCELLENCE IN GOVERNMENT RELATIONS**INITIATIVE 1: EUCOF**

- (i) The EUCOF Commission will be reinvigorated to facilitate relations with the European Commission and other pan-European organisations interested in intellectual property, *e.g.*, the European Parliament, INGO, *etc.*
- (ii) Measures will be taken to strengthen FICPI's relations with other DGs at the European Commission (*i.e.*, DG Trade, DG Research and DG Enterprise & Industry).
- (iii) Consideration will be given to creating a Vice President of EUCOF role with particular responsibility for DG Markt.

Owner: EUCOF

INITIATIVE 2: RELATIONS WITH NATIONAL PATENT OFFICES

- (i) National Sections and Associations will be encouraged to strengthen their relations with their respective national industrial property offices.

Owner: Bureau

INITIATIVE 3: CALENDAR OF OFFICIAL VISITS

- (i) A regular calendar for meetings with international (WIPO, WTO) and selected national industrial property offices (USPTO, EPO, JPO, *etc.*) will be established by the Secretariat.

Owner: Secretariat

INITIATIVE 4: COLLOQUIA/“THOUGHT LEADERSHIP”

- (i) Colloquia on topics of interest to the profession and its members' clients will be organised at regular intervals, *e.g.*, biennially.

Owner: Bureau

INITIATIVE 5: TASC COMMISSION

- (i) The TASC Commission will be disbanded, and responsibility for following the work of the WTO that pertains to the development of “*administrative or legislative reforms, etc.*” will be continued by the CET.

- (ii) The work of the WTO that pertains to the profession itself (e.g., GATS) will be followed by the new PEC Commission as stated under C.2(i) above.

Owner: Bureau

OBJECTIVE E: FULLY COOPERATIVE ALLIANCES WITH SISTER ORGANISATIONS

INITIATIVE 1: LEADERSHIP WITHIN THE IP COMMUNITY

- (i) FICPI will cooperate with other international IP organisations on a strategic basis.
- (ii) FICPI will support its sister organisations, where it is beneficial for FICPI to do so, and will be regularly represented at a high level at such other organisations' meetings.
- (iii) FICPI will adopt a leadership stance in the informal INGO coordination committee.

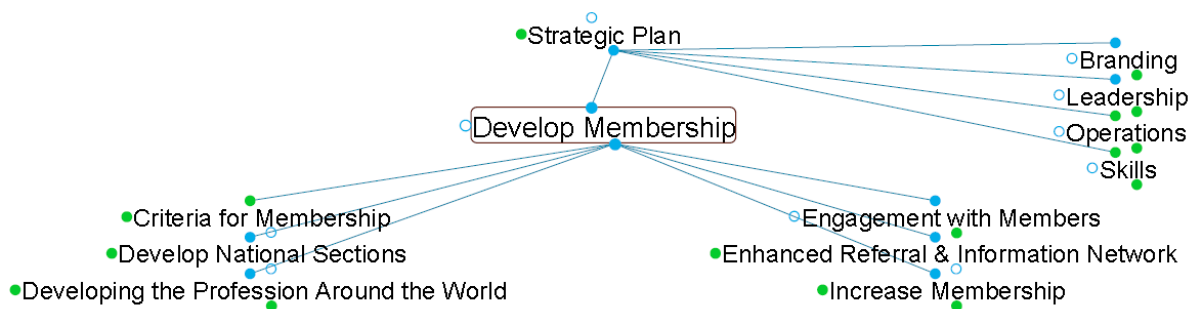
Owner: Bureau

II. MEMBERSHIP

The percentage of highly qualified attorneys who choose to participate in FICPI will increase.

- ✦ Further Clarified Criteria for and Expectation of Membership
- ✦ Benchmarking of Standards Among Sections/Associations
- ✦ Enhanced Support for Applicants from Developing Countries
- ✦ Enhanced Engagement with Members
- ✦ Greater Understanding of / Steps to Assure Member Satisfaction
- ✦ Expanded and Enhanced Referral and Information Network

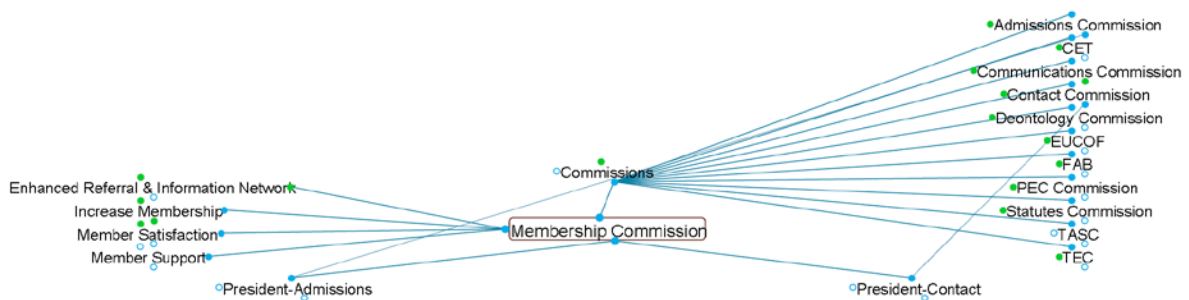
The development of a strong and geographically widely-based membership is critical to the objective of asserting FICPI's leadership role in the profession. FICPI cannot justifiably assert such a role if its membership is not seen to be representative of the free profession around the world.



Membership of FICPI has evolved along national lines. Changes to the profession are breaking down these boundaries, and the membership criteria may need to reflect this. Particular attention should be paid to multi-national and multi-disciplinary practices.

DEVELOPMENT OF EXISTING NATIONAL SECTIONS AND ASSOCIATIONS

FICPI membership in some national Sections and Associations remains static or dormant. A new **Membership Commission** will be created which will be chaired by a member of the Bureau, possibly the Vice President. The primary remit of the Membership Commission will be to increase the membership of FICPI generally. The Membership Commission will comprise the Presidents of the Contact and Admissions Commissions as standing members as well as delegates. The Secretariat will maintain a list of membership issues for review by the Membership Commission.



