



## *2006 Conference Series on Specialized Trade Policy Issues*

# **INTELLECTUAL PROPERTY, TRADE AND ECONOMIC DEVELOPMENT: SEEKING CONSENSUS**

March 7<sup>th</sup>, 2006

MARC Pavilion

Florida International University, Miami, Florida

## **BRIEF & SUMMARY**

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### **Background and Objectives**

The protection of Intellectual Property rights (IPR) is among the most critical and contentious issues in current international trade negotiations worldwide. With the advent of the WTO in 1995 after the Uruguay Round of trade negotiations, most WTO member countries also signed the Agreement on Trade Related Aspects of Intellectual Property (TRIPS). Eleven years later, the IPR terrain in trade agreements – old and new - remains unsettled.

Active controversies now swirl through this hemisphere and beyond over TRIPS compliance and enforcement. At the same time, a determined push to expand IPR protections beyond TRIPS - and a corresponding pushback by developing country members - has added contentious new issues. Knotty legal issues are conjoined with socially sensitive questions of public health, technology transfer, and poverty. Commercial and economic interests collide with intensely political, nationalist and ideological sentiments.

In this context, the Summit of the Americas Center (SOAC) at the Latin American and Caribbean Center (LACC) of Florida International University (FIU) and the Center of Studies on Economic Integration and International Trade (INTEGRAL), have established a **Joint Working Group on Trade and Intellectual Property** to follow the evolution of this field. We seek to create opportunities for reflection that will convene representatives of international organizations, governments, the private sector, trade associations, non-government organizations, legal experts and academics. SOAC/INTEGRAL Working Group will organize a continuing conference and seminars series to contribute to innovative discussion and resolution of IPR issues.

### **The Colloquium<sup>1</sup>**

#### ***Presentations***

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<sup>1</sup> Annexed at the end of this brief: Colloquium Program and Presenters' Bios. The presentations can be opened and downloaded from [www.f-integral.com/index.php?id=41](http://www.f-integral.com/index.php?id=41) and [www.AmericasNet.net](http://www.AmericasNet.net)



The Colloquium was opened by welcoming presenters and participants. **Carl A. Cira, Director of the Summit of the Americas Center (SOAC)**, briefly explained the conference objectives and the constitution of the **SOAC/INTEGRAL Joint Working Group on Intellectual Property Issues** and summarized the short and medium term activities contemplated to reach the project's proposed goals. Cira made a special mention concerning the invitation to the World Intellectual Property Organization (WIPO) to participate in the Colloquium, noting that Mr. Marcelo Di Pietro, Vice Director of the WIPO Latin American Division had sent a communication of support and expressed his regrets for not being present, due to previous commitments.

In the first module, **Dorian Mazurkevich of the Office of Enforcement, U.S. Patent and Trademark Office**, described current main issues in multilateral and regional trade negotiation agendas, and their significance for countries, private companies and civil society.

He briefly explained the reasons for including IP on the multilateral agenda: the growth in world trade, the increasing importance of global IP protection, and the insufficiency of existing international legal provisions – the lack of IPR enforcement by national judicial authorities, the lack of an IPR dispute settlement mechanism between States, and the obsolescence of standards.

Among the current issues under TRIPS and other trade negotiation agreements, Mazurkevich mentioned and explained: Trademarks, Geographical Indicators, Enforcement, TRIPS-plus provisions, Patents, Data Exclusivity, and the Convention on Biological Diversity (CBD).

The following points were emphasized:

- The importance of **Geographical Indications** as source-identifiers, guarantees of quality and business interests. Examples mentioned were: Idaho potatoes, Napa Valley wine, Egyptian cotton, and Colombian coffee.
- The need for **Effective Enforcement provisions**, particularly to improve TRIPS standards, such as pre-established damages available at election of right holder, destruction of goods found to be infringing and the materials and implements used to produce them, enforcement procedures for technical protection measures and rights management information, "ex-officio" authority for customs officials to enforce criminal and border measures, and criminal procedures even absent motive of financial gain, among others.
- Reaffirmation of **Data Exclusivity** – test data that demonstrates drugs' or agrochemicals' safety and efficacy as a requirement of regulatory authorities for marketing approval – provisions for pharmaceuticals and agrochemicals.

Three different views were presented in the second module on the expectations and proposed changes in TRIPS after the WTO Hong Kong Ministerial Conference.

The first presentation, by **Luiz Beaklini, Advisor to the President, National Institute of Intellectual Property of Brazil**, referred to the joint Argentina-Brazil proposal for establishment of a new development agenda for WIPO, co-sponsored by Bolivia, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania and Venezuela, through the formation of the Group of Friends of Development.



Beaklini asserted that this proposal seeks to formally incorporate the development dimension into WIPO's work, and to make development promotion a main goal. These objectives imply, among other points, that the evaluation of IP protection benefits should not be automatic – i.e., only measured by the presence of IP legislation and enforcement –, and that a critical examination has to be made of the implications for developing countries of the adoption of increased IP protection standards.

The aforementioned proposal includes recommendations on four main points: Norm-Setting, Technology Transfer, Mandate and Governance; and Technical Assistance and Evaluation.

