

# The Asian Patent Attorneys Association



## An Introduction for IP Professionals

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**APAA Founded: 1969**

**Patent Cooperation Treaty: 1970**

**The APAA was founded in order to provide patent professionals in Asia a means for providing input regarding the Patent Cooperation Treaty.**

**The APAA is *nonprofit, non-governmental* organization. (NGO and NPO)**



# East Asia and Oceania



802002 (A04113) 2-92



# APAA Membership and Structure

- APAA Members
- Recognized Groups
- Organizational Structure

# Who may join?

## (From the Statutes of the APAA)

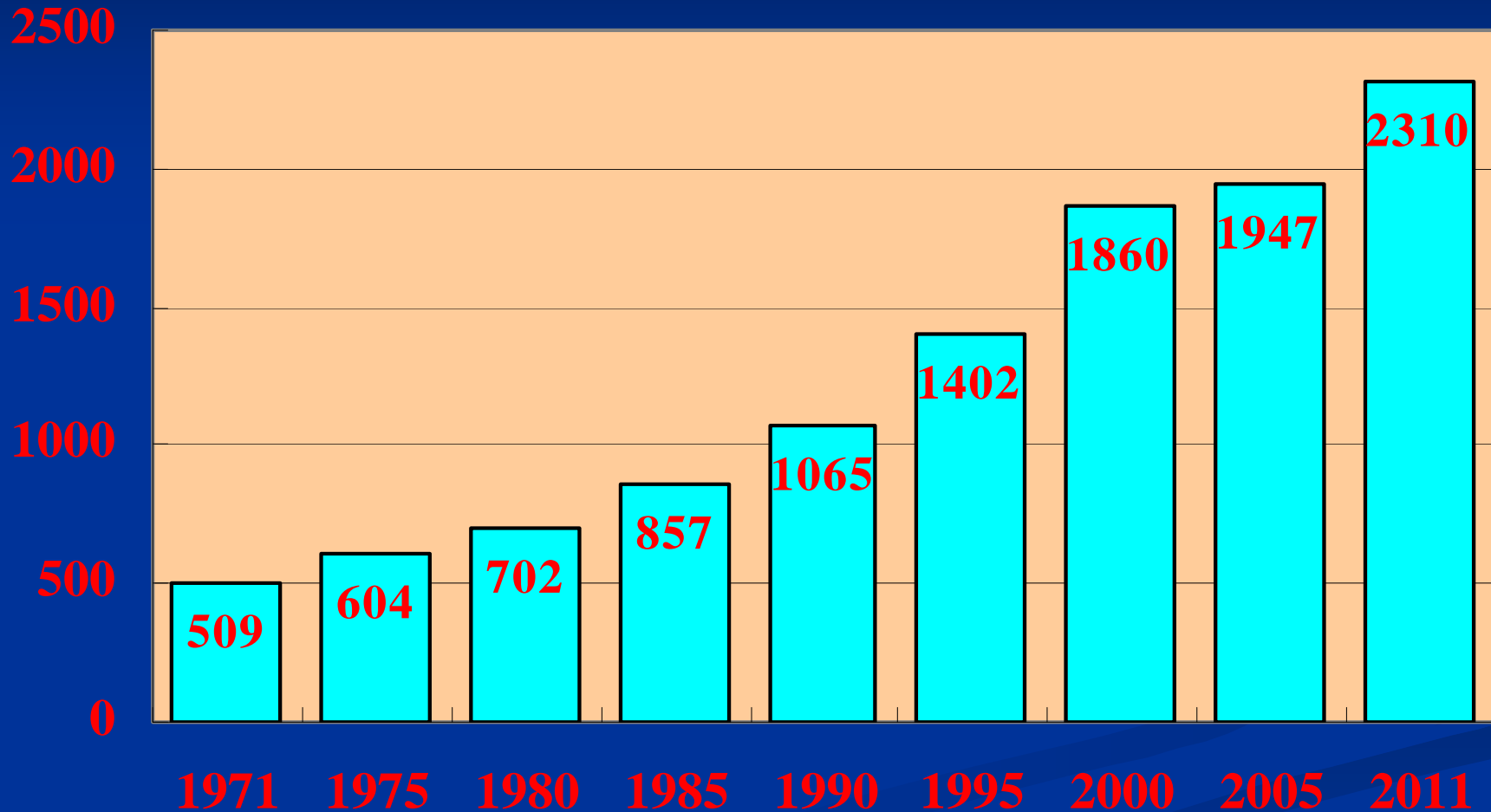
*5.1 Only individuals practising the profession of patent attorney in a jurisdiction within the Asian Region and organizations constituted in the Asian Region operated by one or more such individuals are eligible for membership of the Association provided that the Council may in its discretion determine the scope of membership of the Association.*