New members will be encouraged with active participation in FICPI functions. At least one member *per firm* should be a goal for national groups provided the necessary quality of member is maintained. It also has to be

recognised that FICPI cannot interfere in the operation of its national groups. Support and encouragement for national activities should be provided. The ExCo country reports should continue to focus on local activities as well as changes in law and practice.

MEMBERSHIP FEES

Article 24.1 of the Statutes provides that the annual subscriptions for the National Associations and Sections shall comprise a fixed subscription and a subscription proportional to the number of members of the National Association or Section. Article 24.2(b) provides that the "proportional subscription" may be reduced when an Association or Section has a certain number of members exceeding first, second and third limits. This membership fee structure and the actual numbers for the first, second and third limits will be reviewed, with the aim of providing a greater incentive for members of a national Section or Association to increase their number to the benefit of all members of the National Section or Association.

CRITERIA FOR MEMBERSHIP

From the results of the online poll carried out shortly before the Sydney ExCo (2008), it is noted that the majority of respondents (which was considered to be generally representative of the membership at large) felt that the requirements to be a member of FICPI were about right (89.5% of the votes). As such, there does not seem to be a need to redefine the criteria for membership of FICPI. However, insofar as there is a need to clarify the criteria for membership, then this is a task for the new **Membership Commission**.

CATEGORIES OF MEMBERSHIP AND TRADE MARK ATTORNEYS

More broadly, the potential for new categories of membership, for example related to other forms of IP, will be studied. The new Membership Commission will also give consideration to the possibility of extending membership of FICPI to other IP professionals, particularly trade mark attorneys. The Membership Commission will work with the national Sections and Associations on these questions. However, the Bureau currently feels that membership of FICPI should not be extended to IP practitioners that do not spend the majority of their time working on the acquisition of industrial property rights, that is to say the preparation, filing and prosecution of applications for registration of IP rights.

There does appear to be anecdotal evidence at least that many potential members of FICPI are unaware of what FICPI stands for or does or of FICPI's requirements for membership. Nevertheless, this would appear to be an external communication or "**Branding**" matter and is dealt with below.

BENCHMARKING OF STANDARDS AMONG SECTIONS AND ASSOCIATIONS

It is observed that the criteria for membership of FICPI may vary somewhat as between the respective national Sections and Associations. A benchmarking study will be carried out to identify such differences.

SUPPORT FOR APPLICANTS FROM DEVELOPING COUNTRIES

FICPI also needs to be able to respond to requests for assistance from potential members/applicants in countries where the profession is less well developed to raise the level of training and education and professional standards there.

Until national Sections are established, it seems reasonable that such assistance might be provided at a regional level where appropriate. The **TEC Commission** will propose additional measures for providing training and education to potential members in countries and regions where the profession is less well developed, including the remote delivery of education/training programmes, *e.g.*, *via* the Internet.

ENGAGEMENT WITH MEMBERS

It is vitally important that FICPI improves the level of engagement with its existing members. At the operational level, this is self-evidently a matter principally of internal communication, which is dealt with in greater detail under "**Operations**" below. However, in addition to providing **Representation** of the profession (see above), greater attention needs to be paid generally to the delivery of value to the membership. The proposed new **Membership Commission** will be tasked *inter alia* with the job of drawing up a list of areas and activities where FICPI does and does not deliver such value to its membership and should develop methodologies for obtaining feedback from the membership in relation to such areas and activities. Generally, FICPI will look to increase the quality of its services to members (*e.g.*, the Newsletter) and a study will be made as to how to increase attendance at FICPI's Open Fora and Symposia.

In addition, the proposed **PEC Commission** will take a lead in matters of continuing professional development, the internal promotion of standards and the promotion of best practices, working in relation at least to the former with the **TEC Commission**. (See above under "**Leadership**").

The **Membership Commission** will be charged with reviewing and strengthening FICPI's referral and information network. It might also be the role of the Membership Commission to provide general support to the membership when called upon for such. Questions of professional ethics, especially disputes between members, should continue to be referred to the **Deontology Commission**.

II. MEMBERSHIP: OBJECTIVES

OBJECTIVE A: CLARIFIED CRITERIA FOR AND EXPECTATION OF MEMBERSHIP

INITIATIVE 1: CRITERIA FOR AND CATEGORIES OF MEMBERSHIP

- (i) The criteria for membership of FICPI will be reviewed and, where necessary, clarified.
- (ii) The eligibility of trade mark attorneys for membership of FICPI will be reviewed and recommendations made.
- (iii) The potential for new categories of membership will be studied.

Owner: Membership Commission

INITIATIVE 2: BENCHMARKING OF NATIONAL SECTIONS AND ASSOCIATIONS

- (i) A benchmarking study will be carried out to identify differences in the criteria for membership of FICPI as between different national Sections and Associations.

Owner: Membership Commission

OBJECTIVE B: DEVELOPMENT OF NATIONAL SECTIONS AND ASSOCIATIONS

INITIATIVE 1: MEMBERSHIP FEES

- (i) The current membership fee structure provided for by Article 24 of the Statutes will be reviewed and recommendations made for revising such structure and/or the limits or amounts provided thereunder with the aim of incentivising members of National Sections and Associations to increase their number.

Owner: Membership Commission

OBJECTIVE C: ASSISTANCE FOR POTENTIAL MEMBERS/APPLICANTS IN DEVELOPING COUNTRIES

INITIATIVE 1: TRAINING AND EDUCATION

- (i) Measures for providing training and education to potential members/applicants in countries and regions where the profession is less well developed, including the remote delivery of education and training programmes *via* the Internet will be considered. Such assistance might be provided at the regional level where appropriate.

