



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

Recovering from COVID-19 Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs

APEC Intellectual Property Rights Experts Group

May 2023



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APEC Project: IPEG 01 2021

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APEC#223-CT-03.2

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ENTITIES AND ABBREVIATIONS

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)
- Appellation of Origin (AO)
- Asia-Pacific Economic Cooperation (APEC)
- Association of Creative and Entrepreneurial Women of Inkawasi of Peru (ASAMCEI)
- Centre for International Trade Exhibitions and Missions of The Philippines (CITEM)
- Colombian-Swiss Intellectual Property Project (COLIPRI)
- Department of Trade and Industry of The Philippines (DTI)
- European Union (EU)
- Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (Geneva Act)
- Geographical Indication (GI)
- Intellectual Property (IP)
- Intellectual Property Rights Experts' Group (IPEG)
- Intellectual Property Office of The Philippines (IPOP HL)
- Japan Patent Office (JPO)
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Lisbon Agreement)
- Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement)
- Micro, Small, and Medium Enterprises (MSMEs)

- Ministry of Agrarian Development and Irrigation of Peru (MIDAGRI)
- Ministry of Foreign Trade and Tourism of Peru (MINCETUR)
- Mexican Institute of Industrial Property (IMPI)
- National Institute for the Defence of Competition and the Protection of Intellectual Property of Peru (INDECOPi)
- National Institute of Civil Defence of Peru (INDECI)
- Orgullo Kan Bikol Association Inc. of The Philippines (OKB Association)
- Paris Convention for the Protection of Industrial Property (PCPIP)
- Small and medium-sized enterprises (SMEs)
- Spanish Patent and Trademark Office (OEPM)
- World Intellectual Property Organisation (WIPO)
- World Trade Organisation (WTO)

1. INTRODUCTION

This Compendium is part of Project IPEG 01 2021, “Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs”, whose objective is to provide economies with guidelines, recommendations and successful experiences in the design and implementation of public policies related to the promotion and use of IP collective tools as an effective mechanism to foster the development of vulnerable populations and MSMEs that have suffered negative consequences, at an economic and commercial level, after events such as natural disasters, economic crises, wars or pandemics.

Although these events inevitably and generally affect economies as a whole, the work has focused mainly on their vulnerable populations and MSMEs, as they tend to be the most affected, have the most difficulties overcoming the negative consequences, and have a weaker position compared to larger enterprises.

The Compendium has been prepared as a result of research work on the design and implementation of public policies by different economies to promote the registration and use of IP collective tools, a bibliographic review of the different forms of collective protection of IP assets, and also the support of governmental institutions, public bodies, and individuals and legal entities from the private sector. Such entities have shared their experiences in implementing public policies related to the promotion and use of IP collective tools, as well as information regarding the economic and social benefits that arose from the use of these IP rights.

Also, surveys and interviews were conducted with representatives of governmental institutions from APEC and non-APEC economies, and with IP collective tools owners or beneficiaries, who kindly shared their valuable experiences, which has been used as a source of enrichment in preparing the Compendium. Surveys, duly completed, are attached as annexes.

The positive experience of certain economies in developing public strategies linked to IP collective tools can and should inspire others. This is the fundamental reason for this Compendium, even more so in situations in which no economy is spared of the devastating consequences, not only of natural disasters or economic crises but

also of pandemics and wars, the effects of which spread throughout the world, regardless of the level of development of each economy.

The Compendium also presents the advantages of partnership whereby women, MSMEs, remote or rural communities, and groups with untapped economic potential, can achieve greater participation in domestic and international markets.

Coming together with common goals has enabled disadvantaged populations to use IP as a tool for development and economic recovery. In this regard, the private sector plays an essential role through voluntary and non-profit support, but also as an active participant that can benefit economically by working together through well-structured strategies.

2. BRIEF OVERVIEW OF THE EVOLUTION OF SOME IP TOOLS AND THEIR INDIVIDUAL OR COLLECTIVE NATURE OVER TIME

Intellectual activity and its authorship

Intellectual activity allows human beings to develop and evolve in the different aspects of life, mainly economically and socially. Beyond the different criteria about the protection or not of intellectual activity, or even of the elements to be protected, there is an evident asset that can have an important value. An intangible asset that becomes tangible when it provides solutions or advances in one of the areas of human knowledge.

Since ancient times this intellectual activity has belonged to the social group, although some authors tried to leave their prints on it. Proof of this is that even in certain cave paintings it is possible to appreciate some signs to differentiate them from the rest.

Within the concept of intellectual activity referred to above, a distinction must be made between creations within themselves from works with value because they provide technical solutions to specific problems. As for the latter, many of the advances of antiquity are still anonymous: it is unknown who decided to cultivate the land and not just collect the fruits, deploy the first hunting tactics, or domesticate animals to benefit the community members.

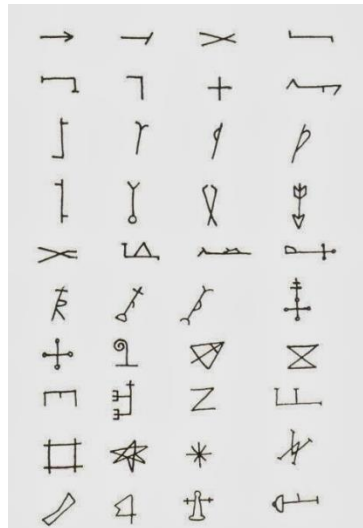
However, we do know from ancient paintings or documents from primitive cultures that there were ways to prove ownership, to prove the work carried out, or to prove the provenance of some items.