# More specifically:

**5.2 For the purpose of determining eligibility for membership of the Association, those accepted as practising the profession of patent attorney are:**

- (a) Where the right to practise as a patent attorney is regulated by legislation in the jurisdiction within the Asian Region where the individual is practising, an individual authorized to practise as a patent attorney under such legislation.**
- (b) Where there is no such legislation, an individual registered as a patent attorney or otherwise acknowledged as such by an institute or any other professional controlling body in the jurisdiction within the Asian Region where the individual is practising**
- (c) Where there is no such legislation or professional controlling body for patent attorneys, an individual:**
  - (i) qualified anywhere in the world as a patent attorney, solicitor, barrister or other legally qualified professional;**
  - (ii) acknowledged by a law society, bar association or equivalent professional body in the jurisdiction within the Asian Region where the individual is practising as being qualified to practise professionally; and**
  - (iii) a substantial part of whose work involves Intellectual Property matters.**
- (d) Unless otherwise governed by Article 5.2(a), (b) or (c), an individual who by reason of special circumstances is acknowledged by the Council as being qualified to practise professionally as a patent attorney.**

# Growth of APAA Membership



# History of Group Recognition

Hong Kong
Australia
Thailand
India

Korea	Japan	Taiwan (As ROC)	Indonesia	The Philippines	New Zealand	Malaysia	Singapore	Pakistan	Bangladesh	Vietnam	Sri Lanka	Macau
1969	1970	1971	1974	1977	1979	1990	1993	1994	1995	1998	2003	2008