Owner: TEC Commission

OBJECTIVE D: ENHANCED ENGAGEMENT WITH MEMBERS

INITIATIVE 1: NEWSLETTER

- (i) The content, format, schedule and delivery of the Newsletter and other bulletins will be reviewed and recommendations for improvement made.

Owner: Communications Commission

INITIATIVE 2: ATTENDANCE AT OPEN FORA AND SYMPOSIA

- (i) Consideration will be given as to how to increase attendance at FICPI's Open Fora and Symposia.

Owner: Communications Commission, TEC Commission and PEC Commission

INITIATIVE 3: PARTICIPATION IN FICPI FUNCTIONS

- (i) Membership of FICPI will be encouraged by active participation in FICPI functions.

Owner: TEC Commission and PEC Commission

OBJECTIVE E: UNDERSTANDING OF/STEPS TO ASSURE MEMBER SATISFACTION**INITIATIVE 1: DELIVERY OF VALUE TO THE MEMBERSHIP**

- (i) A list of areas and activities where FICPI delivers value to its members and where it is perceived to fail to do so will be drawn up.
- (ii) Methodologies will be developed for obtaining feedback from the membership in relation to such areas and activities.

Owner: Membership Commission

OBJECTIVE F: EXPANDED AND ENHANCED REFERRAL & INFORMATION NETWORK**INITIATIVE 1: REFERRAL NETWORK**

- (i) Ways in which FICPI's international network of IP attorneys may be expanded and enhanced for the mutual benefit of its members will be studied, and recommendations will be made.

Owner: Membership Commission

INITIATIVE 2: INFORMATION NETWORK

- (i) Consideration will be given to ways in which FICPI's international network of IP attorneys can be leveraged to provide a better source of detailed, expert advice on matters of national/regional IP law and practice for the benefit of the membership.

Owner: Communications Commission

III. BRANDING

A greatly enhanced understanding and working impression of the value of FICPI globally will be stimulated.

- ✦ Further Clarify and Internally Promote FICPI Standards of Excellence
- ✦ Enhanced Global Image
- ✦ External Communication/Press/Internet

There are two aspects to "**Branding**", namely the promotion of FICPI's Global Image and the Clarification and Internal Promotion of FICPI's Standards. In relation to the latter, there are two different, but related, kinds of standards: (i) FICPI's criteria for membership and (ii) the continuing standards of professional excellence that are applicable to FICPI members, both of which are dealt with above under "Membership". The question of External Communication is properly a matter of **Operations**, and is dealt with below.

On the Global Image front, FICPI evidently suffers from a branding problem. This is alluded to above, where it is mentioned that there is at least anecdotal evidence that many IP professionals around the world are simply unaware of the existence of FICPI or what it stands for. This is a serious deficiency, and FICPI will take steps to define and promote its brand. This is a matter for the **Communications Commission**.



FICPI will take steps to develop its "corporate identity." The image of FICPI is dependent upon a common corporate identity and a clear line of authority. Templates for letterheads, newsletters, bulletins and other official FICPI documents and style-guides for their use will be established, preferably by external corporate communications consultants. A style-guide consistent with this will also be developed for use on the FICPI website. The corporate identity will be devised in consultation and with the approval of the **Bureau** and other senior members of FICPI who are able to enunciate what FICPI stands for and its 'brand values'.

The **Communications Commission** will be asked to draw up an action plan for promoting the FICPI brand globally, including, for example, a selective advertising campaign and targeted sponsorship of relevant events. For instance, FICPI may reinforce its presence by placing material in magazines and journals that enhance the reputation of FICPI and encourage enrolment. A number of informational advertisements may be desirable. An advertising budget will need to be established.

In pursuing these initiatives, the special and unusual aspects and rules of the IP profession will be taken into account, as well as the pluralistic nature of FICPI, particularly the cultural differences between members of Latin, Asian or Northern origin who form the various national Sections and Associations and their different approaches to any given action or problem, this diversity being one of the most valuable assets of FICPI. As a consequence it is inevitable that any specific initiatives for promoting the FICPI brand will originate from within the Federation with the agreement of the ExCo before being passed to external consultants where appropriate.

FICPI will also consider joining with international organisations such as WIPO, the EPO and OHIM in sponsoring the, now annual, *IP Summit* that is held in Brussels by *Premier Cercle*⁴. FICPI will endeavour to communicate the brand message that it stands for an essential element of the IP system, namely the "free profession", and is not "just another" organisation with a general interest in IP issues. FICPI will consider engaging the services of an outside design agency or corporate communications consultant to provide advice in relation to this important matter. For instance, consideration will be given to engaging a professional marketing/promotion consultant, and an estimate of the likely costs associated with this will be acquired.

The clarification and internal promotion of FICPI's standards of professional excellence will be a task for the new **PEC Commission** that is proposed above. In this connection, all FICPI members might be provided with background information and marketing materials on FICPI, since many members make presentations to or meet potential new members during the normal course of business. Some materials are already available, but are not widely distributed. An information pack might be developed explaining FICPI's membership criteria, its work and goals. The Internet will doubtless play a significant part in this initiative.

⁴ <http://www.premiercercle.com/ips2008/> The attendance at this event has increased from about 450 in 2004 to almost 900.

III. BRANDING: OBJECTIVES

OBJECTIVE A: ENHANCED GLOBAL IMAGE

INITIATIVE 1: DEFINE & PROMOTE BRAND

- (i) FICPI's corporate identity will be developed.
- (ii) Templates for letterheads, newsletters, bulletins and other official documents and style-guides will be created.
- (iii) An action plan will be drawn up for promoting the brand globally. This might include advertising in magazines/journals or sponsorship of events. An advertising budget will be established.
- (iv) Consideration will be given to engaging a professional marketing/promotion consultant.
- (v) Specific marketing/promotional initiatives will be originated from within FICPI with the approval of the ExCo before being developed or carried out by external consultants (where appropriate).