An example of prints that linked the product to its creator is the well-known FORTIS oil lamps, created by the potter Lucius Aemilius Fortis, who marked his lamps:



This photo by author unknown is licenced under CC BY-NC-ND licence.
 ((<https://terraeantiquae.com/profiles/blogs/hallan-restos-de-una-fabrica?overrideMobileRedirect=1>))

A collective distinction was also sought to give fame to products from specific areas or created by high quality human groups. Thus, the first distinctions or signs of distinctiveness are collective, with very few exceptions. Some of these exceptions are the Egyptian stonemasons' marks, essential to get paid for their work:



This photo by author unknown is licenced under CC BY-NC-ND licence.
 (<http://ferminlopetegui.blogspot.com/2015/02/los-templarios-iii.html>)

Without regulations to protect the distinctive character, it is easy to assume that these first collective signs suffered from unauthorised copying and reproduction. Regarding the inventions, they were even more copied. Any technological innovation that improved some aspects of life was spread and copied without protection. The inventors were unknown, with few exceptions, such as the Archimedean screw (developed by the famous Greek mathematician and inventor Archimedes of Syracuse)¹, or their authorship was attributed to mythological beings such as Fu Xi,

¹ Machine for raising water, allegedly invented by the ancient Greek scientist Archimedes for removing water from the hold of a large ship. For more information visit: <https://www.britannica.com/technology/Archimedes-screw>.

whose inventions, according to Chinese mythology ranged from the calendar to the fishing net².

The first attempts for protecting distinctive signs dates back to 1266 when the British Parliament enacted the so-called "Bakers' Marking Law". The rule had the effect of preventing bakers from selling bread that was underweight or made with low-quality flour. Several aspects of distinctive signs are already highlighted in this standard:

- Distinguishing the goods of one businessperson from those of the rest (business origin).
- Tool to protect consumer's interests.
- Possibility of repeating the experiment with a product or discarding it.

In addition, steps were taken towards the "individualisation" of distinctive signs.

However, it was not until the fifteenth century, with the printing press and the consequent ease of disseminating knowledge, that the need to protect intellectual capital really arose. At that time, distinctive signs were confused with the indication of origin as an indication of a specific quality that consumers appreciated and valued.

In that same century, we find what could be the first antecedent of an AO, assimilated to a distinctive sign for producing a good with certain geographical characteristics. Although the legal figure was not developed, Charles VI of France granted the inhabitants of the Roquefort area a monopoly over this denomination and the way of making cheese. The protection was also extended to the caves where it is still produced. Two centuries later, the Toulouse parliament granted the exclusivity of the production of this cheese to the cited geographical area.

As it has been noted so far, distinctive signs have existed since ancient times. In the beginning, they sought a collective distinction, with some exceptions derived from economic and counting needs. They lacked a clear, precise and homogeneous regulation and these circumstances gave rise to the first unauthorised copies or counterfeits to take advantage of the good reputation of certain products with high quality characteristics.

² Fu Xi is said to have discovered the famous Chinese trigrams and to have contributed to the development of the Chinese writing system. For more information visit : <https://www.britannica.com/topic/Fu-Xi>.

Distinctive signs after the industrial revolution. Legal protection and policy framework

The approval in 1791 of the first Industrial Property Law of the French revolutionary state, turned the vision from the privilege granted by the grace of the king to the pure concept of private property and the recognition of the right to creativity itself.

The indications of source of certain groups practically disappear to become the mark of the individual producer. Some type of protection was maintained for collective elements, such as geographical origin or the work of some renowned craftsmen (for example, Murano glass), but more from a product protection perspective than as a concept of ownership of the producers.

The individualism brought by the French revolution, by considering each individual as a subject of rights and obligations would gradually permeate the protection and the consideration itself of IP.

In the 19th century, once the industrial revolution was already well advanced, people became aware that IP could offer a competitive advantage that could yield returns. The first attempts to grant real legal protection to IP therefore began. Until then, only some individualised protection was granted, or some specific commercial practices were regulated.

However, the first half of the 19th century suffered political vagaries in the regulation of IP. The national basis of this protection, with which technological development is sought in addition to the protection of rights, is characterised by the protection of inventions. This does not mean that distinctive signs are not protected, but they were seen more as a way of being able to put the improvements introduced by patents into commerce with advantages for the owner.

The increase in trade between economies, with different regulations, led to the search for a “universalisation” of the rights that protect the property of individuals or their companies against third parties, which resulted in the PCPIP of 1883.

From the wording of article 2 of the original text of the PCPIP³ (*“... les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de*

³ “Art. 2

commerce et le nom commercial, ...)⁴ it is possible to note the preponderance of "individual" rights although this original version refers to trademarks in general and does not include any precision with respect to collective or certification marks. Indeed, in that first version, what could be called "collective rights" such as AOs, indications of source (both included in article 1 of the amended version), or the "collective effects" of those rights, such as the repression of unfair competition, are not considered as part of "industrial property".

It should be noted that although article 10⁵ prohibited the misuse of an indication of origin, it appears in a less systematic way than the rest of the elements protected by industrial property. Similarly, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods⁶, signed later, in 1891, also included provisions relating to the repression of false or misleading indications of origin on products.

It was not until the Washington Act of 1911, which revised the PCPIP, that "... *les indications de provenance* ..." were included as a protected object⁷, although there

Les sujets ou citoyens de chacun des États contractants jouiront, dans tous les autres États de l'Union, en ce qui concerne les brevets d'invention, les dessins ou modèles industriels, les marques de fabrique ou de commerce et le nom commercial, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux. En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des formalités et des conditions imposées aux nationaux. par la législation intérieure de chaque État." "[Article 2: The subjects or citizens of each of the Contracting States shall enjoy in all the other States of the Union, in respect of patents for inventions, industrial designs, trademarks and trade names, the advantages which the respective laws now accord or shall hereafter accord to nationals. Accordingly, they shall have the same protection as nationals and the same legal remedy against any infringement of their rights, subject to the fulfilment of the formalities and conditions imposed on nationals by the domestic law of each State.]"

