



AIPPI FORUM BUENOS AIRES

October 11 and 12, 2009

Session XII

Regional agreements affecting IP protection

Monday, October 12, 2009

14.00 to 15.30 h

Moderator:

Laura Michelsen

(Colombia)

Speakers:

Alex F.S. Fider

(Philippines)

Miguel A. Margain

(Mexico)

Aleksey Zalesov

(Romania)

Short description

IPRs are traditionally territorial rights which are granted and registered by national authorities and are limited in scope to the territory of that specific country. Regional agreements try to expand this to a more international level. There are agreements in place which facilitate the administrative process of applying for and granting an IPR, whereby the rights themselves remain national with substantive provisions to some extent. An example is the European Patent Convention. Other agreements have created a single and unitary international right which enjoys protection in more than one country (like the Eurasian Patent, Convention, ARIPO; OAPI and the Andean Pact).

Other regional agreements are not specifically targeted at IP but nevertheless contain chapters which regulate IP to some extent. This may be the case in free trade agreements (e.g. NAFTA or CAFTA) or in other multinational agreements. The decision 486 of the Commission of the Andean Community is one example.

In this session the speakers will present different models of how regional agreements for the protection of IP can be set up and how they function. Advantages and disadvantages will be discussed. The presentations will also offer proposals for future systems to be set up in other regions where no such regimes are in place yet or where other forms of collaboration are practiced.

Curriculum Vitae

Laura Michelsen

Laura Michelsen was born in Bogotá, Colombia; admitted in 1993, Colombia.

Education: School of Law, Universidad de Los Andes (J.D. 1992). Author: "Brief Description of Basic Regulations and Procedures in Colombia Regarding Industrial Property over Distinctive Signs", 1993. Seminar on Trademark Legislation and Protection (Colegio Mayor de Nuestra Señora del Rosario, 1994). II International Symposium on Franchises "Trademarks 95" (National Traders Association and SENA). Seminar "Conciliation as Alternative Dispute Resolution Mechanism in Industrial Property Matters" (Chamber of Commerce of Bogotá, 1995). Intellectual Property Seminar (Knobbe, Martens, Olson & Bear, New Port Beach, California, United States of America, 1996).

Experience: Associate, Figueroa Sierra & Asociados 1990-1993, Director of the Intellectual Property Department; Partner, Vernot Abogados 1993-1995, Director of the Intellectual Property Department; Partner, Triana Uribe & Michelsen 1995-present, Director of the Intellectual Property Department.

Memberships: Head of the subcommittee on Intellectual Property at the International Chamber of Commerce; Vice-president of the Board of the Colombian Industrial Property Association (ACPI); Member of the list of Conciliators in Industrial and Intellectual Property Matters of the Chamber of Commerce of Bogotá; Member of the list of Secretaries of the Arbitration Tribunal of the Chamber of Commerce of Bogotá; International Trademark Association (INTA); International Anticounterfeiting Coalition (IACC); International Association for The Protection of Industrial Property (AIPPI).

Miguel A. Margain

Aleksey Zalesov

Aleksey Zalesov is head of litigation practice and partner with Sojuzpatent Ltd. (Moscow, Russia). Dr. Zalesov is practicing IP law since 1993.

Dr. Zalesov holds Master's degree in physics from the Moscow Physics Engineering Institute and Master of law degree from the Moscow Academy of Law and Ph.D. (Law) degree from the Russian Institute of Intellectual Property. Dr.Zalesov is registered as Russian patent and trademark attorney and the Eurasian patent attorney. Dr.Zalesov is the permanent arbiter of the Commercial Arbitration Institution with the Russian Chamber of Commerce and Industry.

The practice IP litigation experience of Dr. Zalesov is demonstrated in more than 150 patent and trademark litigation cases with the courts and administrative bodies of the Russian Federation. Dr.Zalesov managed to make some precedent cases in the Russian IP litigation practice (first successful trademark enforcement in Internet with damages recovering, first successful database copyright enforcement with large damages recovering, first pharmaceutical patent enforcement with large damage compensation, first successful moral harm recovering in patent infringement case, first successful appellation of origin of goods enforcement, etc.).

The personal strongest area of Dr. Zalesov is the patent litigation but he also supervises trademark infringement and opposition practice in Sojuzpatent Ltd.
Dr. Zalesov also provides a contribution to the scientific studies in IP law with the Russian Institute of the Intellectual Property.