Owner: Communications Commission

OBJECTIVE B: INTERNAL PROMOTION OF STANDARDS

INITIATIVE 1: INFORMATION PACK FOR MEMBERS

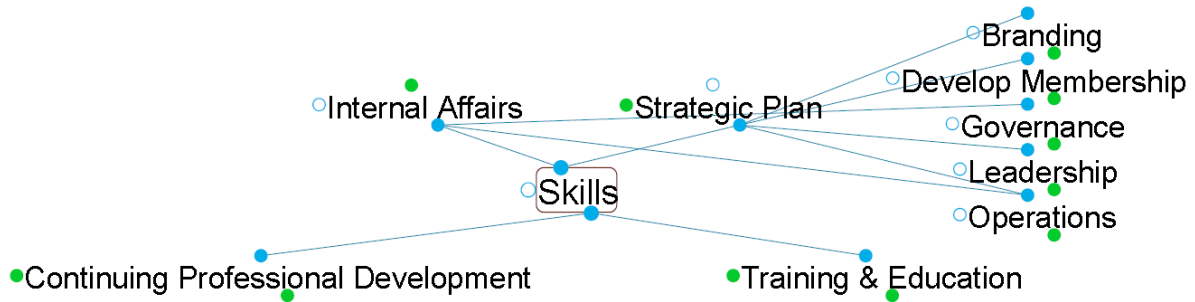
- (i) An information pack will be developed explaining FICPI's membership criteria, its work and goals. The pack will contain *inter alia* background information and marketing materials on FICPI.
- (ii) All FICPI members will be provided with a copy of the information pack.
- (iii) Relevant information will be posted on FICPI's website.

Owner: PEC Commission

IV. SKILLS

FICPI will be a primary force in improving the professional capabilities of the membership worldwide.

- ✦ Acknowledged Strength in Training/Education
- ✦ Key Role in Professional Development / Enhancement
- ✦ Promotion of Advanced Practice Management Methods



Skills is an area of critical importance to the long-term health and vitality of FICPI as an organisation. The **Criteria for Membership** of FICPI, mentioned above, set FICPI apart from other international non-governmental organisations interested in IP (e.g., AIPPI). Government proposals, such as the Community patent and the recent proposal by the French government to merge the two professions of IP attorneys and barristers into one, raise the question of what is an IP attorney. If the independence and standing of the profession is to be enhanced or preserved, and if courses are to be properly structured, then it is necessary to have a clear idea of the appropriate criteria that qualify a person as an IP attorney. A workshop was held at the Cape Town ExCo (2000) to consider the resolution⁵ passed by the ExCo in Cannes (1988) and to refine it.

At a time when the general value of intellectual property is on the rise, producing great strains on the IP system, there is a need for FICPI to define and assert high standards of professional competence - the hallmark of FICPI. FICPI will resist government efforts to lower qualification standards. The FICPI brand will be developed as a "badge of quality" for IP professionals around the world.

In Seville (2007), the ExCo adopted a resolution urging that in order to maintain the status and profile of the IP profession, "... measures should be taken to protect and strengthen an independent, self-regulating, well-qualified profession of patent attorneys in all countries and regions, including the provision of a legally protected title for patent attorneys who have acquired the requisite specialist skills and experience, and the maintenance and publication of an official register of patent attorneys⁶". FICPI will therefore work to guide policymakers at the national and supra-national levels to establish appropriate qualification criteria and professional designations.

As an adjunct to this, FICPI will provide the opportunity and resources to enable these criteria to be achieved. The status of FICPI depends upon the establishment of recognised qualifications and training programmes.

⁵ Resolution 1 of the Cannes EXCO (1988) urged the authorities of all countries:

- (1) to publish a list of officially recognised qualified practitioners in intellectual property matters,
- (2) that such official recognition should be accompanied at least by the right to use a protected denomination;
- (3) that such official recognition should not be obtained without passing an official examination after periods of:
 - (a) theoretical training in Intellectual Property Law; and
 - (b) practical training under the supervision of a qualified practitioner.

⁶ EXCO/ES07/RES/001 "Recognising the Unique Skills of the Patent Attorney Profession"

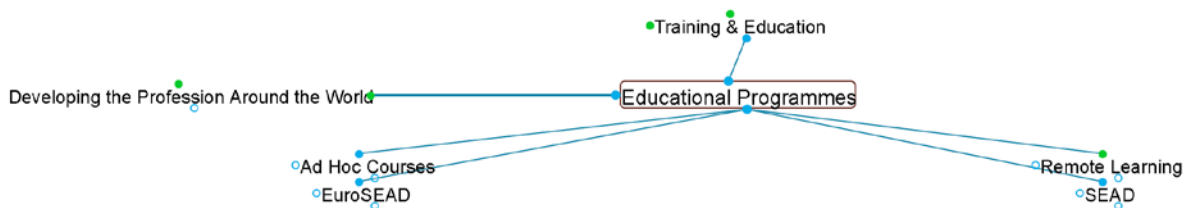
The enhancement of training is of paramount importance and requires cooperation with other organisations, both professional and governmental. Standard of qualification and continuing education may be considered together with a recognised international designation as the ultimate objective.

It is evident that many patent offices, especially those that are members of the Trilateral Cooperation, are struggling to cope with the sheer volume of applications that are being made for the grant of IP rights, especially in the field of patents. At the same time it is evident that many applications of dubious quality or scope are being filed which is contributing significantly to the problem. The problem is further compounded by the difficulties faced by the profession and IP offices alike in protecting inventions in new technological areas. In the interests of the IP system at large, and in the interests of FICPI as an organisation, FICPI will endeavour to work in partnership with the IP offices to solve such workload problems. In part, this means FICPI addressing and taking a leadership stance in relation to the quality of the work being done by patent professionals internationally.

The question of "Skills" breaks down into two distinct areas: "**Training & Education**" and "**Continuing Professional Development**".

Primary responsibility for Training & Education and Continuing Professional Development should remain with the **TEC Commission**.