For more information visit: <https://www.wipo.int/wipolex/en/text/287780>.

⁴ ["...patents, industrial designs, trademarks and trade names ..."].

⁵ "Art. 10

Les dispositions de l'article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité déterminée, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse.

Est réputé partie intéressée tout fabricant ou commerçant engagé dans la fabrication ou le commerce de ce produit, et établi dans la localité faussement indiquée comme provenance." [Art.10: The provisions of the preceding article shall be applicable to any product falsely bearing, as an indication of origin, the name of a specific locality, when this indication is joined to a fictitious trade name or borrowed with fraudulent intent. Any manufacturer or merchant engaged in the manufacture of or trade in such good and established in the locality falsely indicated as the source of origin shall be deemed to be an interested party.]

For more information visit: <https://www.wipo.int/wipolex/en/treaties/textdetails/12995>.

⁶ The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods concluded in 1891, was revised at Washington in 1911, at The Hague in 1925, at London in 1934, at Lisbon in 1958 and at Stockholm in 1967.

For more information visit: <https://www.wipo.int/wipolex/en/text/286776>.

⁷ "Article 2

Les sujets ou citoyens de chacun des pays contractants jouiront, dans tous les autres pays de l'Union, en ce qui concerne les brevets d'invention, les modèles d'utilité, les dessins ou modèles industriels, les marques de fabrique ou de commerce, le nom commercial, les indications de provenance, la

is hardly any further breakdown of this figure in the course of the Treaty. Even the Washington Act did not expressly refer to the category of "collective marks", it only provided briefly a commitment to admit the registration and protection of marks belonging to groups whose existence were not contrary to law, specifying that each Contracting Party would determine the conditions under which such collectives or groups could have access to protection.

Of course, the original and amended versions of the PCPIP did not expressly include elements of recent conceptualisation such as traditional knowledge, traditional cultural expressions, and genetic resources.

Essentially, individual protection was maintained almost until the end of the 1950s with a few rare and brief mentions, as indicated above. However, in 1958 the Lisbon Agreement was signed as a legal tool to protect a special type of geographical indications (AOs) in territories other than the one of origin, providing their registration at WIPO⁸.

In addition, it was in the 20th century that, within the framework of the WTO, these rights were incorporated into world trade as an important issue. The WTO's TRIPS, which entered into force in 1995, is the most extensive and comprehensive treaty on the protection of IP. It includes a specific reference to indications of origin and introduces trade secrets as a protectable element for the first time. It is a real example of the importance of IP for world trade.

Some economies believe the concept of "collective protection" should embrace other types of objects (such as traditional knowledge, traditional cultural expressions and genetic resources) based on broad interpretations of the provisions of paragraph 3 of

repression de la concurrence déloyale, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux. En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des conditions et formalités imposées aux nationaux. Aucune obligation de domicile ou d'établissement dans le pays où la protection est réclamée ne pourra être imposée aux ressortissants de l' Union." "[The subjects or citizens of each of the contracting countries shall enjoy in all the other countries of the Union, in respect of patents, utility models, industrial designs, trade marks, trade names, indications of source, and the prevention of unfair competition, the same advantages as are at present accorded, or shall hereafter be accorded, to nationals of those countries by their respective laws. Consequently, they shall have the same protection as the latter and the same legal remedy against any infringement of their rights, subject to the fulfilment of the conditions and formalities imposed on nationals. No obligation of domicile or establishment in the country where protection is claimed may be imposed on nationals of the Union.]".

For more information visit: <https://www.wipo.int/wipolex/es/text/287796>.

⁸ The Geneva Act adopted on 20 May 2015 and entered into force on 26 February 2020, updates and improves the Lisbon Agreement and extends the protection to geographical indications.

For more information visit: [Summary of the Geneva Act of the Lisbon Agreement \(wipo.int\)](#).

article 1 of the PCPIP (incorporated in The Hague Act which came into force on 1 June 1928)⁹ that extends industrial property to "... agricultural (wines, grain, tobacco leaves, fruits, livestock, etc.) and extractive industries (minerals, mineral waters, etc.)"

After analysing the individual and collective nature of IP throughout history, the following is a summary of some IP collective tools that have been selected considering the differences between the domestic laws of APEC economies, as well as the different realities or interests that each may have.

⁹ "ARTICLE PREMIER

(...) La propriété industrielle s'entend dans l'acception la plus large, et s'applique non seulement à l'industrie et au commerce proprement dits, mais également au domaine des industries agricoles (vins, grains, feuilles de tabac, fruits, bestiaux, etc.) et extractives (minéraux, eaux minérales, etc.) (...). [Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural (wines, grain, tobacco leaves, fruits, livestock, etc.) and extractive industries (minerals, mineral waters, etc.)].

For more information visit: [WIPO Lex](#).

3. TYPES OF COLLECTIVE PROTECTION

From what has been explained so far, different elements of IP have a collective component and should be legally protected as in the case of individual rights. Here follows a brief review of IP collective tools that are recognised and regulated in several APEC economies and constitute tools capable of boosting or reactivating the economic development of, among others, vulnerable populations and MSMEs.

The IP collective tools selected are GIs, AOs, collective marks and, finally, certification marks, as they are distinctive signs that provide information on particular and related characteristics of the products or services they identify, allowing them to achieve common recognition and reputation in the market.

Considering the legislative differences among APEC economies, it is appropriate to elaborate on general definitions, main characteristics, and global advantages of each IP element.

3.1 Geographical Indications

The relationship between the nature of a geographical area and the characteristics or qualities of a product originating in that region has historically existed, as indicated in previous paragraphs when analysing the individual or collective character of different elements of IP. The linkage may be so strong that even the name of the geographical place where the product comes from may be confused with the latter.