# Recognized Groups

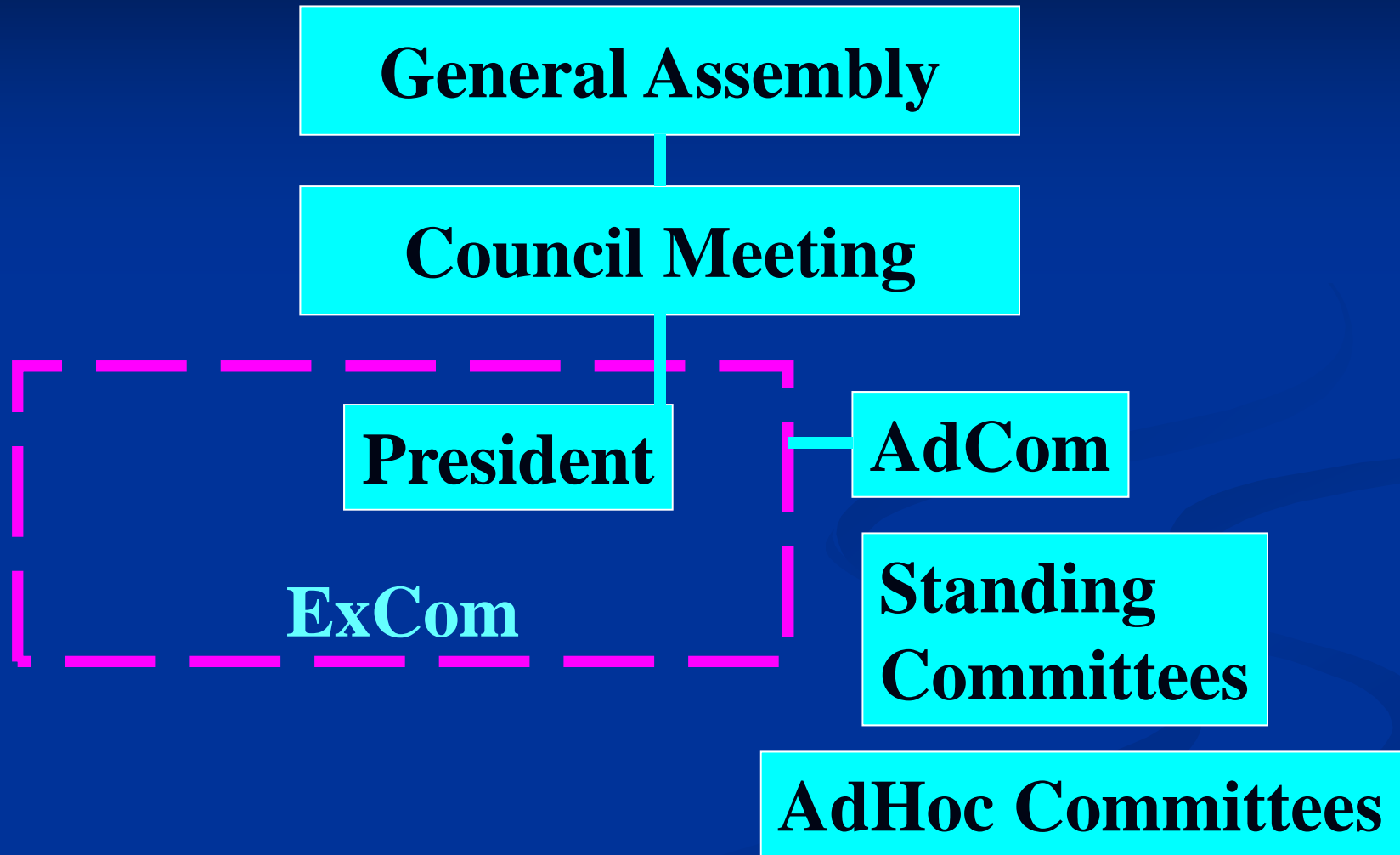
*7.2 A Recognized Group may only be constituted with the approval of the Council and must comprise at least seven Members representing at least four separate organizations each Member qualified to be an Individual or Organization Member as defined in Article 5 from any area within the Asian Region having separate and distinct prevailing Intellectual Property laws.*

# Advantages of Group Recognition

## Recognized Groups may:

- **Regulate membership and establish rules and bylaws, as long as they conform to the statute and regulations of the APAA.**
- **Appoint a Council Member and delegates to standing and ad-hoc committees.**
- **Participate in the organization of an Annual Meeting held within their geographical areas.**

# APAA Structure



# APAA Senior Officers

**President: Mr. Kenji Yoshida (Japan)**

**Senior Vice-Presidents (3)**

**Mr. Greg Munt (Australia)**

**Mr. C. K. Kwong (Hong Kong)**

**Mr. Patrick Yang-Oh Kim (Korea)**

**Secretary General: Mr. Sadafumi Kobori (Japan)**

**Treasurer: Mr. Hirohito Katsunuma (Japan)**

# Standing Committees

- **Anti-Counterfeiting Committee**
- **Copyright Committee**
- **Designs Committee**
- **Emerging IP Rights Committee**
- **Patents Committee**
- **Trademarks Committee**

# APAA

## Objectives and Activities

# Annual Meetings

- **Draw over 1200 attendees (members and observers)**
- **From over 70 jurisdictions (nations / regions)**