TRAINING & EDUCATION



The **SEAD** and **EUROSEAD** courses are of significant value to FICPI's brand and contribute to the development of the profession around the world, notably in Southeast Asia and Eastern Europe. FICPI will continue with these important programmes under the direction of the **TEC Commission**. Further, as mentioned above, it is suggested that the TEC Commission should develop other course content that can be delivered remotely, e.g., via the Internet in order to reach professionals in countries and regions where the profession is less concentrated. In this context, the possibility of cooperating with other IP organisations, e.g., AIPLA will be explored.

CONTINUING PROFESSIONAL DEVELOPMENT



Continuing Professional Development is an area where FICPI does and can continue to deliver value to its membership. FICPI will continue to run the European **Open Fora** and should develop a regular **Symposium** in the Far East and possibly elsewhere.

As appropriate, FICPI will continue to run *Ad Hoc Courses* such as the Masters Course in US Patent Drafting.

Continuing Professional Development comprises aspects of IP law and practice and also practice management. As at present, the **CET** will be requested to provide course content and speakers on matters of IP law and practice, whereas the proposed **PEC Commission** will provide course content on practice management and other issues related to professional practice.

As discussed in more detail below under "**Operations**," the logistics for substantially all of FICPI's meetings will be handled by the Secretariat, but for each major event such as a Forum or Symposium, a Programme Manager will be appointed with overall responsibility for the course content. Generally, the Programme Manager will be a member of the TEC Commission PEC

In order to maintain relevance of qualifications, FICPI members and/or their trainees require access to appropriate academic courses leading to academic designations. Contact will be made with academic institutions presently involved in IP to identify further training opportunities suited to post-qualification/Continuing Professional Development of IP attorneys. A short list of institutions will be drawn up.

As FICPI has a limited means, additional sources of funding or **sponsorship** for educational and Continuing Professional Development programmes will be sought. Responsibility for this should lie primarily with the TEC Commission, which will also advise how the money raised should be spent.

Consideration will be given by the **PEC Commission** to a mentoring programme, whereby senior or retired FICPI members might volunteer to mentor younger members or their firms under a FICPI umbrella.

IV. SKILLS: OBJECTIVES

OBJECTIVE A: MAINTAIN STATUS AND PROFILE OF THE IP PROFESSION

INITIATIVE 1: QUALIFICATION AS AN IP ATTORNEY

- (i) Previous materials (Cannes resolution, 1988, Cape Town workshop report, 2000) relating to the criteria for qualification as an IP attorney will be reviewed and a clear definition of the appropriate criteria will be drawn up.
- (ii) The Kirby Report will be updated with information received from the ExCo delegates for the Sydney ExCo.
- (iii) The updated report will be distributed to international organisations, governments and other interested parties.

Owner: PEC Commission

INITIATIVE 2: DEFENCE OF THE PROFESSION

- (i) Instances of government efforts to lower qualification standards for IP attorneys will be collected and documented.
- (ii) Consideration will be given as to what steps might be taken to introduce appropriate qualification criteria, a legally-protected title for IP attorneys and an official register of the same in states/regions where none currently exists.
- (iii) Working with the delegates, consideration will be given to how the profession of IP attorney might be defended in countries or regions where it is currently under threat (e.g., France).

Owner: PEC Commission

INITIATIVE 3: PARTNERSHIP WITH IP OFFICES

- (i) Steps will be taken to ascertain from leading IP offices the reasons for the current backlogs of unexamined patent applications and why much work product filed with such offices is regarded as being of poor quality. This might be assisted by conducting interviews with examiners.
- (ii) A report of FICPI's findings will then be drawn up and recommendations will be made.
- (iii) The final report will be disseminated amongst FICPI members and other interested parties, and FICPI will look at ways in which the problems identified in the report might be tackled, where appropriate in partnership with the IP offices.

Owner: CET

OBJECTIVE B: ASSISTANCE FOR APPLICANTS IN DEVELOPING COUNTRIES

INITIATIVE 1: REMOTE LEARNING

- (i) Consideration will be given as to how training programmes, seminars and the like might be delivered to patent attorneys and their trainees around the world, especially in countries with a developing IP system. In particular, consideration will be given to the provision of "remote learning" programmes, including the use of the Internet, e.g., "webinars".

Owner: TEC Commission

OBJECTIVE C: CONTINUING PROFESSIONAL DEVELOPMENT**INITIATIVE 1: MASTERS COURSES IN IP**

- (i) Consideration will be given to the organisation of further *ad hoc* “masters” courses for qualified IP attorneys.

Owner: TEC Commission

INITIATIVE 2: PARTNERSHIP WITH ACADEMIC INSTITUTIONS

- (i) Contact will be made with academic institutions involved in IP to identify further training opportunities suited to post-qualification/Continuing Professional Development of IP attorneys. A short list of such institutions will be drawn up.

Owner: TEC Commission

INITIATIVE 3: FICPI MENTORING PROGRAMME

- (i) Consideration will be given to the establishment of a mentoring programme under the FICPI umbrella, whereby senior or retired members of FICPI would volunteer to mentor younger members or their firms, especially in relation to practice management issues.

Owner: PEC Commission

OBJECTIVE D: SPONSORSHIP**INITIATIVE 1: ADDITIONAL SOURCES OF FUNDING FOR EDUCATION**

- (i) Additional sources of funding or sponsorship for FICPI's educational and Continuing Professional Development programmes will be sought.
- (ii) Recommendations will be made as to how the money raised should be spent.