The first international multilateral treaty that includes provisions relating to indications of geographical origin is the PCPIP. Currently, article 1(2) of the PCPIP¹⁰ recognises the “indications of source” and “appellations of origin” as subject matter for industrial property. However, PCPIP does not directly define either of these terms, although, regarding indications of source, it contains language that allows one to infer the following definition: “*an indication referring*

¹⁰ “Article 1 [Establishment of the Union; Scope of Industrial Property]

(...)

(2) The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition (...).”

For more information visit: [WIPO Lex](#).

*to a country, or to a place situated therein as being the country or place of origin of a product*¹¹.

TRIPS defines GIs as follows:

“Article 22

Protection of Geographical Indications

*1. Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin (...)*¹².

Moreover, article 2 (1) (ii) of the Geneva Act provides the following definition:

“any indication protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another

*indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin (...)*¹³.

And WIPO defines it as follows:

*“(...) a geographical indication is a sign use on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin (...)*¹⁴.

¹¹ Baeumer, Ludwig, “Protection of Geographical Indications under WIPO Treaties and Questions Concerning the Relationship Between Those Treaties and the TRIPS Agreement,” in Symposium on the Protection of Geographical Indications in the Worldwide Context (held in Eger, Hungary, October 24/25, 1997), WIPO publication No. 760(E), Geneva, 1999.

¹² The TRIPS entered into force on 1 January 1995. For more information visit: https://www.wto.org/english/docs_e/legal_e/27-trips.pdf

¹³ As referred to in note 8.

For more information visit: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_239.pdf

¹⁴ Working document “Geographical Indications an Introduction” prepared by Design and Geographical Indications Law Section of WIPO, WIPO Publication N° 952E/2021, ISBN 978-92-805-3283-8; Reprinted with revisions 2022, p. 6.

Considering the above definitions, it could be concluded that GIs protect products originating in a specific geographical area (economy, region or locality), provided they have a quality, reputation, or another characteristic attributable to that geographical area.

From the surveys circulated among APEC economies, it can be noted that not all of them protect GIs in their domestic legislation, a case in point being Brunei Darussalam. On the other hand, Chile; Mexico; Peru; and the Russian Federation, all have domestic legislation that expressly includes provisions relating to GIs. Moreover, research work has shown that the People's Republic of China; Indonesia; Japan; Malaysia; The Philippines; Singapore; Thailand; and Viet Nam, also have express provisions on GIs.

Other member economies choose to protect GIs through their trademark system (for example, the United States of America). Also, in Hong Kong, China, GIs are protected under domestic legislation on trademarks (particularly through certification or collective marks) and the common law passing off action. In addition, in the Republic of Korea, GIs have been protected as a collective mark under the Trademark Act, and in relation with Canada, its domestic law protects GIs by means of certification marks.

Finally, regarding Australia and New Zealand, GI's protection is available for specific products (for example, wine), although other products can also be protected but through their trademark law or passing off actions.

Within the economies that have *sui generis* protection for GIs, differences can be found with respect to the ownership of these IP elements. To mention some examples, Mexico and Peru establish that the owner of a GI can only be the economy, so those interested in using this IP collective tool must apply for an authorisation of use, subject to compliance with certain requirements established by domestic legislation. In Chile and Viet Nam, on the other hand, the ownership of a GI may also correspond to any person (natural or legal), and to domestic, regional, provincial, or communal authorities.

For its part, the People's Republic of China states that an application for the protection of a GI shall be filed by producers, associations or enterprises accredited by the local government. Singapore establishes that each of the

following persons shall be entitled to apply for registration of a GI: a producer in the geographical area specified in the application, an association of persons or a competent authority having responsibility for the GI for which registration is sought. In the case of Thailand, in addition to a natural or a legal person, or a government agency or a public body, a group of consumers or organisation of consumers can also apply for the registration of a GI. The latter (a group of consumers) is also provided in the Indonesian regulation.

On the other hand, it is important to mention that GIs do not refer only to agricultural products, foodstuffs, and wine or spirits with characteristics attributable to the area from which they originate (as "Limón de Pica" for lemons produced in the Pica Oasis, Chile; "Idaho potatoes" for potatoes grown in Idaho, the United States of America; "Roquefort" for cheese produced in Roquefort-sur-Soulzon, France; "Pinggu peaches", for peaches produced in the People's Republic of China;) but also to non-food products (such as handicrafts and industrial products) that are developed, produced, elaborated in a specific geographical area that determines that it enjoys particular qualities, for example the "Lamphun Brocade Thai Silk" for silk produced in the province of Lamphun, Thailand; "Chulucanas" for pottery manufactured in Piura, Peru; or "Swiss Made" for watches manufactured in Switzerland.

Since GIs imply the existence of a qualitative link between the product and the place where it comes from or where it was produced, they can contribute to economic development. In fact, it constitutes an instrument of collective utility that brings benefits to a plurality of sectors, including the agricultural, gastronomic and tourism sectors, which is of considerable importance in today's globalised and increasingly competitive world.

Indeed, GIs give added value to local products based on their quality, reputation and intrinsic characteristics, and directly influence the development of the locality or region, either by increasing local employment, encouraging tourism, preventing rural exodus, or even allowing the locality or region to compete in domestic or foreign markets where consumers are willing to pay higher prices for a product of origin.

It can be said that GIs also contribute to the development of rural areas, including marginal areas that are difficult to access, since they promote the

dissemination and consolidation of the prestige of the product they identify; allow access to markets with higher product demand, and better quality; create direct or indirect jobs; increase the economic well-being of the producers; and promote local development.