Beaklini covered each of these points, and his conclusions can be summarized as follows:

- Norm-Setting issues: New treaties should consider the impact on economic development, using impact assessments and research on existing WIPO administered treaties and open WIPO discussions and decisions, with participation of public interest groups in discussions on an equal footing with right holders associations.
- WIPO's Mandate and Governance: Development should be a central dimension in any negotiation involving IP systems. Strengthening the role of Member States in WIPO's decisions, establishing an independent evaluation and research office, and providing a transparent and objective mechanism to evaluate WIPO's programs and activities, are the main recommendations on this point.
- Technical Assistance: Assuming that the development dimension of IP is not the same thing as technical assistance, and thus that more IP protection does not automatically lead to more innovation and to economic and social well-being, the proposal seeks broader transparency and Member State participation in the design, delivery and evaluation of technical assistance.
- Technology Transfer: Recommendations involve an appropriate protection criteria, balanced monopolistic rights resulting from IP protection, and a well-balanced design or IPR as regards exceptions for prior users, experimental or fair use, adequate disclosure, efficient and working requirements and misuse defenses, in order to strengthen competition policy and encourage private action against undue claims for protection.

The second presentation, by **Rodrigo Borges Carneiro of the Dannemann Siemsen Institute for Intellectual Property in Rio de Janeiro**, adopted a slightly different approach regarding this subject, while reaching quite similar conclusions that can be summarized as follows:

- IPR is a necessary condition and an assistance to foster innovation.
- Without IPR there is no incentive to the growth of markets.
- Nevertheless, IPR must not be supreme, but must be balanced between the interests of the right holders and the users - the public, researchers and the government.
- The potential of IPR must be a concern not only for developing or least developed countries, but also for developed countries and the United States.
- WTO must acknowledge that the TRIPS timeframe for developing and least developed countries to implement IPR legislation was too short, a fact partially recognized in the recent WTO Hong Kong Ministerial agreements.
- Regarding IPR health-related issues there must be a delicate equilibrium, particularly as to safeguards against diversion of medicines with production licenses agreed for a least developed country using the public health needs as a justification.



- The push to fully include the development dimension in the WIPO's agenda is a positive element in the understanding that the system must work for everybody.
- At the same time, as with all progress, a great responsibility appears for developing and least developed countries, because they must renew a commitment to IPR as part of their strategic planning.

In the third presentation, **Lauren Perez, Vice President of Regulatory Matters, Sandler, Travis & Rosenberg, P.A., Miami**, offered a challenging view on TRIPS and its future. Perez began by agreeing that many poor countries feel the developed world is demanding too much by pressing the developing countries to bring their legislation up to western standards at huge costs while being almost unable to access any of the promised benefits. She noted as well that IP theft and counterfeit goods produce large revenue losses for companies and reduced international trade flows. She then presented seven hypotheses concerning the factors that TRIPS future depends upon:

- The success of global efforts to eliminate piracy and counterfeiting activity to avoid placing developed countries at a competitive disadvantage in the global economy and to assure developing countries the true benefits and wealth available through effective IPR protection and enforcement.
- The commitment of all member countries, at all times, to TRIPS objectives.
- An end to developed countries pursuit of self-serving FTA's to ensure that TRIPS remains (or becomes) a commitment reflective of both developed and developing countries' priorities and of equal import to all member countries.
- The elimination of national IPR exhaustion policies and the acceptance of compulsory licensing and parallel importation as the only means to ensure global competition which, in turn, will ensure equal access to medicines, technologies and knowledge.
- Acknowledgement by developed countries of their vulnerabilities in a knowledge based global economy in which IPR's can easily be manipulated by developing countries against IPR owners without measurable costs to national populations.
- A genuine, measurable commitment from all member countries to foster policies promoting social welfare even if this requires liberalization of IP rights.
- Acknowledgement by the US and other developed nations that obtaining global consensus on IPR protection is NOT as important as international collaboration on efforts to treat fatal diseases, decrease poverty and eliminate world hunger.

The Hong Kong Agreement on IPR and access to medicines was the topic for the third module, in which two presentations were made.

The first one, by **Rodney Lopez, Public Affairs Director, Merck, Sharp & Dohme, Candean Region**, reviewed the main realities and myths about pharmaceutical industry positions within free trade agreements with the United States.

He started by stressing the importance of pharmaceuticals and their role in mortality and morbidity reduction, decrease of losses in labor productivity, and in R&D investment, in contrast with the risks that pharmaceutical industry faces because of the nature of its activity. From his point of view, pharmaceutical research is a search for treatments and cures for diseases still without a satisfactory treatment, subject to increasing documentation requirements for approval, with a development term of between 8 and 14 years, an investment of about 800 million dollars per product, and producing more than 90% of innovative products in the market.



The process to produce a new medicine is complex, long, expensive, arduous and uncertain: only one out of 5,000 molecules originally investigated succeeds and arrives in the market, and consequently, the pharmaceutical industry is the most important industrial sector in terms of R&D, allocating to R&D two out of every ten dollars in sales income.

The continuity of the research in new drugs requires several conditions, among them:

- Research and innovation aptitude
- High value-added products
- Cost efficiency
- Ability to rapidly introduce new products
- Concentration in key skills
- Availability of financial resources
- Certainty of the respect of IPR
- Respect of legislation

Within this context, patent legislation allows companies to recover R&D investment and promote innovation, as well as to finance investigation in new drugs. On the other hand, patents do not give absolute monopoly power – since there are multiple alternatives available –, and nominal protection of 20 years is equivalent to not more than 8 to 12 years of real protection, considering the time spent between the patent submission and the product marketing authorization. In the same vein, data protection allows exclusivity for five years after the market authorization.

