

Know IP – The Stockholm Network’s Monthly IPR Journal Volume 4: Issue 1. January 2008

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Commentary

On Egypt, the Sphinx and the Copyright Term of Protection – Meir Pugatch and Helen Disney¹

Who is the original copyright owner of the Sphinx of Giza? According to the common theory it was the King Khafre (2558-2532 BCE), of the 4th Dynasty, who was the mastermind behind this monument, with the aim of further immortalising the Khufu dynasty and his own prestige.²

Today, some 4600 years later, debate about the copyright ownership of the Sphinx, the Pyramids and other Egyptian monuments and artefacts has been brought to life. Over the last few weeks the media has been reporting that "Egypt's MPs are expected to pass a law requiring royalties be paid whenever copies are made of museum pieces or ancient monuments such as the pyramids."³

Specifically, the powerful Supreme Council of Antiquities, under the leadership of Mr Zahi Hawass, is promoting legislation that would replace the current Antiques Law. According to the proposed legislation, "anyone seeking to make an exact replica of a copyrighted pharaonic artefact would have to seek permission — and pay a fee to — Egypt's Supreme Council of Antiquities".⁴

The proposed bill (which has been in the works for more than five years) received intense public attention in Egypt, after the local media called on the Luxor Hotel in Las Vegas (one of the most

luxurious hotels in the city) to pay a share of its profits to the central Egyptian city of Luxor, on the account that the hotel's exterior and interior are heavily based on the copying of Egyptian cultural expressions.

The extent to which pharaonic monuments and artefacts fall under the scope of protection of copyrights (or their neighbouring rights – such as expressions of folklore and cultural heritage) is debatable (and merits discussion in future issues). But assuming that they are, this brings up another interesting question: what is the desirable term of protection for these rights? After all, even Sir Cliff Richard might balk at calling for a term of the lifetime of the creator + 5000 years.⁵

Current periods of protection of copyrights and neighbouring rights vary between 50 years (EU) to 95 years (US) on top of the lifetime of the creator (the lifetime provision is ignored in the case of corporate entities, such as software companies).

Those who oppose the extension of the copyright term of protection tend to argue that longer exclusivity periods in artistic creations will have a dire effect on the public. Financially, it is argued that longer copyrights will force the public to pay royalties on old works, that otherwise could have been used freely. Artistically, it is argued that the public will be exposed to fewer creations and moreover that creativity itself will be stifled, since new artists and creators will be denied the ability to freely use older creations as the building blocks of their new creations.⁶

Is this true? Will the extension of the copyright term of protection eradicate human creativity and force us to live in an eternal state of boredom?

¹ Helen Disney is CEO of the Stockholm Network. Dr. Meir Perez Pugatch, Haifa University, is Director of Research of the Stockholm Network. This commentary is dedicated with love to Ruthi Pugatch.

² <http://guardians.net/egypt/sphinx>

³ 'Egypt to Copyright Antiquities' *BBC* (25 December 2007)

http://news.bbc.co.uk/2/hi/middle_east/7160057.stm

⁴ 'Egypt to Attempt to Copyright Pharaonic Antiquities' *International Herald Tribune* (27 December 2007)

<http://www.ihf.com/articles/ap/2007/12/27/africa/ME-GEN-Egypt-Copyright-Antiquities.php>

⁵ 'Musical Copyright Terms 'to Stay'' *BBC* (27 November 2006)

<http://news.bbc.co.uk/1/hi/entertainment/6186436.stm>

⁶ For such views see the website *About Copyright Term Extension*

<http://homepages.law.asu.edu/~dkarjala/OpposingCopyrightExtension/what.html>

We believe it will not! Furthermore, we also dare to argue that there is merit in considering extending the copyright term of protection, something that may generate more benefits than costs to society.