GIs are an excellent way of creating and developing family businesses and promoting the export of products that meet international standards, achieved through joint work and objective quality parameters.

Although the advantages of a GI have been explained above, it should be taken into consideration that its protection tends to take longer than others IP tools. Indeed, to obtain registration or an authorisation of use (in the case of economies that establish that the holder can only be the economy), it may be necessary to demonstrate or certify the characteristics of the product to be distinguished by the GI, its components, the production or processing methods and the factors linking it to the protected geographical area.

Verifying information may even require on-site visits to the corresponding geographical area. Of course, the requirements for obtaining recognition or an authorisation of use of a GI are established by the domestic legislation of each economy, so while some may be more rigorous and costly (e.g., requiring technical reports to demonstrate a set of characteristics), others may be less burdensome and allow a much more expeditious procedure.

3.2 Appellations of Origin

The image of products from a determined geographical area can have an important impact on the economic development of that region. Its reputation allows the access to domestic and international markets. It is therefore of interest to develop another widely known and recognised IP collective tool: AO.

Article 2.1 of the Lisbon Agreement defines AO as follows:

“In this Agreement, “appellation of origin” means the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are

*due exclusively or essentially to the geographical environment, including natural and human factors*¹⁵.

Article 2 (1) (i) of The Geneva Act provides the following definition:

*“(...) any denomination protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another denomination known as referring to such area, which serves to designate a good as originating in that geographical area, where the quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the good its reputation (...)”*¹⁶.

Moreover, in the WIPO magazine, specifically in the article entitled " Famous Appellations of Origin" this IP collective tool is defined as follows:

*“An appellation of origin is a special kind of geographical indication generally consisting of a geographical name or a traditional designation used on products which have a specific quality or characteristics that are essentially due to the geographical environment in which they are produced. Consumers are familiar with these products and often request them – even unknowingly – using their geographical name (...)”*¹⁷.

It follows from the above definitions that an AO is a type of GI characterised by referring to a product that identifies a geographical origin and has special characteristics achieved through the convergence of natural and human factors. Human factors include specific processing techniques or ancestral traditions used in food growing or handicraft production.

Some examples of AOs are Prosciutto di Parma for ham produced in Italy; Tequila for an alcoholic beverage produced in Mexico; Gruyere Cheese for cheese produced in Switzerland; Rioja for wine produced in Spain; Feta Cheese for cheese produced in Greece; and Panjin Rice for rice produced in the People’s Republic of China.

¹⁵ Lisbon Agreement adopted in 1958, revised at Stockholm in 1967 and amended in 1979. It entered into force on 5 November 1983. For more information visit: [WIPO Lex](#).

¹⁶ As referred to in note 13.

¹⁷ Famous Appellations of Origin, WIPO Magazine, online publication 6/2008, December 2008, https://www.wipo.int/wipo_magazine/en/2008/06/article_0009.html.

Focusing on the APEC economies, the surveys show that the legislations of Australia; Brunei Darussalam; New Zealand; and The Philippines, do not include a regulation on AOs. Furthermore, research shows that Japan; the Republic of Korea; Singapore; and Viet Nam, also have no explicit legal provisions related to AOs.

Contrarily, Chile; Mexico; Peru; and the Russian Federation, regulate AOs through explicit provisions. Other economies choose to protect AOs through their trademark system (for example, the United States of America). In Hong Kong, China, AOs are also protected under domestic legislation on trademarks (particularly through certification or collective marks) and the common law passing off action.

As in the case of Hong Kong, China or the United States of America, other economies protect AOs even though they do not have explicit regulations, such as the People's Republic of China, which protects them through collective or certification marks.

Regarding the ownership of AOs, Mexico and Peru establish that the owner of an AO can only be the economy so, again, those interested in using this IP collective tool must obtain an authorisation of use, subject to compliance with certain requirements established by domestic legislation. In the other hand, in the case of the Chilean legislation, ownership of an AO may also be vested in any person (natural or legal), and domestic, regional, provincial, or communal authorities. For its part, the Russian Federation Civil Code provides that the owner may be a person or a plurality of persons, as well as one or several legal entities or associations (unions).

An AO can add value to the product that it identifies and is a valuable tool for vulnerable populations and MSMEs as it allows them to compete in domestic and international markets and guarantees the quality of their products to consumers. An AO may increase the demand and, thus, may benefit the holders or beneficiaries compared to others that do not use this IP tool. Furthermore, offering products that guarantee quality and prestige allows producers and manufacturers to market them at fairer prices and extend their sales beyond the borders of their locality without the need for intermediaries.

In addition, products identified with an AO must be distinguishable from other products that do not have their quality and particular characteristics. It is therefore important to prevent products not protected by the AO from taking advantage of the reputation and prestige bestowed by the AO.

Since AOs are a sub-type of GI¹⁸, the advantages mentioned in the previous Section, concerning GIs also apply. Furthermore, some believe that AOs may also be used as a mechanism for the preservation of traditional knowledge and traditional cultural expressions to the extent that the products identified with the AO are the result of traditional processes and knowledge transmitted from generation to generation in a given community or region.

As in the case of GIs, the registration or the declaration of protection of an AO may involve a specific procedure to certify the existence of a link between the product and a given geographical area, including natural and human factors in this particular case. Thus, various formalities and the assumption of costs for technical reports, on-site inspections, and analysis of products, climate, soil, cultivation, or manufacturing methods could be required.

Compliance with these requirements (to certify the product-geographical area relationship) may result in a more rigorous and time-consuming procedure (although, again, it will depend on each economy's demands and requirements). The creation of Regulatory Councils may be an additional requirement, so that they will oversee the administration of the AO system, its defence, promotion and publicity, as well as quality certification, among other functions, which implies more management and time in obtaining protection.