That said, Lopez named the most common myths presented as negative factors when negotiating free trade agreements, advancing contrary evidence:

- Myth: Disappearance of local industry. Fact: patent legislation required by trade agreements has no retroactive effects; moreover, countries with the best patent legislation are those with the most solid markets for generic products.
- Myth: Medicine prices will grow and access for the poorest will decrease. Fact: evidence presented by World Bank studies (National Economic Research Associates) show no proven relationship between patent protection and medicine prices.

Lopez's conclusion stressed the need to get the most out of the implicit social contract in the system, through granting an expanded access to products of optimum quality, considering cost-benefit aspects, building up a market of authentic generics, promoting regulatory offices with adequate human and financial resources, and taking into account the advantages for local investment development.

The second presentation, by **J. Craig Phillips, School of Nursing, Florida International University**, offered an approach based upon the codification of health as a human right, by several international human rights instruments – the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, and the Constitution of the World Health Organization. Also cited were the Inter-American System of Human Rights in the Additional Protocol of the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador), and the American Declaration of the Rights and Duties of Man.



Within the human rights context, public health goals should be: a rapid and effective response to public health needs and crises, quality medicines at affordable prices, effective competition – multiplicity of suppliers – wide range of medicines to meet basic health needs of the population, and equality of opportunities for countries in need.

A second set of the information given dealt with four main health-related issues: R&D funding, the reason for patent protection, the medicines being developed, and the relationship between pharmaceutical spending and access to essential medicines.

- Regarding R&D, Phillips presented data showing that pharmaceutical R&D is divided in two parts based on whether funding is public or private. Public funding, mostly by high-income and transition countries, accounts for 47% and private funding, mostly by the pharmaceutical industry, amounts to 42%.
- Benefits of protection (innovation critical to new drugs development, prices based on what the markets will bear).
- Negatives of patent system, (high cost of new drugs, neglect of diseases affecting the world's poor, difficulties of access in high-income countries),
- Access to medicines. Phillips stressed that drug development is driven by market forces and not by health needs indicators – i.e., only 10% to 20% of pharmaceutical R&D is used for 90% of the world's disease burden. While pharmaceuticals account for 1.4% of world GDP and high-income countries spend about 80% of it, low-income countries account for only 2.4% of spending and access to essential medicines is severely restricted (1.3 to 2.1 billion people without access, with Africa and India worst affected). In this respect, Phillips mentioned generic competition, differential pricing, bulk purchasing and compulsory licensing as factors that can increase affordability. As well, he emphasized the importance of a rational use of medicines through appropriate prescribing practices, avoiding overuse of unnecessary medicines, evidence-based diagnostic and treatment guidelines, and monitoring and regulation of medicines.

Three main conclusions were stated from Phillips' presentation:

- International law holds governments accountable for human rights.
- Multinational corporations are not governed by these international treaty agreements.
- Public Health goals require commitment of multiple actors – governments, corporations, and private citizens –.

The last module dealt with the relationship between IP, Investment, Technology Transfer, and Enforcement Issues, and their influence on business decisions.

Four presentations were made. In the first, **Eric Garduño, Executive Director, International Intellectual Property Institute, Washington, D.C.**, focused on innovation and its relationship to economic growth and IP protection, through a series of research studies on these issues.

Defining innovation as a country's ability to create and absorb new technology, and implement new technology in economic production, Garduño asserted that:

- Growth rate disparities between countries are the result of differences in the efficient use of inputs as opposed to endowments (resources, capital, labor)



- Technological innovation drives labor productivity, a key input
- Effective property rights protections and learning-by-doing are two factors that affect the rate of technological change
- Property rights create incentives to produce new technology
- The rate of technological change can be affected by specific institutions and activities within the economy

To justify these assertions, he discussed four questions in the light of research conclusions:

- Do IPR's spur technological change *within* a given market?

Correlation shows “unambiguous significance” of IPR's in encouraging R&D investment expenditure and that countries with stronger IPR protections invest a greater percentage of their GDP in R&D than countries without strongly IPR protections.

- Do IPR's attract foreign technology inflows via FDI?

Conclusions stated that perceived IPR strength has a “substantial effect” for FDI inflows, with particularly strong effects for particular industries with highly sensitive technology, such as the chemical and pharmaceutical industries.

- Do stronger IPR's increase international technology transfer flows via licensing specifically?

The study shows that where developing countries have moved to address weaknesses in these areas in recent years, they have tended to experience enhanced access to technology through licensing.

- How do IPR's affect arms-length licensing?

US receipts of unaffiliated royalty and licensing fees increase with the IPR strength of the technology recipient country, and patents promote arms-length technology trade.

Garduño's final conclusion was that effective IP policies should respond to three premises:

- (1) establish intellectual property laws that support industry,
- (2) provide effective IPR administration and enforcement so that industry can rely on the rights they are granted, and,
- (3) implement policies that help companies use IP to establish competitive advantages.

The second presentation, by **Diego Stecchi, Regional Director, Latin America and Caribbean, Salvatore Ferragamo Group**, focused particular attention on the importance of IP for companies in which innovation plays a key role for business development.