Truth be told, we are not basing this proposition on pure theoretical calculations. But neither do those who oppose the copyright term of protection. Similar to other forms of IPRs, debates about the copyright term of protection usually focus on two dimensions: providing a sufficient incentive for the individual (person or company) to create and innovate and ensuring public access to such innovations and creations once they are introduced to the market. The term of protection, it is usually argued, should reflect the balance between these two dimensions i.e. the extent to which the benefits to society from these creations outweigh the extra costs that it incurs during the term of protection under which these creations are distributed in a state of monopoly. However, economically speaking there is no formula to suggest that a copyright term of x years is better or worse than a copyright term of y years.⁷

Therefore, the reasons for considering extending the copyright term of protection should go beyond the scope of theoretical calculations.

First, with regard to the issue of public use, we propose a different test – the test of pragmatism. If society has lost interest in a certain artistic creation, say a book, a music album, or a film, then having a copyright on these creations does not really matter as people will not bother to look for these creations anyway. Sad as it is, this is the fate of most of the creations released to the market – as they are unable to transcend the boundaries of time. But on the other hand, if such creations are still relevant (or become relevant) years after they were issued to the world, then why should society refuse to pay those who have the rights on these creations for their use. After all, no one can predict if and when a certain

creation will become relevant to the public. Some creations reap fame and glory as soon as they are issued and then they are forgotten. Other creations only become relevant years, sometimes decades, after they were conceived.

Nevertheless, the fact that a certain creation has sustained the risks of time and is still relevant today must not be taken for granted. Behind every relevant creation hides the efforts of its owners to publicise, promote and market that creation. Without such efforts it may well be that many creations will be lost and forgotten. Such efforts do merit a reward even if this is granted a century later.

Secondly, and perhaps more importantly, the fact that a copyright may be extended has nothing to do with stifling creativity. A copyright is granted for the expression of an idea, not for the idea itself. In any given time each of us can take an idea – say the concept of love and happiness – and do with it whatever our creative minds desire. The fact that the concepts of wizardry and fantasy appeared in classics such as *The Lord of the Rings* and the *Narnia Chronicles* did not prevent JK Rowling from creating Harry Potter.

The cost free duplication of creations that are no longer protected by copyrights does not promote creativity – it promotes mass circulation and distribution (and in the digital age we can certainly see how copyrighted materials are rapidly and massively distributed, in many cases without the consent of the rights owner).

Last but not least, extending the protection of copyrighted materials can actually preserve the original value and meaning of the creation. It is not uncommon (in fact it is frequently the case) that once a creation loses its protection it will be "chopped-off", modified, re-organised, synthesised and condensed. Indeed, today some of the best known literary classics actually appear in their 'fast food' version.

In fact, quite recently one of us has experienced the same dilemma when facing the looming expiration of the copyrights of a book authored

⁷ Hindley, B. V. (1971) *The Economic Theory of Patents, Copyrights, and Registered Industrial Designs: Background Study to the Report on Intellectual and Industrial Property* (Ottawa, Economic Council Of Canada)

by one of his family members.⁸ The book, written in the early 1900s, provided some original literary interpretations of selected stories in the *Talmud* (one of the books sacred to the Jewish religion which includes discussions on Jewish law, ethics, customs, and history) and was rather well known during its time. With copyrights about to expire some publishers wanted to ‘update’ the book by essentially changing its contents and style. A longer copyright term would have allowed the decedents of this author to maintain the original text of the book and as such preserve his legacy. While this case was resolved to the mutual satisfaction of the parties, the lesson learned from this is quite important – copyrights do not only provide an incentive to create and to innovate. They also help artists and creators, to maintain the original message and the essence of their creations, be they books re-edited for popular consumption or tombs re-invented as casinos.

In this respect, perhaps the Egyptian Supreme Council of Antiquities has a point after all.