3.3 Trademarks

Within the different types of protection, trademarks are those whose legal protection is most widespread. Trademarks are catalogued by jurists and IP

¹⁸ "Appellations of origin are a special kind of geographical indication (GI). GIs and appellations of origin require a qualitative link between the product to which they refer and its place of origin (...)". Information obtained from https://www.wipo.int/geo_indications/en/faq_geographicalindications.html.
"The term "geographical indications", in its broad sense, includes a variety of concepts used in international treaties and national/regional jurisdictions, such as: appellation of origin (AO), protected designation of origin (PDO) and protected geographical indication (PGI) (...)". Information obtained from https://www.wipo.int/geo_indications/en/index.html.

lawyers as the most recognised distinctive signs in domestic legislation or as the distinctive signs par excellence¹⁹.

Trademarks fulfil several functions at the same time:

- They identify goods and services of a specific source and differentiate them from those of competitors;
- They evoke specific characteristics of the product or service such that the consumer seeks to repeat the previous rewarding experience; and
- They provide certainty about the business origin, that is, of the person (individual, legal, collective) that facilitated the gratifying experience and therefore apply the processes to reach the same results.

From an economic point of view, the use and value of trademarks is particularly important as they can identify the products or services of a given owner, differentiate them from those of competitors and facilitate their access to new, more competitive markets. Thanks to trademarks, consumers can choose a product or service from among many others that are the same or similar and buy it again if their expectations have been met. Without a trademark, entrepreneurs would lose any interest in maintaining the good quality of their products or services, as consumers would not be able to recognise and purchase them.

The trademark is what remains in the minds of consumers once the products have been consumed. The importance of the trademark lies in leaving an indelible mark in the minds of consumers, a mark that is unmistakable, a memorable mark that allows them to return to consume the products it sells

¹⁹ Ley 32/1988, de 10 de noviembre, de Marcas [Trademark Law 32/1988, of 10 November]. Published on 12 November 1988. BOE-A-1988-25939 which entered into force on 12 May 1989. For more information visit: <https://www.boe.es/eli/es/l/1988/11/10/32>.
“El ABC de la Propiedad Intelectual: Registra y Patenta” [The ABC of Intellectual Property: Register and Patent]. INDECOPI – Lima, 2020. First online edition. For more information visit: <https://www.indecopi.gob.pe/documents/1902049/3747615/EL+ABC+DE+LA+PROPIEDAD+INTELECTUAL++REGISTRA+Y+PATENTA+%281%29.pdf/96e33193-899f-65c6-4281-2f22d5dc1226>.
Spanish Patent and Trademark Office (OEPM) website. Frequently Asked Questions. For more information visit: https://www.oepm.es/en/propiedad_industrial/preguntas_frecuentes/FaqSignos02.html?modalidadFaq=modalidad.2.
La Protección Internacional de las Marcas [International Trademarks Protection]. Article published on 1 November 2002. For more information visit: <https://www.economistjurist.es/articulos-juridicos-destacados/la-proteccion-internacional-e-internacional-de-las-marcas/>.

repeatedly, thanks to the differentiation it achieves with respect to its competitors.²⁰

For these reasons, trademarks can be a company's most valuable asset, and this is why their protection is of great importance for entrepreneurs, individuals, MSMEs and large companies.

Considering the objective of this Compendium and besides products or services trademarks, there are two kinds of marks that need further development: (i) collective marks and (ii) certification marks. Below are some definitions and details of these two sub-types of marks:

3.3.1 Collective marks

Collective mark's definition can be found in several doctrine and jurisprudence. The one adopted by WIPO, in the publication "Guía del Empresario sobre Marcas e Indicaciones Geográficas" is as follows:

A collective mark is a type of distinctive sign which is recognised in industrial property laws as a special category different from individual trademarks; however, it fulfils the same functions as the latter.

This type of mark will serve to distinguish the origin, or any other particular characteristic of goods or services belonging to different enterprises and used under the control of an owner (association, guild or group of persons). The particular characteristic may refer to, for example, the geographical origin of the goods or services, the method of manufacture, the materials used or their quality, or to the simple fact of belonging to a certain entity.²¹

It is important to note that the owner of a collective mark is a legal person other than the members of the entity and the latter would be the ones who will be able to use the mark.

²⁰ Ignacio Jaén, "La importancia de la marca en el desarrollo del negocio" [The importance of trademark in business development]. Online publication 3 June 2019.

For more information visit: <https://ignaciojaen.es/la-importancia-de-la-marca-para-el-negocio/>.

²¹ "Guía del Empresario sobre Marcas e Indicaciones Geográficas" [Entrepreneur's Guide on Trademarks and Geographical Indications], WIPO 2006, p. 41.

For more information visit: https://www.wipo.int/edocs/pubdocs/es/marks/859/wipo_pub_859.pdf.

At the international level, it should be noted that the regulation of collective marks was not considered in the original version of the PCPIP. It was not until 1911, within the framework of the Washington Conference that it was first mentioned, and not until 1934 that it was truly established.

In the amended version of the PCPIP (of September 28, 1979), the collective mark is regulated in article 7 *bis*, which provides that:

- “1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.*
- 2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.*
- 3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country”.*

The TRIPS Agreement does not include specific provisions on collective marks. However, it incorporates by reference²² certain provisions of the PCPIP, including the cited Article 7 *bis*. Thus, in the economies participating in the TRIPS, the basic or minimum standard of protection for collective marks is the PCPIP.

Regarding the ownership of a collective mark and according to the provisions of the PCPIP, it is held by "a collectivity", even if it does not have an industrial or commercial establishment. No specific form of constitution, registration, or recognition of such collectivity is foreseen or required. Therefore, it is up to each economy to establish who may be owners of collective marks, maintaining the concept of collectivity provided for in the PCPIP and regulating the conditions under which a collective mark must be protected.