The Ferragamo Group, originally founded in 1927, is today one of the world's most important and best known 'Made in Italy' luxury brands, standing for consolidated craftsmanship and creative innovation, two factors of excellence identifying the brand which have developed considerably over the years. Since its origins, Ferragamo Group has placed great importance on intellectual property and its links with creativity.



Its ongoing success in business is based upon quality, contemporary elegance and innovation as distinguishing features that give the brand its ultimate worth and universally recognized authenticity. Top quality materials and processes, imagination, color and design, the latter being both creative development and application of know-how rooted in a long history of craftsmanship and cultural sensibility, are among the characteristics that explain the 'Made in Italy' success story.

Since the company was built and grown basically from an innovation strategy applied to designs and supported by its exclusivity rights over them, its losses caused by counterfeiting and piracy are not only of a significant amount in terms of market share reduction, but, most important, because branded products lose the distinctive characteristic of exclusivity when counterfeited, so that the targeted consumers stop buying Ferragamo products because they no longer imply exclusivity.

The third presentation, by **Javier Asensio**, Director of Performance Rights, Latin America Division, IFPI, described the role and actions of the International Federation of the Phonogram Industry (IFPI) Latin America, in fighting against music piracy, promoting fair market access and adequate copyright laws, and promoting the value of music in the development of economies.

Through its thirteen national group offices located in nine Latin American countries, IFPI attacks music piracy at all levels: street, warehouses, laboratories, seizing illegal imports, lobbying for government actions and strengthening criminal and IPR laws, and communicating and publicizing the IFPI message and successes.

- To attack piracy at **manufacturing, importation, wholesale and retail levels**, IFPI, with local police forces, organizes and carries out street raids as a short term action. In the medium and long term, its actions focus on targeting key players and promoting legislation and education, as well at regional, national and local levels.
- At **retail and wholesale levels**, the main actions are: leveraging the investment by having local police act on IFPI behalf, identifying retail and wholesale locations where pirated products are being sold, manufactured or stored, drawing up raid plans, drafting search warrants, and arranging raids through law enforcement contacts. Finally, seizure of pirated copies discourages retailers and removes the pirated product from high traffic areas.
- At **the border, seizures** are planned and executed as the most efficient method, using IFPI contacts in Customs to identify legally impound, and destroy suspect shipments.
- At **manufacturing level**, a considerable success has been reached at raiding factories producing pirate products, having previously used surveillance, informers and undercover operatives to gather evidence.

IFPI has regional and local intelligence offices, where intelligence is gathered and analyzed to enhance the effectiveness of enforcement actions.

**Alfredo Ruiz, President, CropLife Latin America**, began by describing his organization and the CropLife Network, stressing their role in assembling National Industry Associations and Leading Plant Science Companies, to support their operation in the areas of invention, development, manufacturing and selling products and services to improve the global production of food, feed and fiber.



Given the complexity of producing a new agricultural chemical and thus the importance of an adequate IPR protection through patents in major markets, the presentation focused on data protection, its relevance, its benefits and the common myths around this issue.

First, Data Protection legislation protects research efforts and investments made to demonstrate the safety and efficacy of the new chemical entity – through registration data – and obtain the sales permit. Second, it offers the first registrant temporary exclusive use of registration data resulting in market advantage that allows the innovator to recoup the investment in a balance between fair competition and access to market. Once the exclusivity period is over, a second registrant can use the data to register his product as long as this product is equivalent to the first product registered, according to the FAO specifications that drive the equivalence demonstration process.

Thus, data required by the FAO equivalence procedure data will demonstrate safety of a copy product to the health and the environment. As for equivalent products Regulatory Authorities can rely on the Extensive Registration Data submitted by the first registrant, once the exclusivity period expires, the combination of Data Protection and a sound process to grant Registration, guarantees that only quality agrochemical products enter the market, resulting in increased protection to the farmers, the consumer and the environment.

Ruiz's presentation rejected three of the most common arguments against Data Protection, stating that it is not an extension of the patent, for the reasons stated above about the registration process. It is not designed to block competition, but to properly protect investments, and it will not close the market to generic products, instead assuring the quality of copy products entering into the market.

The position of the Plant Science Industry was summarized in three main postulates:

- Ensure to the titleholder of the studies a minimum of ten years exclusivity period of the Registration Data for new chemical entities, plus five years of compensation.
- Ensure a five-year protection for Additional Data requested by the authorities to maintain market approval.
- Copy products must demonstrate chemical equivalence to the first product that entered the market according to the FAO equivalence procedures.

The main questions and discussions held among conference participants focused on the relationship between IPR provisions (in the WTO context as well as from bilateral or regional Free Trade Agreement negotiations) and economic development. Other relevant issues that received considerable attention by participants related to the enforcement of IPR commitments and the difficulties of developing and underdeveloped countries to effectively comply, together with the necessity of a multidisciplinary approach to these problems.

**Carl A. Cira** summarized the main issues presented and discussed, emphasizing the usefulness of the ideas issued from presentations and debates to serve as an input to the future Joint Intellectual Property Working Group (JIPWG) program of activities. Cira and **Rodolfo Rua Boiero of Integral** expressed the gratitude of the organizers to all of the participants and invited them to remain involved in the work of the JIPWG as de facto members of the group.