Owner: TEC Commission

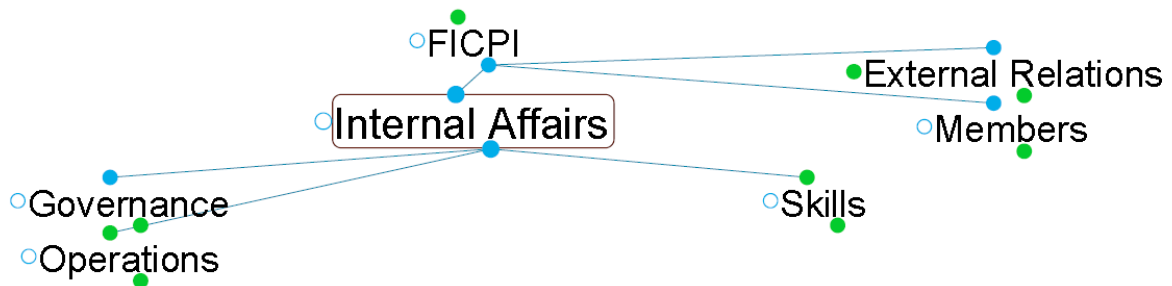
V. OPERATIONS

More effective operational and administrative measures will be established and promoted throughout FICPI.

- ✚ Infrastructure/Governance
 - Formalized Planning Processes
 - Planning Calendar
 - 10 Year Horizon
 - 5 Year Full Plan
 - Annual Initiative Update
 - Formal Procedures for Tracking and Updating Progress

- ✚ Internal Communications/Internet

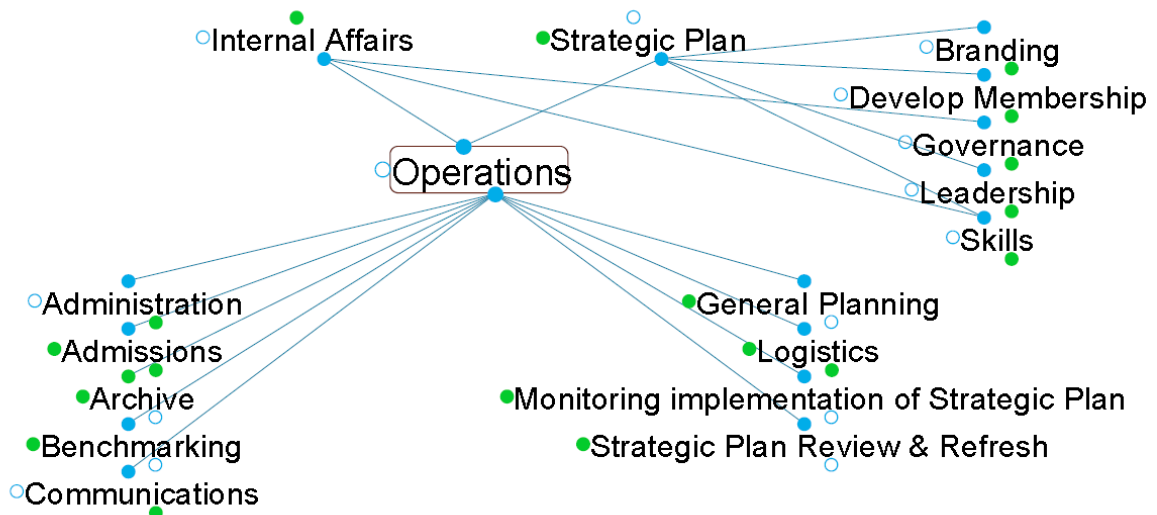
Operations is a subset of FICPI's **Internal Affairs**.



Governance is also a subset of Internal Affairs, but is not really part of **Operations**.

OPERATIONS

Operations involves numerous roles as follows:



ADMINISTRATION

Administration involves the maintenance of Membership Lists as well as the Invoicing and Collection of membership fees from members. Invoicing and collections are currently matters for the **Treasurer General**, whereas the membership lists are maintained by the **Secretariat**.

ADMISSIONS

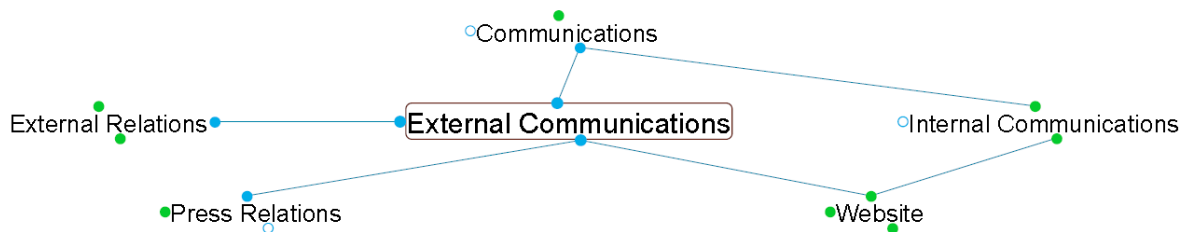
Admissions are handled by the **Admissions Commission**, but enquiries regarding admissions are handled by the Secretariat.

ARCHIVE

The **FICPI Archive**, that is to say FICPI's collection of documents, will also be maintained by the **Secretariat**. In this regard, FICPI has a wealth of information collected over the years on many issues. It is largely accessible only by personal memory. A centralised archive with search and retrieval capabilities would facilitate the work of FICPI and, ultimately, would be incorporated into the website. As a first step, the past resolutions will be collected and organised, followed by recent ExCo papers. Allowance may be made in the budget for data entry assistance. Information on national or regional law changes or IP cases that is provided by the delegates in the ExCo country reports will also be made available on the website in a more accessible manner.

COMMUNICATIONS

Communications (as an operation) involves both **External Communications** and **Internal Communications**.