Topic of the Month

Digital Rights Management (DRM) for Online Content in Europe: A Love-Hate Relationship – Sukanya Natarajan⁹

Distribution of online content has been plagued by rampant piracy. To tackle this problem, DRMs (Digital rights management tools) and associated technological protection measures were introduced. These different sets of technologies allowed rights owners of copyrighted digital data to monitor and control dissemination of such data.¹⁰

⁸ H. N. Bialik and Y.H Ravnitzky; (1903) *Sefer Ha Aggadah (The Book of Legends): A three-volume edition of the folk tales and proverbs scattered through the Talmud* (Dvir Publishers, Israel)

⁹ Sukanya Natarajan is a researcher at the Stockholm Network

¹⁰ Jensen. A. K., Moore. S., Pugatch M. (2006) ‘Why Digital Rights Management?’ <http://www.stockholm->

Crucial to understanding the particular usage of DRM in online publishing lies the economics behind the general usage of DRMs. Commercial transactions between the rights owners and users of online content is based primarily on the right to use and not on the right to transfer.¹¹ Third parties are not allowed to free ride by copying or downloading the digital content; DRM tools are a legitimate means to commercialise digital content by owners and not users.¹²

Not everybody sees it that way, however. From its inception, DRM has been criticised for a number of reasons. Concerns about interoperability, while not new, have risen to greater prominence in legislative circles in the past year.

A publisher’s forum was convened on the 6th December 2007 by EU Commissioner for Information Society and Media, Viviane Reding to discuss print media in the broadband economy.¹³ Some online content publishers bashed DRMs as a hindrance by design whereas others cited the problems faced by the music industry while using DRMs. Kees Spaan, vice president of the EU Newspaper Publishers’ Association and president of the Dutch newspaper association harshly criticised internet search engines for giving away newspapers’ content without partnering with the publishers to ensure they are properly paid.¹⁴ Commissioner Reding emphasised the need to enhance the copyright protection of online content and endorsed ACAP¹⁵, a new access protocol DRM system¹⁶ which allows content

[network.org/downloads/publications/d41d8cd9-DRM%20Paper%20Final.pdf](http://www.stockholm-network.org/downloads/publications/d41d8cd9-DRM%20Paper%20Final.pdf)

¹¹ Pugatch, M. (2007) ‘The Economics of DRMs in Capitalist Markets’, *Know IP*, 3 (2) London: Stockholm Network

¹² Ibid

¹³ <http://www.europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/788&format=HTML&aged=0&language=EN&guiLanguage=en>

¹⁴ ‘EU Online Copyright Bill Coming, Publishers Debate DRMs’ (9 December 2007) *IP Watch*

¹⁵ <http://www.the-acap.org/>

¹⁶ Google, Yahoo and other search engines track information on websites with the help of indexing software known as ‘crawlers’¹⁶ to read text files such as robots.txt which every website provides. Generally, communication protocols such as TCP/IP are used by

permissions to be automatically communicated from online publishers to search engines before the content is accessed by consumers.¹⁷ This forum was followed by the European Commission's creation of a 'Content Online Platform' for stakeholders¹⁸ to discuss the issues of distribution of online content, multi-territory licensing, and management of copyright online especially with respect to interoperability and transparency of DRMs. This online platform is part of a wider plan for adoption of 'Communication on Creative Content Online in Europe' for developing legal offers, educational initiatives, enforcement of legal rights and seeking cooperation from internet service providers to prevent copyright infringement and piracy.¹⁹

With a 400% predicted increase in revenue from online content in five years (2005-2010) totalling up to €8.3 billion,²⁰ the European Commission's recent adoption of a 'Communication on Creative Content Online in Europe's Single Market' comes as no surprise.²¹ This communication, released in the first week of 2008, encourages the online content industry, telecoms companies and internet service providers to work closely together

computers for internet access (including commercial networks and web feed formats) but there is no communication protocol available that allows publishers to restrict or promote access in a language that 'crawlers' of different search engines can comply with. In this respect, ACAP would have extra commands to limit the extent to which these crawlers have access to online content.¹⁶ This project has not yet been endorsed by Google, Yahoo, MSN and other search engines.