## ANNEX I

### INTELLECTUAL PROPERTY, TRADE AND ECONOMIC DEVELOPMENT COLLOQUIUM PROGRAM

**1:30 pm – 2:00 pm** Registration of Participants

**2:00 pm – 2:15 pm** Opening Remarks

- **Eduardo A. Gamarra**, Director, Latin American and Caribbean Center, FIU
- **Carl A. Cira**, Director, Summit of the Americas Center, FIU
- **Rodolfo Rúa Boiero**, President, Center of Studies on Economic Integration and International Trade, Integral

**2:15 pm – 2:45 pm**

#### A REVIEW OF THE PRINCIPAL ISSUES IN INTERNATIONAL INTELLECTUAL PROPERTY, LAW AND POLICY

- **Dorian Mazurkevich**, Attorney-Advisor, Office of Enforcement, United States Patent and Trademark Office

**2:45 pm – 3:00 pm** Question and Answer Session

**3:00 pm – 4:00 pm**

#### THE DOHA AGENDA POST-HONG KONG, EXPECTATIONS AND PROPOSED CHANGES IN TRIPS

Moderator: **Hannibal Travis** – Assistant Professor, FIU College of Law

- **Luiz Otávio Beaklini**, Advisor to the President, National Institute of Industrial Property, Brazil
- **Rodrigo Borges Carneiro**, Attorney, Industrial Property Agent, Dannemann, Siemsen, Bigler and Ipanema Moreira, Dannemann Siemsen Advogados, Brazil
- **Lauren V. Perez**, Vice President of Regulatory Matters, Sandler, Travis & Rosenberg, P. A.

**4:00 pm – 4:15 pm** Question and Answer Session



**4:15 pm – 4:45 pm**

### **HONG KONG AGREEMENT ON IPR AND ACCESS TO MEDICINES**

Moderator: **Rodolfo Rúa Boiero** – President, Integral

- **Rodney Lopez**, Merck, Sharp & Dohme
- **J. Craig Phillips**, Clinical Nurse Specialist, Mercy Hospital, Miami; former Adjunct Clinical Professor, Community Health Nursing, FIU School of Nursing

**4:45 pm – 5:00 pm** Question and Answer Session

**5:00 pm – 6:00 pm**

### **INTELLECTUAL PROPERTY, INVESTMENT, TECHNOLOGY TRANSFER AND ENFORCEMENT ISSUES: IPR IMPORTANCE IN BUSINESS INVESTMENT DECISIONS**

Moderator: **Norma Felix**, Associate Consultant, Center of Studies on Economic Integration and International Trade, Integral

- **Eric Garduño**, Executive Director, International Intellectual Property Institute (IIPi)
- **Diego Stecchi**, Regional Director, Latin America and Caribbean, Salvatore Ferragamo
- **Javier Asensio**, Director of Performance Rights, Latin America Division, International Federation of Phonographic Industry (IFPI)
- **Alfredo Ruiz**, President, CropLife Latin America

**6:00 pm – 6:15 pm** Question and Answer Session

**6:15 pm – 6:30 pm** Summary and Conclusions



## ANNEX II

### PRESENTERS

#### **Javier Asensio**

**Director of Performance Rights for Latin America at the International Federation of Phonographic Industry (IFPI).** Mr. Asensio has overall responsibility for the efficient and adequate development of licensing, collecting and distributing activity of performance rights throughout the Latin American region. He oversees all of the major functional teams involved in the collection performance rights field for the region. He is responsible for reviewing and training national teams as well as developing teams where enforcement or licensing is absent. Before joining IFPI in 1999, Mr. Asensio was managing director of the Spanish Performer's Society (AIE), a collecting society of Intellectual Property for Performers in Spain, whose principal task is to collect and distribute the legally established economic rights of artists: public communication, private copy, rental rights, etc. Mr. Asensio began his professional career in 1987 in the Spanish Association of Electronic Industries (ANIEL) as director of consumer electronics. He received a master's degree in business administration from Universidad Complutense, Madrid, in 1986 and a technical degree in information technologies from Universidad Pontificia, Madrid in 1987.

#### **Luiz Otávio Beaklini**

**Advisor to the President, National Institute of Industrial Property, (INPI) Brazil.** Mr. Beaklini joined the Brazilian Patent Office – INPI in 1978, and has held almost all of the main positions: chief of one of six Divisions of the Directory of Patents, director of Patents (October 1999- October 2004) and acting president of INPI (January, 2003-August, 2004). As such, he was a Member of the Brazilian Delegation to various committees at WIPO Headquarters: PLT, Reform of PCT, SPLT (Geneva, 2001-2004). He is also Adjunct Professor at the Fluminense Federal University School of Engineering, teaching Industrial Property (Niteroi, RJ, 1983-present). From 1994 to 2002, he was Instructor and Lecturer of the WIPO/INPI Industrial Property Seminar for Developing Countries (Seminario de Propiedad Industrial Para Países en Desarrollo), held annually at INPI for officials from Latin American Industrial Property Offices, and from 1980 to 2002, he was Instructor for groups of new examiners and other trainees (Brazilian PTO Patent Academy). Member of the drafting committee for the Patent Regulations and member of the committee responsible for the preparation of the *Manual For Patent Examination* and the *Applicants Guide For Patents* under the new Brazilian Patent Law (1996-1997). He has been a visiting scholar at George Washington University (USA) (September 1997 – March, 1998); an industrial property specialist at WIPO, UNDP (Rio de Janeiro, 1978); a group training in Industrial Property Systems at the Japanese Patent Office and Japanese Government (Japan International Cooperation Agency, Tokyo, Japan - 1988). Mr. Beaklini received his M.S. in Civil Engineering from Fluminense Federal University School of Engineering in 1988.