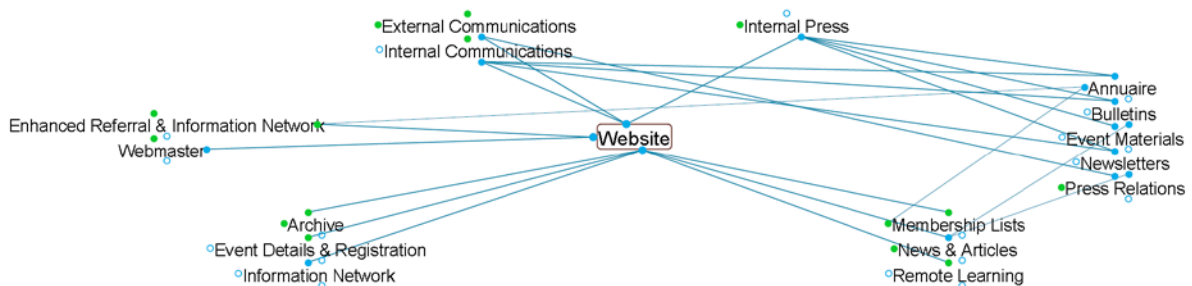


The Federation's **External Communications** currently principally involve relations with the Press and also the Website, in addition to matters of advertising and sponsorship which are dealt with under "**Branding**" above.

Press Relations should be handled by the **Communications Commission**.

WEBSITE

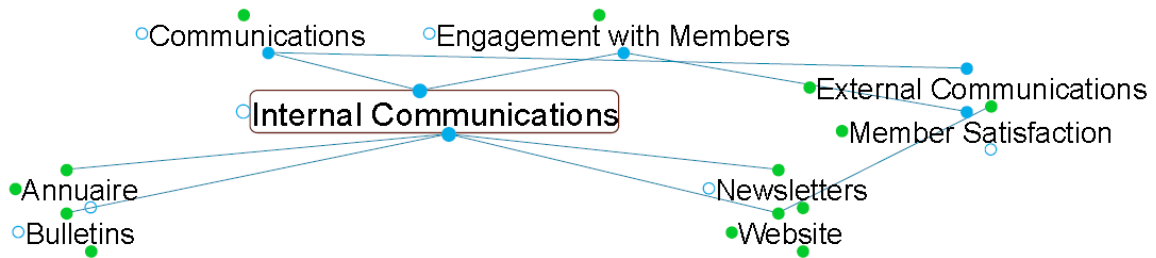
The **Website** is of critical importance to FICPI's operations and communications, both internally and externally, and involves inputs, not only from **External Communications**, but also from **Internal Communications**. The Website should therefore be seen as a resource that is shared by numerous different functions within the Federation. Steps will be taken to expedite completion of the new website. It is important that the website should comprise electronic business functionality, including the facility for accepting credit card payments for membership fees, event registration fees, etc.



INTERNAL PRESS FUNCTION

As discussed in more detail below, responsibility for the "mechanics" ("Internal Press") of producing all of FICPI's publications (internal and external) will be taken into the Secretariat, thereby freeing up the Communications Commission to deal with Exhibitors and Sponsorship, the Federation's Global Image, content for the Newsletters and other publications that may be initiated (e.g., *ad hoc* "alerts") or re-initiated (e.g., EXCO News) and relations with the press.

Internal Communications are closely related to the objective of enhancing **Engagement with Members** discussed above under Membership:



The principal **Internal Communications** tools are currently the Newsletter, the website, and the Annuaire. As noted above, responsibility for publishing the Newsletter and the Annuaire, as well as possible additional publications in the future, will be handled by the "Internal Press" function of the **Secretariat**.

The **Communications Commission** will be charged with responsibility for sourcing content for the Newsletter and website as well as the possible *ad hoc* "alerts" and the like, and the usual source of such content would be the **CET** as well as **national Sections** and **member Associations**.

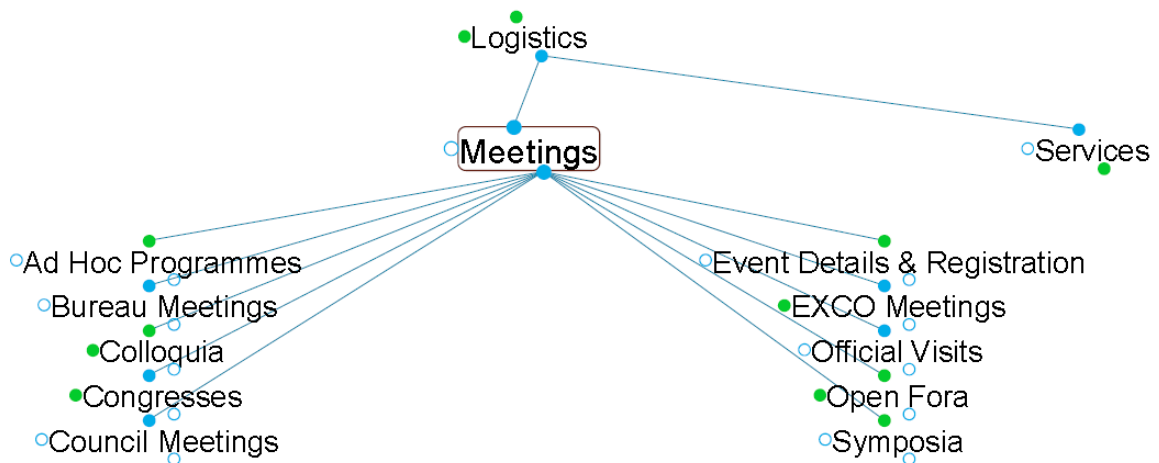
The online provision of the **Archive** will be the responsibility of the **Secretariat**, as will maintenance of the online **Membership List**, as well as other online, essentially administrative material, such as information on upcoming events and registration details. The **TEC Commission** will provide online course content for remote learning, as mentioned above.

GENERAL PLANNING

General Planning will be the responsibility of the Bureau.

LOGISTICS

Logistics will continue to be handled by the **Secretariat**, such logistics including the organisation of events and the provision of other office services.