¹⁷ <http://www.europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/788&format=HTML&aged=0&language=EN&guiLanguage=en>

¹⁸ http://ec.europa.eu/avpolicy/docs/other_actions/col_en.pdf

¹⁹ Ibid

²⁰ European Commission Study released in January 2007

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/95&format=HTML&aged=1&language=EN&guiLanguage=en>

²¹ This Communication includes findings from the public consultation questionnaire entitled 'Content Online in Europe' which was released in July 2006 with a total of 175 written contributions and 160 online contributions submitted.

simultaneously to make more content available online and ensure robust protection of intellectual property rights.²² This communication is a precursor to the EU Recommendation on 'Creative Content Online' due for adoption by the European Parliament and the Council by mid 2008. The communication has opened up the discussion for the public and also stakeholders to discuss online distribution of content with copyright protection.

The Communication on Creative Content Online²³ has identified DRMs and Piracy as key policy issues open for consultation²⁴.

With respect to piracy, in November 2007, a memorandum of understanding was reached by market players in France such as music and movie producers, internet service providers and the government to set up an authority for online content with powers to suspend access for those who illegally share files.²⁵

With respect to DRMs, although the Communication has set a powerful tone for future copyright protection for online content, employing DRM as a general term for all online content industries such as music, movie, text (newspapers and e-books) and video gaming is problematic. For example, the usage of DRM for online newspaper publishing and the music industry are at two ends of a spectrum. The music industry is gradually moving away from DRM systems while the ACAP project has only just begun introducing a new DRM technology for online newspapers and search engines.

History repeats itself in the communication on the issue of fostering the adoption of interoperability²⁶ of DRM systems for online

²² <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/5&format=HTML&aged=0&language=EN&guiLanguage=en>

²³ http://ec.europa.eu/avpolicy/docs/other_actions/col_en.pdf

²⁴ Ibid

²⁵ <http://www.culture.gouv.fr/culture/actualites/index-olivennes231107.htm>

²⁶ As per the European Software Directive, Interoperability is the ability to exchange information

content. Previously, the Directive on Computer Implemented Inventions (CII)²⁷, an EU wide legislation to harmonise rules on software patents came to an end due to disagreement over the issue of interoperability.

Therefore, not only is it necessary to differentiate between DRM technologies in different industries but also not to impose interoperability on market players which would only lead to weakening of IP protection that these market players possess. The issue of interoperability of DRMs is the technical face of a fundamental dichotomy between two aspects competition and IPRs: competition is desirable but it cannot be made possible at the expense of intellectual property rights.

Experts' Corner

The Patent Reform Act – Bryan Ray²⁸

This past September, the U.S. House of Representatives passed the Patent Reform Act of 2007.²⁹ The legislation is currently awaiting action by the U.S. Senate.³⁰ Included in the current state of the legislation are amendments to the statutory provision for the award of damages for patent infringement.

The legislation's sponsors have described these amendments as an "effort to ensure that damages awards accurately reflected the harm caused by

and to mutually be able to use that information which has been exchanged

²⁷ http://ec.europa.eu/internal_market/indprop/comp/index_en.htm

²⁸ Bryan Ray is senior consultant at NERA Economic Consulting

²⁹ H.R. 1908 – Patent Reform Act of 2007 (110th Congress; Introduced: April 18, 2007; Last Action: September 11, 2007). ("H.R. 1908")

³⁰ S. 1145 – Patent Reform Act of 2007 (110th Congress; Introduced: April 18, 2007; Last Action: July 19, 2007). On January 14, 2008, the Senate Judiciary Committee released a draft report on the Patent Reform Act of 2007 that included discussion on the background and purpose of the legislation, among other topics.

infringement."³¹ Other supporters of the legislation have echoed these sentiments and declared that the amendments are a means "to help ensure that damages are proportional to the value the [patented] invention added to the [infringing] product."³² Opponents of the amendments argue that they will unduly limit damages awards and unnecessarily constrain the approaches by which courts can measure patent infringement damages.³³

Whereas the existing statute governing the recovery of damages for patent infringement is open-ended and applied based on an accumulation of case law, the proposed amendments in the Patent Reform Act provide specific direction to courts with respect to the determination of damages based on a reasonable royalty for the infringer's use of the invention disclosed in the infringed patent.³⁴ How the proposed rules, if they were to become law, would be implemented by the courts is not clear.

