



The Latin American landscape in five years' time.

Inseparable friends or distant bedfellows?



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 Director General
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WIPO Treaties on Industrial Property – Latin America & the Caribbean

MEMBER STATES	W	P	PCT	PLT	M	MM	MP	H	N	LI	LO	IPC	VC	BP	NOS	TLT	WAS	SG	U	TOTAL
Antigua and Barbuda	X	X	X				X													4
Argentina	X	X							X		X	X				X				8
Bahamas	X	X								X										2
Barbados	X	X	X							X					X					5
Belize	X	X	X					X												4
Bolivia	X	X														X				4
Brazil	X	X	X	X	X							X			X					7
Chile	X	X	X																	6
Colombia	X	X	X																	4
Costa Rica	X	X	X							X				X		X				7
Cuba	X	X	X		X	X	X		X	X	X	X	X	X	X	X				13
Dominica	X	X	X						X											4
Dominican Republic	X	X	X		X									X						6
Ecuador	X	X	X																X	4
El Salvador	X	X	X												X	X	X			6
Guatemala	X	X	X																	3
Guatemala	X	X	X												X	X				6
Guysana	X	X																		2
Haiti	X	X								X										3
Honduras	X	X	X												X		X			5
Jamaica	X	X							X					X		X				6
Mexico	X	X	X						X	X	X	X	X	X	X	X				11
Nicaragua	X	X	X							X					X					6
Paraguay	X	X																		3
Paraguay	X	X																		3
Paru	X	X	X							X					X					6
Saint Kitts and Nevis	X	X	X						X											4
Saint Lucia	X	X	X						X					X			X			6
Saint Vincent and the Grenadines	X	X	X																	3
Suriname	X	X						X	X			X								5
Turkey and Tokelau	X	X	X						X		X	X	X	X			X			10
Venezuela	X	X																		?

W – WIPO Convention	P – Paris Convention	PCT – Patent Cooperation Treaty	PLT – Patent Law Treaty	MI – Madrid Agreement (Indications of Source)
MM – Madrid Agreement (Marks)	MP – Madrid Protocol	H – Hague Agreement	N – Nice Agreement	LI – Lisbon Agreement
LO – Locarno Agreement	IPC – Strasbourg Agreement	VC – Vienna Agreement	BP – Budapest Treaty	NOS – Nairobi Treaty
TLT – Trademark Law Treaty	WAS – Washington Treaty	SG – Singapore Treaty	U – UPOV Convention	

WIPO Treaties on Copyrights – Latin America & the Caribbean

MEMBER STATES	B	RO	PH	S	WCT	WPPT	TOTAL
Antigua and Barbuda	✓						1
Argentina	✓	✓	✓		✓	✓	5
Bahamas	✓						1
Barbados	✓	✓	✓				3
Belize	✓						1
Bolivia	✓	✓					2
Brazil	✓	✓	✓				3
Chile	✓	✓	✓		✓	✓	5
Colombia	✓	✓	✓		✓	✓	5
Costa Rica	✓	✓	✓	✓	✓	✓	6
Cuba	✓						1
Dominica	✓	✓					2
Dominican Republic	✓	✓			✓	✓	4
Ecuador	✓	✓	✓		✓	✓	5
El Salvador	✓	✓	✓		✓	✓	5
Grenada	✓						1
Guatemala	✓	✓	✓		✓	✓	5
Guyana	✓						1
Haiti	✓						1
Honduras	✓	✓	✓	✓	✓	✓	6
Jamaica	✓	✓	✓	✓	✓	✓	6
Mexico	✓	✓	✓	✓	✓	✓	6
Nicaragua	✓	✓	✓	✓	✓	✓	6
Panama	✓	✓	✓	✓	✓	✓	6
Paraguay	✓	✓	✓		✓	✓	5
Peru	✓	✓	✓	✓	✓	✓	6
Saint Kitts and Nevis	✓						1
Saint Lucia	✓	✓	✓		✓	✓	5
Saint Vincent and the Grenadines	✓						1
Suriname	✓						1
Turks and Caicos Islands	✓		✓	✓	✓	✓	5
Venezuela	✓	✓	✓				3

B – Berne Convention
RO – Rome Convention
PH – Phonograms Convention
S – Brussels Convention
WCT – WIPO Copyright Treaty
WPPT – WIPO Performances and Phonograms Treaty