#### **Carl A. Cira**

**Director of the Summit of the Americas Center (SOAC)** at Florida International University. Mr. Cira led the Technical Committee of the Americas Business Forum held November 17-21, 2003 in Miami during the FTAA Western Hemisphere Trade Ministers Meeting. There SOAC organized eleven two-day ABF-FTAA Workshops for 850 participants directing 50 Workshop Authorities. Previously, Mr. Cira conceived and began SOAC's twice-yearly International Trade Negotiation Skills Course in Spanish building trade management capacity in the Americas. Over 345 persons from 20 countries completed SOAC courses



since 2000. Before joining FIU in 1999, Mr. Ciria was a US Foreign Service Officer for 15 years in Latin America with the US Agency for International Development. Most recently he was USAID Mission Director in Bogotá, Colombia. Earlier he directed USAID's Office of Democratic Initiatives in La Paz, Bolivia, leading a politically sensitive program that helped build Bolivia's democratic institutions and expand human rights protections. As USAID Democracy Officer in Chile in 1991-1993, he managed a \$15 million democratic transition program of civic and electoral education, justice reform, congressional support, and government decentralization. Earlier he served for 12 years as a Trial Attorney with the US Justice Department's Antitrust Division and was Deputy Chief of its Foreign Commerce Section. His academic experience includes positions as Senior Research Scholar at FIU's School of Public Affairs and Services and as Adjunct Law Professor at Georgetown University, teaching international and comparative antitrust, where he was also Executive Director of the International Law Institute. His J.D. is from Boston College Law School.

### **Norma Susana Félix**

**Consultant of the Center of Studies on Economic Integration and International Trade (Integral).** Ms. Félix is also a partner with Severgnini, Robiola, Grinberg, & Larrechea in Buenos Aires. She directs the firm's intellectual property practice. From 1995-1999, Ms. Félix was president of the National Industrial Property Institute of the Argentine Republic (INPI). Previously she served for five years as director of Technology, Quality and Industrial Property in the Secretariat of Industry and Commerce of the Argentine Republic. She is an advisor to CropLife LATIN AMERICA, a US agrochemical and biotechnology firm. Currently she is a consultant to the Paraguayan government Ministry of Industry and Commerce on strengthening their national patent office under an Inter American Development Bank project. She is an advisor to the Cámara de Especialidades Farmacéuticas y Medicinales of Argentina- CAEME. She is an experienced international trade negotiator and advisor for governments and private sector entities and associations in the areas of her professional specialization. As a lecturer and instructor, she has delivered numerous presentations on intellectual property in many different countries. Recently she has served as principal INTEGRAL consultant on the FIU/INTEGRAL Bolivia Business and Trade Competitiveness Program in 2005, assisting in the design and presentation of an eight day seminar in Santa Cruz de la Sierra, Bolivia on the negotiation of an intellectual property chapter of a free trade agreement. Ms. Félix received her law degree from the University of Buenos Aires, Faculty of Law and Social Sciences, with post graduate studies in International Economic Negotiations at INAP, Dirección Nacional de Formación Superior, Buenos Aires.

### **Eduardo A. Gamarra**

**Director of the Latin American and Caribbean Center (LACC)** at Florida International University. Dr. Gamarra has been affiliated with Florida International University since 1986 where he is currently the director of the Latin American and Caribbean Center, a full professor in the department of political science, and the editor of *Hemisphere*, a magazine on Latin American and Caribbean affairs. Gamarra is the author, co-author, and editor of several books including *Revolution and Reaction: Bolivia 1964-1985* (Transaction Publishers, 1988); three volumes of the *Latin America and Caribbean Contemporary Record* (Holmes and Meier Press); *Latin American Political Economy in the Age of Neoliberal Reform* (Lyne Rienner Publishers 1994); *Democracy Markets and Structural Reform in Latin America: Argentina, Bolivia, Brazil, Chile, and Mexico* (Lyne Rienner Publishers, 1995); and *Entre la Droga y la Democracia* (Friedrich Ebert Foundation, 1994). The author of over forty articles on Latin America, he has testified in the US Congress on drug policy toward Latin America.



His current research focuses on the political economy of narcotics trafficking in the Andean region and the Caribbean, democratization, and civil-military relations. He received his Ph.D. in political science from the University of Pittsburgh in 1987.

### **Eric Garduño**

**Executive Director of the International Intellectual Property Institute (IIPI).** Mr. Garduño is responsible for the day-to-day management of IIPI's activities, including budget oversight and project staffing and planning. Additionally, he works closely with IIPI's CEO, Board of Directors and International Advisory Board in crafting and executing IIPI's long-term strategic plan. Prior to his appointment as Executive Director, he held the position of Senior Program Attorney for IIPI. He has been with IIPI for over 5 years, beginning as an intern and working his way up through the organization. As a program attorney, his responsibilities included the management of intellectual property research, policy development and IIPI project design and implementation. His thematic areas of responsibility include technology transfer and licensing, national innovation strategy and policy making, intellectual property protections for software and software related inventions, and plant varieties and plant patents. Mr. Garduño is a published author and has been invited to speak at many events around the world. He received his Juris Doctor Degree from American University's Washington College of Law and a certificate in International Intellectual Property Law from Tulane University.