The amendments include a menu of factors for a court to consider when determining damages. For instance, the court is instructed to "conduct an analysis to ensure that a reasonable royalty... is applied only to that economic value properly attributable to the patent's specific contribution

³¹ 'Leahy, Hatch, Berman and Smith Introduce Bicameral, Bipartisan Patent Reform Legislation'; April 18, 2007

<http://leahy.senate.gov/press/200704/041807a.html>

³² Representative Goodlatte (VA); 'Patent Reform Act' *Congressional Record*, Section 22 (September 7, 2007); p. H10276

³³ Representative Gohmert (TX); 'Patent Reform Act' *Congressional Record*, Section 22 (September 7, 2007); p. H10278; Representative Manzullo (IL); 'Patent Reform Act' *Congressional Record*, Section 53 (September 6, 2007); p. H10233

³⁴ The current statutory provision for patent infringement damages provides for a patent holder to be awarded damages for infringement that are "adequate to compensate for the infringement, but in no event less than a reasonable royalty." (35 USC 284) The proposed revisions in the Patent Reform Act only address the calculation of a reasonable royalty. They provide no direction on the calculation of lost profit damages.

over the prior art.”³⁵ In spirit, this makes economic sense. According to existing case law, a reasonable royalty is assumed to be the outcome of a hypothetical negotiation, at the time the infringement began, between the infringer (licensee) and the patent owner (licensor). In that negotiation, the infringer is not going to be willing to pay more to use the patented invention than what the use of the invention is worth to it—or, said differently, the incremental value of the patented invention over the infringer’s next-best available alternative.³⁶ Ultimately, a reasonable royalty is based on the ability of the patent owner to extract at least a portion of that value from the infringer in the assumed hypothetical negotiation.

A patent can create incremental value in multiple ways. For example, it may be the case that the patented invention, compared to an alternative, lowers the cost of producing a product, but in no way affects the product’s performance or how it is perceived by consumers. The patented invention may provide a feature that is valued by consumers, and thus for which they are willing to pay a premium. That premium may be directly observable in available data. For example, the product may be sold with and without the accused feature, which may provide a natural experiment from which to measure the value of the feature. Or, it may be the case that the premium is amenable to measurement by survey-based analysis. In some instances, the patented invention may be intrinsic to the product and necessary for its saleability at effectively any price.

³⁵ H.R. 1908. The sponsors of the legislation describe this as the measurement of the value of “the truly new ‘thing’ that the patent reflects.” “Leahy, Hatch, Berman and Smith Introduce Bicameral, Bipartisan Patent Reform Legislation”; April 18, 2007; <http://leahy.senate.gov/press/200704/041807a.html>

³⁶ The legislation also stipulates that “in the case of a combination invention the elements of which are present individually in the prior art, the patentee may show that the contribution over the prior art may include the value of the additional function resulting from the combination, as well as the enhanced value, if any, of some or all of the prior art elements resulting from the combination.” (H.R. 1908)

It is perhaps noteworthy that the legislation refers only to the patent’s “prior art” and not to the infringer’s “next-best available alternative.” Reasonable technical alternatives to the patented invention may not be limited to some defined prior art. Furthermore, other economic alternatives to the use of the patented invention may be available to the infringer. The best of these possible alternatives will constrain the infringer’s willingness to pay a royalty for the right to use the patented invention. Accordingly, on its face, the legislation may inappropriately preclude a damages analysis from considering possible viable alternatives to using the patented invention that may limit the invention’s incremental value to the infringer.