²² As referred to in note 12

“Article 2 Intellectual Property Conventions

1. In respect of Parts II, III and IV of this Agreement, Members shall comply with Articles 1 through 12, and Article 19, of the Paris Convention (1967) (...).”

The fact that the PCPIP has stipulated in the cited numeral 1) of article 7*bis* that the community does not need to have a commercial or industrial establishment either in the territory of origin or in any of the territories to which it intends to extend its protection is of vital importance since usually remote or rural communities, vulnerable populations or MSMEs lack an establishment to produce or market their products, which can often be handmade in their own homes.

Continuing with the ownership of this type of marks, from the information collected by surveys circulated among APEC economies, it can be noted that, for example, Australia; Brunei Darussalam; New Zealand; and the Russian Federation, allow associations, incorporated or not, to own a collective mark; Hong Kong, China, and the United States of America refer to any legal entity, individual or incorporated. The Philippines states that the registration of collective marks is allowed to any entity, with no limitations. For their part, Chile; Mexico; and Peru, require that holders must be associations of producers, manufacturers, or service providers, but point out that they must be legally established.

Moreover, research shows that in the case of the People's Republic of China, collective marks can be owned by a group, association, or any other organisation; Viet Nam only refers to an organisation; and Malaysia and Singapore to an association (in all three cases, without specifying any requirement). Thailand legislation states that the owner can be companies, enterprises, an association, a cooperative, union, confederation, group of persons or any other state or private organisation. For its part, the Republic of Korea provides that the owner can be a corporation jointly incorporated by producers, manufacturers, sellers or service providers.

In consideration of the foregoing, the associations of producers, manufacturers, or service providers are the ones who should take advantage of this IP tool as it allows disadvantaged communities or MSMEs to group together in order to place on the market recognisable products or services with common characteristics, often referring to the geographical place of production or to the way of production or rendering of the services.

In fact, partnership through standardisation or complementarity and innovation are key for disadvantaged groups to achieving business development, particularly because it allows them to be able to offer its products or services in a timely manner and in quantities that, in isolation, would be difficult to meet (large scale production capacity). In addition to the possibility of economic of scale, another advantage from an economic point of view is that collective marks are a useful instrument to obtain financing and support from the governmental or private system, as it offers greater assurance of compliance.

Moreover, the special characteristics of the products or services that a collective mark identifies differentiate them from the competitors, building a positive sense of community identity to work with common goals and objectives.

It is important to note that when it comes to products or services identified with a collective mark, consumers have more confidence in their quality and do not fear fraud or deception.

Collective marks are important for promoting and marketing products such as handicrafts produced through traditional methods and native crops. Members of remote or rural communities producing or cultivating the same product following traditional knowledge or improving methods over time can pool to access the market, thus reducing their costs of production, marketing and dissemination of the mark.

Some examples of collective marks are the Peruvian native potato mark SUMAQ SONQO which groups native potato producers from 27 communities in the Districts of Paucará, Andabamba, Rosario and Acobamba in Peru; the ZACHILLOS mark whose owner is the State Council of Producers of chili in Zacatecas, S.C. and identify dried chilies from the Zacatecas region in Mexico; and, the collective mark BIKOL PILI, registered by OKB Association - an association of more than a hundred local entrepreneurs - which protects goods which are derived from the pili, a tropical tree that grows in the volcanic soil of The Philippines.

Bearing in mind that the owner of a collective mark is a group of individuals or legal entities, it is important to establish rules and clear guidelines that each of the members must respect and comply with, in order to avoid controversies.

For these reasons, some economies such as Brunei Darussalam; Chile; Mexico; Peru; The Philippines; and the Russian Federation, provide as a requirement for the registration, the existence (or even submission) of the Regulations of Use, unlike other economies such as Australia; Japan; and New Zealand, which do not require it. The United States of America for its part requires the applicant to specify who are allowed to use the mark, their relationship with the applicant, and to state the nature of the applicant's control or intended control over the use of the mark.

The establishment of clear regulations regarding the rights and obligations of the members will avoid possible conflicts or misuse of the collective mark. This is also the common understanding of WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, as considered in the Twenty-First Session, in Geneva through the document "Technical and Procedural Aspects Relating to the Registration of Certification and Collective Marks":

"(...) The requirement to file regulations governing the use of collective and certification marks exists in most jurisdictions for a number of reasons. There is a need that regulations governing the use of marks are clear and accessible so that anyone intending to make use of the mark can easily access the relevant information and can understand the requirements that must be met before an authorized user can make use of it (...)"²³.

The tool for ensuring that the common objectives are met is the Regulations of Use, which should clearly set out the requirements for the use of the collective mark, the control mechanisms or even the sanctions in case of non-compliance.

Due to the different legal nature that the collective entity may have, there is no uniformity in the content of the Regulations of Use in each economy. However, in general terms, the Regulations of Use of collective marks may comprise:

²³ Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, Twenty-First Session, Geneva, 22 to 26 June 2009, "Technical and Procedural Aspects Relating to the Registration of Certification and Collective Marks", p.8. Document prepared by the Secretariat. Document code SCT/21/3. Published on 15 May 2009.
For more information visit: https://www.wipo.int/edocs/mdocs/sct/en/sct_21/sct_21_3.pdf.

- The requirements for using the collective mark in relation to the goods or services it identifies;
- The procedure for admission or access to the entity that owns the collective mark and that authorises the use of the sign;
- The procedure for the election, renewal and replacement of decision-making bodies of the legal entity, organisation or association; and
- The sanctions in case of infringement of the established Regulations of Use.