Free Trade Agreements that include IP – Mexico

AGREEMENT	SIGNING PARTIES	SUBSCRIPTION	IN FORCE	IP CHAPTER
North American Free Trade Agreement (NAFTA)	United States, Canada & Mexico	December 17 th , 1992	January 1 st , 1994	Chapter XVII
Free Trade Agreement between Mexico and the Republic of Costa Rica	Mexico & Costa Rica	April 5 th , 1994	January 1 st , 1995	Chapter XIV
Free Trade Agreement between Mexico and Colombia (formerly G3)	Mexico & Colombia Venezuela retired from this FTA on November 19 th , 2006	June 13 th , 1994	January 1 st , 1995	Chapter XVIII
Free Trade Agreement between Mexico and Bolivia	Mexico & Bolivia	September 10 th , 1994	January 1 st , 1995	Chapter XVI
Free Trade Agreement between Mexico and the Republic of Nicaragua	Mexico & Nicaragua	December 18 th , 1997	July 1 st , 1998	Chapter XVII
Free Trade Agreement between Mexico and the Republic of Chile	Mexico & Chile	April 17 th , 1998	August 1 st , 1999	Chapter XV
Free Trade Agreement between Mexico and the European Union	Mexico & 27 Member States of the European Union *	February 23 rd -24 th , 2000	October 1 st , 2000	Title V
Free Trade Agreement between Mexico and the State of Israel	Mexico & Israel	April 10 th , 2000	July 1 st , 2000	Contains provisions on Geographical Indications
Free Trade Agreement between Mexico and the European Free Trade Association (EFTA)	Mexico, Switzerland, Norway, Iceland & Liechtenstein	November 27 th , 2000	July 1 st , 2001	Chapter VI
Free Trade Agreement between Mexico and the Republics of El Salvador, Guatemala and Honduras	Mexico, El Salvador, Guatemala & Honduras	June 29 th , 2000	March 15 th , 2001	Chapter XVI
Free Trade Agreement between Mexico and the Republic of Uruguay	Mexico & Uruguay	November 15 th , 2003	July 15 th , 2004	Chapter XV
Agreement to strengthen the economic association between Mexico and Japan	Mexico & Japan	September 17 th , 2004	April 1 st , 2005	Contains provisions regarding Cooperation on IP matters, as well as on Geographical Indications
Agreement between Mexico and the European Union, regarding the mutual recognition and protection of appellations in the sector of spirituous beverages	Mexico & the European Union	May 27 th , 1997	August 28 th , 1997 Substitution of the list of appellations (EU) June 21 st , 2004 Substitution of the list of appellations (MX) February 8 th , 2005	Contains provisions on Geographical Indications

* Germany, Austria, Belgium, Bulgaria, Cyprus, Denmark, Slovakia, Slovenia, Spain, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, United Kingdom, Czech Republic, Romania, Sweden.

Free Trade Agreements subscribed by Latin American & the Caribbean countries that include IP

Subscribing Countries	Date of Subscription
CARICOM – Dominican Republic	August 22 nd , 1998
CARIFORUM – European Union (EU)	October 15 th , 2008
Central America – Chile	October 18 th , 1999
Central America – United States of America – Dominican Republic (CAFTA-RD)	August 5 th , 2004
Central America – Panama	March 6 th , 2002
Central America – Dominican Republic	April 16 th , 1998
Chile – European Free Trade Area (EFTA)	June 26 th , 2003
Chile – Canada	December 5 th , 1996
Chile – Australia	July 30 th , 2008
Chile – China	November 18 th , 2005
Chile – Colombia	November 27 th , 2006
Chile – Korea	February 15 th , 2003
Chile – United States of America	June 6 th , 2003
Chile – MERCOSUR	June 25 th , 1996
Chile – Peru	August 22 nd , 2006
Chile – European Union (EU)	November 18 th , 2002
Costa Rica – Canada	April 23 rd , 2001
MERCOSUR – Andine Countries (Colombia, Ecuador, Venezuela)	October 18 th , 2004
MERCOSUR – Peru	November 30 th , 2005
Panama – Taiwan	August 21 st , 2003

Caribbean Community (CARICOM) – Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts & Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad & Tobago.

MERCOSUR – Argentina, Brazil, Paraguay, Uruguay.