### **Rodney López**

**Public Affairs Director for Merck Sharp & Dohme for the Candean Region based in Miami.** The Candean Region is comprised by Central America and The Andean Countries. From this position, which Dr. López has held since August 2000, he has continued to advocate for patent protection in the countries of the region and has witnessed the developments that have taken place in this area. He has been actively involved in industry teams seeking to educate policy makers on the advantages of Intellectual Property Protection and the understanding of the industry's objectives in FTA's, such as US-Chile, DR-CAFTA, Peru, Colombia, and the ongoing negotiations with Ecuador and Panama. After graduation from medical school, he accepted a position in the pharmaceutical industry as Medical Representative for Hoffman F. La Roche and became Country Manager for The Dominican Republic in 1995. With a growing appreciation of the value of Intellectual Property for the Pharmaceutical Industry, and in May, 1996, he became Zone Manager with Merck Sharp & Dohme, responsible for the company's business in The Dominican Republic and Haiti. Leading the Research and Development Pharmaceutical Association (EFID) in the Dominican Republic, his interest in patents rights expanded, and he became an active advocate for TRIP's compliant legislation in his home country. In July, 1999, he was promoted to Caribbean Sales Manager based in Carolina, Puerto Rico, with responsibility for the sales of all the Caribbean islands, marketing, and public affairs. Dr. López, M.D., obtained his Doctorate in Medicine from the Universidad Autónoma de Santo Domingo in the Dominican Republic in 1992.

### **Dorian S. Mazurkevich**

**Attorney-Advisor in the Office of Enforcement of the U.S. Patent and Trademark Office (USPTO),** where he specializes on international intellectual property enforcement issues. Mr. Mazurkevich provides intellectual property training and technical assistance to foreign governments and supports various U.S. Government agencies in formulating and applying U.S. policy on intellectual property rights (IPR). As part of a new U.S. Government



initiative to improve the worldwide climate for IPR, Mr. Mazurkevich is currently stationed in Miami, Florida, to focus on Latin America and serve as a resource for countries in the region. Prior to joining the USPTO, Mr. Mazurkevich was a Fulbright Scholar and visiting law professor at the National University of “Kiev-Mohyla Academy” in Ukraine, where he lectured on international intellectual property law. Before his fellowship, he was an attorney at Akin, Gump, Strauss, Hauer & Feld, LLP, and Morgan, Lewis & Bockius, LLP, focused on intellectual property litigation. He represented a wide range of clients in all forms of intellectual property disputes: from major record labels involved in copyright infringement, to chemical companies protecting their trade secrets, to computer companies involved in claims of patent infringement. His practice also involved transactional matters such as negotiating and drafting intellectual property licensing agreements, and preparing patent applications. Mr. Mazurkevich received his B.A. from the University of Pennsylvania, with a double major in Biology and Communications, and a minor in Chemistry. His J.D. is from Temple University School of Law, where he was a member of the Temple Law Review. He has also studied at Harvard University’s Ukrainian Research Institute.

#### **Lauren V. Perez**

**International Trade Advisor and Vice President of Regulatory Matters, resident in Sandler Travis & Rosenberg (ST&R), P.A., Miami office.** Ms. Perez specializes in global regulatory issues, helping importers and exporters to utilize national laws and regulations to facilitate international product distribution and protect legitimate business interests. She manages ST&R’s intellectual property rights department, working to ensure compliance with national IPR regulations as a means of protecting international traders and businesses. In addition, working extensively with the food, cosmetic, pharmaceutical, medical device, and tobacco industries, she is very involved in legislative and regulatory issues affecting the lawful distribution of all consumer products, providing assistance on issues ranging from proper labeling to registration requirements and entry procedures. Before joining ST&R, Ms. Perez managed the intellectual property portfolios at other law firms in New York City and the World Wrestling Federation, now known as World Wrestling Entertainment, in Stamford, Connecticut. Ms. Perez also did extensive work within the entertainment industry with licensing, merchandising and distribution agreements and helped major U.S. and foreign companies comply with domestic laws and regulations for the conduct of marketing schemes and sweepstakes. Ms. Perez has traveled extensively to conduct corporate seminars on regulatory issues, focusing on the economic benefits of regulatory compliance. She has taught university seminars on the importance of adequate international IPR protections and testified before the U.S. Congress on product and brand security measures to facilitate legitimate international trade and commerce.