1970 Tokyo, Japan

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1991 Auckland, New Zealand

1992 Chiangmai, Thailand

1993 Kuala Lumpur, Malaysia

1994 Niigata, Japan

1995 Hong Kong

1996 Taipei, Taiwan

1997 Sydney, Australia

1998 Singapore

1999 Kyongju, Korea

2000 Cebu, Philippines

2001 Phuket, Thailand

2002 Wellington, New Zealand

2003 Kota Kinabalu, Malaysia

2004 Fukuoka, Japan

2005 New Delhi, India

2006 Kaohsiung, Taiwan

2007 Adelaide, Australia

2008 Singapore

2009 Hong Kong

2010 Jeju, Korea

**2011 Manila, Philippines**

# APAA Objects

## 3.1 The objects of the Association are:

- (1) To foster ties of mutual friendship and understanding among those who are practising the profession of patent attorney in the Asian Region and through such ties to promote the proper protection and development of Intellectual Property in the Asian Region.
- (2) To consider all manner of questions affecting Intellectual Property and/or the interests of the Association.
- (3) To engage in activities in conjunction with other bodies or associations within the limits of the Association's objects and to arrange reciprocal concessions and co-operation with other such bodies or associations.
- (4) To arrange social and recreational activities for Members and generally by all manner of means to promote knowledge of Intellectual Property by lectures, discussions, books, correspondences, pamphlets, publications or any other forms of dissemination of information.