Andine Community (CAN) – Colombia, Ecuador, Bolivia, Venezuela, Peru.

European Free Trade Area (EFTA) – Norway, Liechtenstein, Switzerland, Iceland.

European Union (EU) – Germany, Austria, Belgium, Bulgaria, Cyprus, Denmark, Slovakia, Slovenia, Spain, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, United Kingdom, Czech Republic, Romania, Sweden.

The global economic crisis, is one of the key factors that hinders the development of the world's economies.

*“The steep drop in domestic and external demand during the fourth quarter of 2008 and the first quarter of 2009 has impacted Latin American and Caribbean economies, prompting **ECLAC** to estimate GDP in the region to fall -1.7% in 2009.”*

ECLAC – Press Release June 10th, 2009.

This crisis has had an impact not only in employment or sales, but also on topics related with IP, such as the number of applications received by WIPO or the national offices for the protection of patents.

“International patent filings under WIPO's Patent Cooperation Treaty (PCT) grew by 2.4% in 2008, to nearly 164,000 applications. While the rate of growth was modest, as compared to an average 9.3% rate of growth in the previous three years...”

WIPO – Press Release PR/2009/583 January 27th, 2009.

*“Historically, patent filings tend to dip during periods of economic difficulty simply because fewer resources are available for investment in the innovation cycle. Once the economic cycle improves, patenting activity tends also to recover. That said, economic crises have, in the past, been a catalyst for innovation as greater emphasis is placed on improving standards of efficiency, doing more with less and identifying and developing smarter business solutions,” said Mr. Francis Gurry, Director General of WIPO. **“In the current economic climate, technology, innovation and creativity are critical in creating opportunities for economic renewal and addressing pressing global issues such as climate change”.***

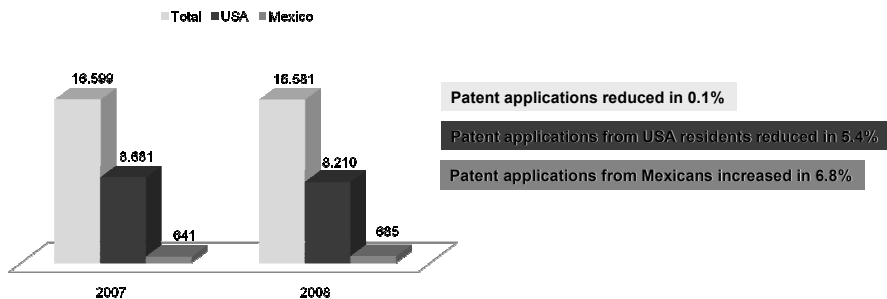
WIPO – Press Release PR/2009/583 January 27th, 2009.

Because of economic shortages, companies reduce the number of countries in which they seek protection, presenting patent applications only in those countries where they are confident that their invention will be commercialized.

But it is important to maintain the levels of investment on R&D, to keep on doing activities aimed at technological development; because this will create market opportunities that also generate competitive advantages.

Speaking of Mexico, the amount of patent applications filed in 2008 (16,581) reduced in 0.1% if compared to the ones received in 2007 (16,599); even though IMPI received 685 patent applications from mexicans, which represents a 6.8% increase if compared to the ones received in 2007 (641).

It is important to highlight that the country that registered a higher decrease in patent applications filed at IMPI, comparing 2007-2008 was the USA, whose residents filed 8,681 in 2007 and 8,210 in 2008 (-5.4%).



If we study the figures from PCT applications, we will see that the USA registered a slight decrease of 1.0%; USA's PCT applications went from 54,086 applications in 2007 to 53,521 in 2008.