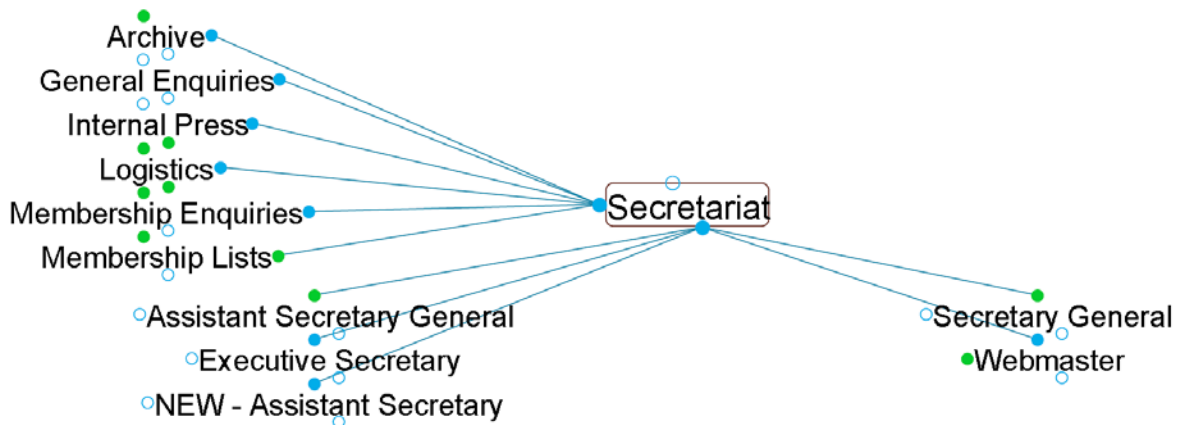
THE STRATEGIC PLAN

Responsibility for **Monitoring Implementation of the Strategic Plan** as well as periodic **Reviewing and Refreshing of the Strategic Plan** lies with the **Bureau**.

In view of the fact that the Strategic Plan has a horizon which stretches beyond a single Presidential term, it is suggested that primary responsibility for "ownership" of the Strategic Plan will lie with the Vice President. One possibility that will be considered by the Bureau and ExCo is the election of the next President and Vice President one year before they take office, *i.e.*, one year before the next Congress. A review of the Strategic Plan might also be carried out one year in advance of each new President taking office, so that such review and the election of the next President and Vice President are synchronised.

SECRETARIAT

A permanent Secretariat was established in 2006, but currently this comprises only one employee, namely the **Executive Secretary**. As seen from the organisational chart below, and as mentioned above, the Secretariat has responsibility for maintenance of FICPI's documentary archive, fielding general enquiries, (it is proposed) publishing FICPI's internal and external materials, logistics, handling membership enquiries and maintaining the membership lists. The Secretariat is controlled by the Secretary General, who is assisted by the Assistant Secretary General, and also receives support from the Webmaster. Other administrative duties (*e.g.*, invoicing and collections) are currently handled by the Treasurer General, but could easily be handled by the Secretariat.



REIMBURSEMENTS FOR SECRETARIAL ASSISTANCE

The Bureau does not believe that a centralised Secretariat should be created, and FICPI's assistance should continue in the main to be localised in the offices of its principal officers. However, the administrative burden falling on such principal officers has increased to the extent that the current reimbursements allowed are largely "token" and in no way cover the actual costs incurred by the officers' firms. This is particularly true in the case of the Treasurer General, whose assistant spends at least 50% of her time on FICPI matters, whilst the current reimbursement for the Treasurer General's office is currently SFR 4500. The FAB will be asked to study this matter and to make recommendations for approval by the EXCO.

WEBMASTER

It is observed that there is currently some confusion surrounding the scope of the duties of the **Webmaster**, and, given the crucial role to be played by the website now and in the future, this relationship will be clarified and formalised.

ASSISTANT SECRETARY

In addition, it is evident from the work records of the current Executive Secretary that the Secretariat currently has too much work to be handled by a single person. The Secretariat will therefore be reinforced by the addition of a further, at least part-time, permanent employee as an **Assistant Secretary**, who will work under the direction of the Secretary General, preferably in the Secretary General's office. The Assistant Secretary might be tasked with handling, for instance, maintenance of the membership lists, fielding membership enquiries and the "Internal Press" function described above and would facilitate communication between the Secretary General and the Executive Secretary. This would enable the Executive Secretary to devote more time to tasks requiring a more detailed knowledge of and experience with FICPI.

V. OPERATIONS: OBJECTIVES

OBJECTIVE A: EXPLOITATION OF PREVIOUS WORK

INITIATIVE 1: ARCHIVE

- (i) A centralised archive with search and retrieval capabilities will be created.
- (ii) The centralised archive will be incorporated into the website.
- (iii) Past resolutions and ExCo papers will be collected and organised.
- (iv) An allowance will be made in the budget for assistance with data entry.

Owner: Secretariat

OBJECTIVE B: IMPROVE PUBLICATIONS

INITIATIVE 1: INTERNAL PRESS FUNCTION

- (i) Responsibility for the "mechanics" of producing all of FICPI's publications will be taken into the Secretariat.

Owner: Secretariat

OBJECTIVE C: MAINTENANCE OF STRATEGIC PLAN

INITIATIVE 1: ROLE OF THE VICE PRESIDENT

- (i) The possibility of electing the President and Vice President one year before taking office will be reviewed and recommendations made to the ExCo.
- (ii) The Vice President will be assigned primary responsibility for the maintenance of the Strategic Plan.

Owner: Bureau

OBJECTIVE D: IMPROVEMENTS TO SECRETARIAT

INITIATIVE 1: WEBMASTER

- (i) The relationship between FICPI and the Webmaster will be clarified and formalised.

Owner: Bureau

INITIATIVE 2: ASSISTANT SECRETARY

- (i) An Assistant Secretary will be hired to provide additional support for the Secretariat and will work in the office of the Secretary General.

Owner: Bureau

OBJECTIVE E: OFFICERS' ALLOWANCE FOR SECRETARIAL ASSISTANCE

INITIATIVE 1: REVIEW REIMBURSEMENT LIST

- (i) The reimbursement list comprising the agreed allowances for FICPI officers in respect of secretarial assistance will be reviewed and recommendations made to bring such allowances more into line with the actual costs incurred by the officers' firms.

Owner: FAB

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