

INTEGRATION, TECHNICAL COOPERATION AND THE FUTURE OF LATIN AMERICA REGARDING PATENTS

THE MAJOR PATENT OFFICES

Globally there are three major patent offices: the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO) and the Japanese Patent Office (JPO). Like WIPO, the three offices have as one of its objectives, to support at a worldwide level the strengthening of institutions responsible for administering intellectual property rights, particularly in developing countries.

In the last twenty years with an investment of millions of dollars, the three offices have collected most of the patent information worldwide since the early twentieth century. With this information they have created a Web search system that streamlines the processing of patent applications and eliminates the duplication of work in patent offices in each country.

Given this development, an interesting and practical alternative to implement an effective patent system in Latin America arises from the possibility of improving technical cooperation with the ultimate goal of achieving the creation of regional patent offices, similar to EPO.

The model to follow would be EPO because it already converges in more than 30 states having originally different cultures, languages and systems.



TECHNICAL COOPERATION IN LATIN AMERICA¹

Regional Cooperation

- Mercosur
- Mercosur expanded (+ Chile + Bolivia)
- OTCA (Amazon countries)
- Andean Pact
- South America: + Suriname
- Latin America: Central America + Mexico +

South American Cooperation in Industrial Property

- Components:
 - Integrated Data Base
 - Common System Platform
 - Cooperation in exams
 - Common Interface for filing patent and trademark applications
- Institutional Support
 - National IP Offices in South America
 - BID
 - WIPO
 - EPO

South American Industrial Property Database

- Components:
 - Technological Information Database
 - Patents and Patent Applications in South America
 - Applications and Trademarks granted in South America



- Search Report and examination of trademarks and patents
- Databases:
 - Database of IP national offices
 - EPOQUE - EPO
 - PatentScope - WIPO

Application of new interfaces

- Access to technological information
- Operational Interfaces
- Interface for the deposit of trademarks and patents in any country of the region
- Interface for contributions to patent examination
- Interface for filing of appeals, oppositions and invalidity (“post-grant oppositions”)
- Interface monitoring processes
- Training on-line

FUTURE POSSIBILITIES

The protection of intellectual property rights, in other words, the observance of existing rules in this matter is a subject on which Latin American countries, one way or another, have similar characteristics. Despite having an interesting law and institutions engaged in the administration of Intellectual Property, the realities of economic informality and social marginalization that act as a backdrop to all of these countries, determine a poor understanding and a diminished respect for this type of rights. However, policies and actions aimed in achieving a greater and effective protection of intellectual property rights and the dissemination of its importance to the **development of creativity should be understood as generating progress indisputable** as it is demonstrated that the mass of the patent system engenders a cycle of economic and social benefits that can **raise the quality of life of individuals.**



An improvement of the protection system to industrial property, has great benefits:

- It is efficient for the dissemination and technology transfer
- Facilitator for countries with little tradition in patents
- Provides information quickly
- Provides Legal Certainty
- Minimize transaction costs
- It brings the world within reach;
- The steps are easy and safe using electronic filing program of WIPO.

Regarding the implementation of regional patent offices for Latin America, these would also generate us many benefits because they would serve as a practical tool to deal with the future wave of patents, to encourage the development of the region and to strengthen the technical cooperation required by a global world.

As already mentioned, a first step could be a South American industrial property database having records of registration of trademarks and patents in South America, as well as search reports and effected examination of trademarks and patents, in order to have a real common systems platform since this is what the globalization requires for the XXI century.

No doubt all of these measures ultimately will lower the transaction costs and would improve the innovation by encouraging more spending in the research and development, an outstanding debt that Latin American companies still hold.

In summary, for Latin America, to understand the true importance of patents is of a vital value if in future it desires to compete and change the primary export matrix that currently holds (which in the long run is always unsustainable) to another that begins to export a large scale technology.



This requires that the region bets today for the scientific development and that is only possible when there are clear rules. In this case, the modern and more efficient regulation in all matters relating to patent rights is that the PCT offers, therefore, its adoption should be a point on the pending agenda for Latin American countries which have not yet adhered to the PCT.

Undoubtedly, the strengthening of the patent system forges a large-scale virtuous cycle that attracts not only large investments but also encourages the development of knowledge by achieving a SUSTAINABLE improvement in quality of life of individuals.