#### **J. Craig Phillips**

**Clinical Nurse Specialist in Mental Health Services at Mercy Hospital and Assistant to the Research Coordinator in the School of Nursing at Florida International University.** Mr. Phillips has extensive teaching and research experience including working as Adjunct Clinical Professor for Community Health Nursing in the School of Nursing at FIU. His research experience includes two research grants as a co-investigator and a research nurse on nutrient therapy in Botswana, Africa, and zinc therapy in zinc deficient HIV positive drug users, both funded by the National Institutes on Drug Abuse of the National Institutes of Health. Mr. Phillips was involved in initiating the project in Botswana and spent 3 months in the field. His research has led to presentations on topics related to HIV, HIV disease and related therapies. Mr. Phillips is a member of the Sigma Theta Tau International Honor Society of Nursing and a member of the Association of Nurses in AIDS Care. In 2005 he



received the “HIV/AIDS Certified Nurse of the Year Award” from the HIV/AIDS Nursing Certification Board and the “Best Student in the study of Health and Human Rights” award in St. Thomas University’s School of Law. He is the recipient of the inaugural “Douglas Coffin Award for Academic and Clinical Achievement in Psychiatric and Mental Health Nursing” from FIU’s School of Nursing. Mr. Phillips received his B.S. in Nursing from the University of Central Florida, Orlando in 1995, his M.S. in Nursing from FIU in 1999, and his Master of Laws from St. Thomas University’s School of Law in 2004. He is currently working on his Ph.D. in Nursing at Florida International University.

### **Rodolfo Rúa Boiero**

**President of the Center for Studies on Economic Integration and International Trade (INTEGRAL)** with offices in Miami, Florida and Buenos Aires, Argentina. Senior Research Associate at the Summit of the Americas Center, Florida International University. Economist with expertise in International Trade issues to Public & Private Sector Organizations, International Trade Negotiations Strategy and Policy, Industrial Development Analysis, Strategy and Policy, and Economic and Trade Intelligence Analysis. He is Coordinator of International Trade Negotiations Courses at SOAC-FIU since 2000. He is vice president of the Commission on Integration and Mercosur of the Argentine Chamber of Commerce, and a member of the Argentine Council on International Relations (CARI) and of the Argentine-American Chamber of Commerce. Previously, he served as a consultant to the Inter-American Development Bank and the Argentine Section of the Joint Parliamentary Committee of Mercosur, and as secretary of the Economy and Mercosur departments of the Argentine Industrial Union. He has represented different sectors in trade negotiations involving the Latin American Integration Association, Mercosur and the FTAA and he has participated in five Americas Business Forums, including the 2003 meeting in Miami. Rúa Boiero is editor of *Ab Intra*, a monthly publication for the business and policymaking communities, co-author of two books on Mercosur, and columnist of the Periódico Económico Tributario of La Ley Editorial. He holds a PhD in economics from the Social Science University of Grenoble, France.

### **Alfredo Ruiz**

**President of CropLife Latin America.** Mr. Ruiz has broad experience in the Plant Science Industry, the Industry that invents, manufactures and market products and services designed to improve the sustainable global production of food, feed and fiber and other useful products. He worked during five years as a scientist for the Colombia Agricultural Research Institute (ICA), prior to joining the Dow Chemical Company in 1969, working in Research and Development; moving later into Marketing and General Management, working in Colombia, Ecuador, Brazil and the USA. In 1991 he returned to his native Colombia as President and General Manager of the Dow Agro Sciences Andean Countries operation. Very active in the Industry trade Associations of the four countries under his responsibility, Mr. Ruiz served as President, Colombia National Crop Protection Association (ANDI); President, Industry Andean Countries Association (FESANDINA); Vice President, Colombian Council of American Companies and Chairman of the Board of CropLife Latin America. In February 2000 Mr. Ruiz became the President of CropLife Latin America based in Miami, Florida. He is an Agricultural Engineer from the Colombian National University, with business training from Indiana University.

### **Diego Stecchi**

**Director for Latin America and the Caribbean at Salvatore Ferragamo.** Mr. Stecchi has held this position since 2000, when Ferragamo Latin America was established in Miami.



He is in charge of the development and marketing of the brand in the region, responsible for the whole Ferragamo line of products both in the domestic and Duty Free markets. He is also president of Ferragamo Mexico and Ferragamo Chile, Ferragamo's direct investments in Latin America. Since the beginning in 2002, Ferragamo Latin America has become one of the fastest-growing companies within the Ferragamo Group along with China. Mr. Stecchi graduated with a degree in business administration from Perugia, Italy, and specialized in international marketing and distribution at IFOR, Cescom - Bocconi University in Milan, Italy.

### **Hannibal Travis**

**Assistant Professor, College of Law, Florida International University.** Mr. Travis teaches and researches in the fields of cyber law, intellectual property, antitrust, telecommunications, jurisprudence, and international human rights law. After law school, Professor Travis clerked for the Honorable William Matthew Byrne, Jr., of the United States District Court for the Central District of California, and practiced intellectual property and Internet law at O'Melveny & Myers in San Francisco, California. Thereafter, he was an associate attorney at Debevoise & Plimpton in New York City, specializing in intellectual property and antitrust cases. Mr. Travis's published works include law review articles on copyright history and theory, trademark implications of Internet criticism and parody of advertising and corporations, and the implementation of constitutional human rights in Iraq and Afghanistan. He is currently writing and publishing on copyright implications of digital libraries, antitrust and telecommunications policy aspects of citywide Wi-Fi and other public investments in broadening the availability of high-speed Internet access, and the publishing industry's copyright litigation against Google for its Book Search functionality -- and the likely effects of this and similar cases on the availability of information about the quality and characteristics of experience goods such as books, music, movies, and software. Mr. Travis graduated summa cum laude in philosophy from Washington University, where he was named to Phi Beta Kappa. He graduated magna cum laude from Harvard Law School, where he served as a member of the Harvard Journal of Law and Technology and the Harvard Human Rights Journal.