Importantly, the incremental value of a patented invention, relative to the infringer’s next-best available alternative, might not be limited to some portion of the profits earned on only the infringing product. That is, the infringer may earn profits, beyond those directly connected to the infringing product, that are attributable to the patented invention. Possibly in this vein, the legislation stipulates that “damages may be based upon the entire market value of the products or processes” for which the patented invention creates demand.³⁷

Finally, in apparent recognition of the extensive case law on the measurement of patent infringement damages, the amendments allow the court to “consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.”³⁸ How the courts would integrate the proposed damages provisions with the existing case law is uncertain.

Although the damages provisions of the Patent Reform Act contain some ambiguity, they are broadly based on an economic framework for determining a reasonable royalty. They recognize that a patented invention’s value derives from its incremental contribution to profits. They also recognize that the incremental value of the

³⁷ H.R. 1908

³⁸ Ibid

patented invention may not be limited to the single component or even product in which the patented invention is embodied. And, finally, they recognize that a patented invention may be only one of multiple features of a product that contribute to the demand for the product. These concepts are by no means new, and some courts and some damages experts already understand and apply them.

New and Notable

A New Tune for the Music Business – Simon Moore³⁹

2007 was a year of experimentation for the music industry. Major record labels began to shift away from their use of DRM technologies, throwing their weight behind projects from Apple and Amazon, amongst others, to sell music online, DRM-free.

The most unexpected developments, however, came from outside the majors, with veteran artists opting for more unorthodox retail methods in a bid to revive interest in their work. Radiohead left their previous business partners, EMI, and re-established control over their own IP rights. Subsequently, they self-released their album *In Rainbows* online, with customers allowed to choose how much they would pay for it. Prince launched his newest album, given away for free with copies of the UK newspaper the *Mail on Sunday*. Madonna left her record company Warner Brothers, and struck a deal with concert promoters Live Nation's new recording division.

Radiohead's venture drew the most column inches, with opinion divided over whether it constituted a success or a failure. An early report on the project by analysts comScore found 62% of downloaders chose to pay nothing for the album, with the average price being \$6. More than half the revenue from the project was taken

from just 12% of purchasers, who paid over \$8.⁴⁰ Radiohead have not released any official figures.

While much of the media coverage focussed on the 62% who downloaded for free, it is perhaps more interesting that 38% opted to pay something when under no obligation to do so.

With the music industry still struggling to combat piracy, and with attempts to control use through DRM not having had the desired impact, the 'Radiohead model' offers an alternative approach to the problem. Experienced rockers The Charlatans have already announced plans to release their next work in a similar way, while rumours swirl around other big-name acts not currently attached to traditional record labels.

However, there are obvious pitfalls to the approach, which must be recognised by those advocating it as the way forward. Radiohead are a well-established band with a large fanbase, more able to generate the publicity – and hold the goodwill – to be able to afford to experiment. They were also able to bolster revenues with a traditional CD release, and a £40 collector's edition version. Artists without Radiohead's track record may not be able to do without the marketing and exposure that the traditional labels provide.

The Prince and Madonna deals signified a shift in focus for established stars, with live performances rather than recordings becoming the main focus of attention. Records are increasingly being used to drive concert ticket sales, reversing the conventional pattern.

All three arrangements will see the artists becoming the direct recipients of the bulk of revenues, without the record companies taking a cut. Removing the middle-man may help artists who have little use for the services they provide. Artists with large bank balances do not need the initial capital record labels offer, and acts with large fan bases will sell out arenas without the need for expensive marketing campaigns. But not

³⁹ Simon Moore is an adjunct research officer with the Stockholm Network

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http://technology.timesonline.co.uk/toll/news/tech_and_web/the_web/article2817679.ece

all musicians find themselves in such a position. For many, the start-up capital is needed simply to pay the bills during an otherwise income-free period of writing and recording. Equally, record companies provide many artists with studio time, production services, and other auxiliary support as part of the contract under which they control the artists' rights. Many of these groups will find the conventional arrangement sufficiently beneficial not to want to move to a riskier business model. And even with the rise of MySpace and other Internet-based ways of reaching new audiences, the increased exposure that traditional labels can offer may mean the difference between survival and failure.