Countries of Origin	2004	2005	2006	2007	2008	2008 Share	2008 Growth
United States of America	43,350	46,803	50,941	54,086	53,521	32.7%	-1.0%
Japan	20,264	24,869	27,033	27,744	28,744	17.6%	+3.6%
Germany	15,214	15,964	16,732	17,818	18,428	11.3%	+3.4%
Republic of Korea	3,558	4,688	5,944	7,061	7,908	4.8%	+12.0%
France	5,184	5,748	6,242	6,568	6,867	4.2%	+4.6%
China	1,706	2,503	3,951	5,441	6,089	3.7%	+11.9%
United Kingdom	5,027	5,084	5,090	5,539	5,517	3.4%	-0.4%
Netherlands	4,284	4,500	4,529	4,355	4,349	2.7%	-0.1%
Sweden	2,851	2,883	3,316	3,657	4,114	2.5%	+12.5%
Switzerland	2,898	3,290	3,577	3,778	3,832	2.3%	+1.4%
Canada	2,104	2,318	2,566	2,847	2,966	1.8%	+4.2%
Italy	2,189	2,349	2,716	2,946	2,939	1.8%	-0.2%
Finland	1,672	1,893	1,845	1,995	2,179	1.3%	+6.2%
Australia	1,837	1,996	2,001	2,053	2,028	1.2%	-1.2%
Israel	1,227	1,454	1,589	1,746	1,882	1.2%	+7.8%
All Others	9,245	10,326	11,084	12,252	12,297	7.5%	+2.5%
Total	122,610	138,688	149,156	158,886	163,800	100%	+2.4%

Source: WIPO Statistics Database

In the same order, we can find the performance of 5 Latin American countries, regarding PCT applications.

PCT and Developing Countries	Countries of Origin among Selected Developing Countries					2008 Growth
	2004	2005	2006	2007	2008	
Republic of Korea	3,558	4,688	5,944	7,061	7,908	
China	1,706	2,503	3,951	5,441	6,089	
India	228	679	833	901	253	
Singapore	431	443	476	528	568	
Brazil	278	271	331	396	441	12.1%
South Africa	411	308	423	406	376	
Turkey	315	174	269	358	361	
Mexico	118	141	180	187	207	10.7%
Malaysia	45	38	60	108	174	
Czech Republic	95	117	167	131	152	
Ukraine	89	60	77	94	96	
Egypt	53	51	41	40	46	
Colombia	22	25	28	45	39	13.3%
Estonia	12	13	17	30	34	
Bulgaria	24	21	24	30	28	
Argentina	11	20	20	32	23	28.1%
Chile	6	9	12	17	23	35.3%
Thailand	12	9	11	7	17	
Philippines	11	26	23	17	14	
Morocco	7	9	10	18	12	
All others	199	183	223	203	161	
Total	1,927	9,836	15,061	16,050	17,525	

Source: WIPO Statistics Database

Mexico, aware of its privileged geographical location, and being one of the most important IP office in the Latin American and the Caribbean region, has been cooperating actively with IP offices from countries such as El Salvador, Nicaragua, Honduras, Dominican Republic, Costa Rica, Guatemala, among others; by means of expert missions on different topics.

Also, IMPI has developed a website aimed at contributing to the search and substantive examination processes of patent applications from Central America and the Dominican Republic, called **CADOPAT** (<https://cadopat.impi.gob.mx>).

The offices supported are:

- Costa Rica
- El Salvador
- Guatemala
- Honduras
- Panama
- Nicaragua
- Dominican Republic
- Cuba



CLOSING REMARKS

- The global economic crisis and the rise of emerging economies such as India, China and Brasil, among others, will generate more competition to attract foreign investment.
- The Latin American and the Caribbean countries must design public policies to foster FDI, oriented towards the technological development of new businesses.
- The IP system represents a key element to achieve this purpose, guaranteeing adequate protection means for these assets.
- In IMPI we are aware that the development of the IP Offices from the Latin American and the Caribbean region can not be accomplished without the active participation of the most developed ones (CADOPAT).
- The Latin American and the Caribbean region has been working very hard to enhance its infrastructure and capabilities, as well as to meet the standards of the most developed IP offices in the World, which in the long term, will provide enterprises with a stronger IP protection scheme, simillar to the one implemented by developed countries.

CLOSING REMARKS

- But we must not miss the fact that the development of the IP Offices from the Latin American and the Caribbean region is also linked with the economic growth it can experience. This will boost commercial and technological activities which, in turn, will increase the need for IP protection.
- Because of the global economic crisis, and the way it has had an impact in the Latin American and the Caribbean region, the near future does not seem very bright. Nevertheless, our work should continue in order to restore, as soon as possible, the economic growth; as well as to improve the level of IP protection in this region of the World.
- From my personal point of view, this is the reason that IP and the Latin American and the Caribbean region must be looked at as inseparable friends, and not as distant bedfellows.



THANK YOU



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