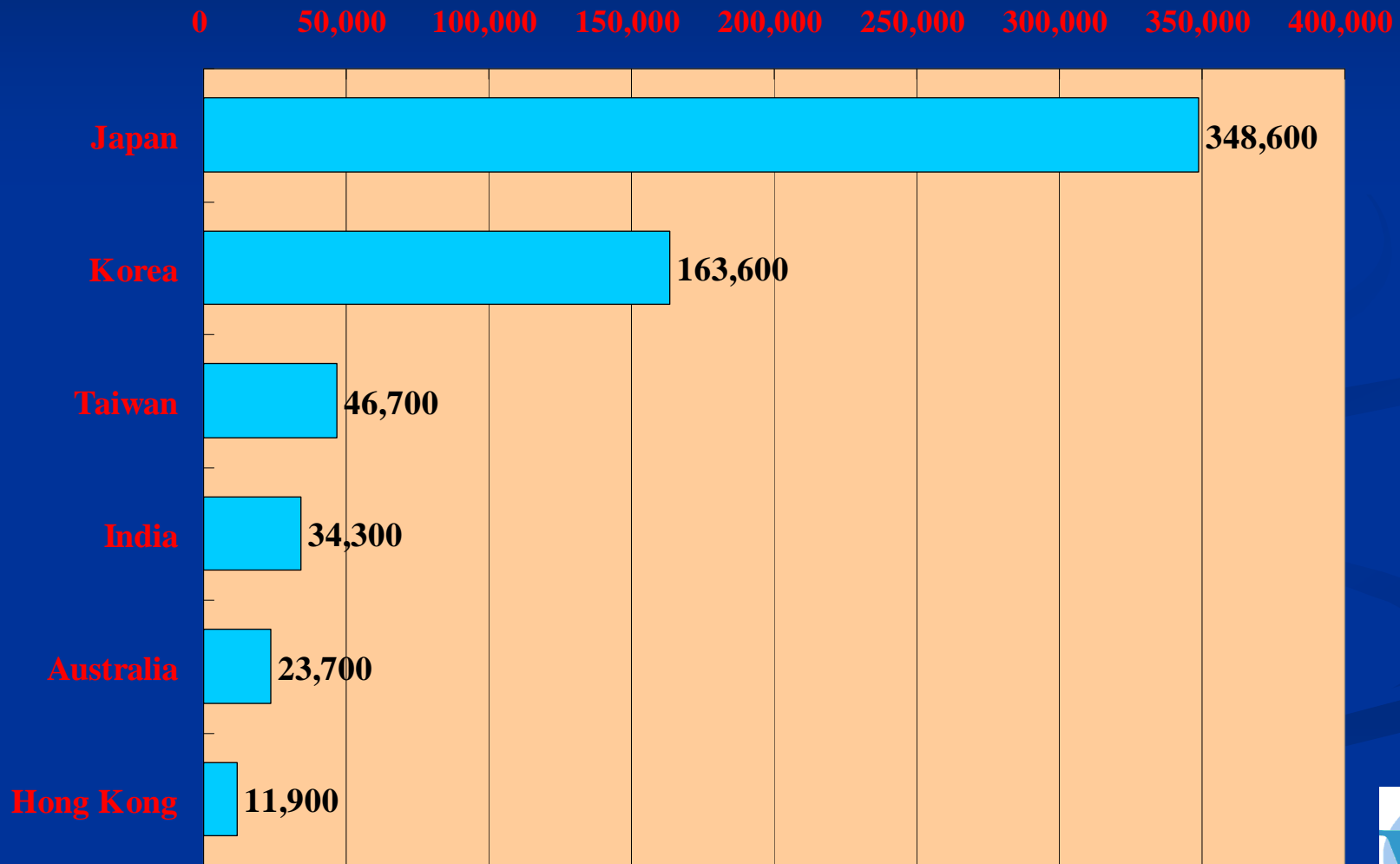
# APAA's Voice

- **APAA is an organization of IP practitioners from all over Asian regions.**
- **Represents a wide range of legal jurisdictions and local and business cultures.**
- **Consensus can be difficult to achieve, but provides a strong voice for shared concerns.**
- **Mutual understanding and human ties are, of themselves, beneficial.**

# Industrial and Developing Regions

- **APAA region covers wide range of political, legal, and economic systems.**
- **Important function of Standing Committees is to narrow knowledge gap among members of different recognized groups.**
- **Strong differences of opinion on some issues, such as:**
  - **protection of traditional knowledge**
  - **distribution of profits**

# Total Patent Applications in each APAA Jurisdiction (2009)



# Total Patent Applications in each APAA Jurisdiction (2009) (cont.)



# Current Issues

- **Patents v. Trademarks**
- **Common Law v. Civil Law**
- **The China Issue**

# 1. Patents v. Trademarks

- **Established to provide a voice for input into the Patent Cooperation Treaty, the APAA's historical focus was on patent practice.**
- **Some APAA jurisdictions have less-developed technologies and smaller patent economies.**
- **By primarily working through Standing Committees, efforts can have workable focus.**

## 2. Common Law v. Civil Law

- APAA legal jurisdictions encompass range of legal system.
- Most notable divide between common law jurisdictions and civil law jurisdictions.
- For example, in 2009 the APAA adopted a resolution regarding Attorney-Client Privilege ( agrees with AIPPI proposals). Discussion revealed not just difference legal *systems*, but different legal *thinking*.
- Differences are not insurmountable; resulting agreements much stronger because workable over all jurisdictions.
- May be consideration affecting recognition of additional Recognized Groups.

### 3. China Issue

- **The largest single economy in Asia, the People's Republic of China (PRC), is not represented in the APAA.**
- **Among the founders of the APAA were patent attorneys from the Republic of China (Island of Taiwan) and the third APAA Recognized Group was the Republic of China National Group.**

### 3. China Issue (cont.)

The APAA has made efforts to reach out to practitioners in the PRC:

- 1988 - Changed “National Group” to “Recognized Group”
- Amended Statutes to eliminate all language referring to “countries” or “nations”
- “Republic of China National Group” voluntarily changed name to “Recognized Group of Taiwan”
  
- 1995 - Council Meeting in Hong Kong adopted a resolution inviting and welcoming professionals from PRC.
- Invitation reaffirmed regularly
  
- 2000’s - Frequent requests to All-China Patent Agents Association (ACPAA) to send observers or unofficial guests to Committee Meetings.

*The APAA remains committed to working with the ACPAA and to the goal of someday welcoming practitioners from the PRC into the APAA.*





[www.apaaonline.org](http://www.apaaonline.org)