Reports of the labels' death are clearly premature, but recent events certainly challenge traditional business models and force both the labels and the artists to innovate and rejuvenate to the benefit of consumers.

New Publication

***Developing Countries and Pharmaceutical Intellectual Property Rights: Myths and Reality* by Felix Rozanski**

Felix Rozanski, an Argentine lawyer and MPIA at Pittsburgh University seeks to demystify debates around intellectual property rights and global health. Taking some of the commonly held assumptions around patents and access to medicines, the author challenges the view that the needs of the developing world inherently come into conflict with the need to protect intellectual property in the pharmaceutical industry.

In fact, evidence of positive post-TRIPS developments highlights that the balance achieved by international intellectual property agreements like TRIPS have been beneficial for developing countries, in terms of growth, foreign direct investment, manufacturing, exports, and the decentralisation of R&D. Therefore, the international focus should be shifted away from obstructing the spread of intellectual property rights and towards encouraging TRIPS compliance.

http://www.stockholm-network.org/downloads/publications/Developing_Countries_and_Intellectual_Property_Rights_Myths_and_Reality_6.pdf

News Flashes

Top Stories in the World of IP and Competition

1. The biggest overhaul of the European Patent Convention since the 1970s, known as EPC 2000 (it was agreed by European states back in 2000) came into force on 13 December 2007. The changes include new implementing regulations, new rules and new examination guidelines.

<http://www.epo.org/patents/law/legal-texts/epc2000.html>

2. The European Council agreed a blueprint for having a single patent litigation system to assess legal actions contesting the validity of a patent throughout the EU.

<http://www.ip-watch.org/weblog/index.php?p=837>

3. Just when it seemed safe to come out again, the European Commission has launched two further inquiries into alleged anticompetitive practices from Microsoft. The first contends that MS deliberately hindered interoperability for rival office suite makers, while the second objects to the bundling of Internet Explorer with new copies of Windows.

<http://www.ft.com/cms/s/0/a1a0d11e-c30e-11dc-b617-0000779fd2ac.html>

4. And, just a few short days later, the Commission also announced an investigation into several large pharmaceutical firms, including GlaxoSmithKline, AstraZeneca, and

Sanofi-Aventis, over alleged abuse of patent privileges to delay generic competitors. Interim findings are expected in autumn, with the full report due in spring 2009.

<http://www.ft.com/cms/s/0/072c76d8-c426-11dc-a474-0000779fd2ac.html>

5. Apple cut the price it charges for a song in the UK from £0.79 to € 0.99 (£0.74) in an effort to standardise prices across Europe on 9 January 2008. This change comes six months after the European Commission launched an investigation into Apple's pricing practices.

http://us.ft.com/ftgateway/superpage.ft?news_id=fto010920081516091323

6. Consumers in the UK could get the right to transfer music or films between CDs and MP3 players without fear of breaking the law under new proposals outlined by the UK government. Lord Triesman, the then minister for Intellectual property launched the proposal for format shifting on 8 January 2008.

<http://www.ipo.gov.uk/press/press-release/press-release-2008/press-release-20080108.htm>

7. The Council of Europe will negotiate an agreement to protect broadcasters' signals from piracy, pending approval from its committee of ministers. Last year the WIPO negotiations to sign a broadcasters' treaty came to a standstill.

<http://www.ip-watch.org/weblog/index.php?p=864>

8. The US Library of Congress Copyright Royalty Board (CRB) set royalties for satellite radio services in the US on 3 December 2007. The royalties have been set for a period from 1 January 2008 to 31 December 2012.

<http://www.loc.gov/crb/proceedings/2006-1/rates-terms-2006-1.pdf>