Usually, the Regulations of Use must be submitted along with the application. However, some domestic legislations grant additional deadlines for its submission (for example, in the EU the Regulations of Use must be filed within two months from the date of submission of the EU collective mark application) or even do not require that they be provided as such (for example, Australia).

Domestic legislation of each economy may require fewer provisions in the Regulations of Use, or be more rigorous (e.g., demanding that it contain the mechanisms for amending the regulation itself).

3.3.2 Certification marks

By definition, a certification mark indicates that the goods or services in connection with which it is used are controlled and certified by the owner of the mark in respect of origin, material, mode of manufacture of goods or performance of services, quality, accuracy, or other characteristics.

It is a mark that may be used by several persons, subject to control and authorisation by the owner, who will certify that the products or services to which the mark is applied meet certain requirements or conditions of quality, composition, geographical origin, technical characteristics, methods of preparation and production or provision of services, among others²⁴.

Even though this type of mark is not included in the PCPIP or the TRIPS, it cannot be considered out of the treaties' scope, since they refer to all trademarks regardless of their characteristics. Therefore, some APEC economies expressly regulate the certification mark, as is the case of, Australia;

²⁴ As referred to in note 21, p. 52.

Brunei Darussalam; Chile; the People's Republic of China; Hong Kong, China; the Republic of Korea; Malaysia; Mexico; New Zealand; Peru; Singapore; Chinese Taipei; Thailand; the United States of America; and Viet Nam.

The certification mark's main function is to guarantee that the products or services it identifies are within the standards pre-established by their owner, who exercises prior and continuous control over the products or services that use the certification mark²⁵. Thus, these marks provide relevant information when the consumer must choose between several products or services of the same nature, being a useful tool to strengthen the protection of consumers' rights and interests.

For those reasons, certifications marks are highly useful for promoting the marketing of products or services and achieving an increase in the volume of sales, as well as consumer confidence and loyalty.

The first characteristic that should be pointed out is that the certification mark cannot be used by its owner directly to apply it to the products or services it identifies. The holder merely licences the use of the certification mark so that third parties may use it, normally accompanying a trademark of their own.

The instruments that allow users to use the certification mark in their products or services are regulated by the Regulations of Use, on the one hand and the licence for use, on the other. That means that anyone who meets or complies the requirements of the Regulations of Use regarding the concession or authorisation of use of the certification mark may have access to its use by signing the respective licence agreement (or obtaining the resolution of use in case the owner is a public entity). It is, therefore, necessary to have effective control over the licences or authorisations granted.

Another characteristic of the certification mark is that the product or service must be reviewed before and after it is placed on the market to ensure that it

²⁵ Luis Alonso García Muñoz Najar, La Marca Colectiva, la Marca de Certificación o de Garantía: Características, Principales Requisitos de Constitución, Titularidad y Uso. Estudio de Casos [*The Collective Mark, The Certification or Guarantee Mark: Characteristics, Main Requirements for its Constitution, Ownership and Use. Case Studies*] in the "WIPO Workshop on Distinctive Signs as Tools for Business Competitiveness" organized by WIPO and the National Industrial Property Office (ONAPI) of the Dominican Republic, held in Santo Domingo on 20-21 February, 2006, Document code OMP/PI/SDO/06/1. Published on 17 F2006, p. 7.
For more information visit: https://www.wipo.int/meetings/es/doc_details.jsp?doc_id=56765.

complies with the characteristics indicated in the Regulations of Use. It can be said that there is constant and extensive control over the characteristics that the product or service must meet, so it is necessary to establish control procedures. In other words, the main concern to be covered is the mark's ability to distinguish products or services that have particular qualities duly certified, so that their acquisition or contracting generates confidence and security.

Concerning the Regulations of Use of certification marks to which we have referred, it should be noted that they generally require the following information to be included (although each domestic legislation may determine more or fewer requirements):

- To establish the control measures that the owner is obliged to implement and the applicable sanctions.
- The quality, components, origin or any other characteristic of the corresponding products or services.
- The characteristics guaranteed by the presence of the mark and the way in which quality control of such characteristics will be exercised before and after the use of the mark is authorised.
- The indication or identification of the products or services that may be subject to certification²⁶.

One example of certification mark is the UL - AU Certification. This certification mark is relatively new and *"(...) is issued by the renowned Underwriters Laboratories laboratory and guarantees that the product that carries it printed complies with all Australian safety regulations. Currently only available in a limited product name: residential smoke alarms and detectors, fire alarm control equipment and accessories, spa equipment and swimming pools and lighting products (...)"*²⁷; or CQC Certification mark for the People's Republic of China, *"CQC certification (Voluntary Product Certification of China Quality Certification Centre) is a voluntary product certification managed by CQC organisation (China Quality Certification Centre). This organisation has the authorisation of the Government of the People's Republic of China which establishes the voluntary standards that are designed for each product. This certification offers*

²⁶ As referred to in note 25, p. 7.

²⁷ Information obtained from <https://www.sherpa-certification.com/en/international-product-certification/product-certification-australia>.

evidence that the product that owns it complies with the requirements established by the CQC and is suitable for this certification (...)²⁸.

In some cases a certification mark act as a reinforcement (or simply as a framework) of a macro indication of origin, to guarantee that the products or services identified with it come from a geographical area, which is generally known for the quality or characteristics of its products or services and, therefore, does not apply to specific products or services but to forms of production, provision of services or the ethnic origin of the products. An example is the Mexican certification mark HECHO EN OAXACA, which guarantees that artisanal products have quality and relevant characteristics associated with their geographic, cultural, and traditional origin²⁹.

Due to the important role played by certification marks in the consumer's decision to purchase products or services, and therefore given their potential to serve as a mechanism to boost the economy of rural populations, vulnerable populations and MSMEs, it is possible to find examples in which the governmental authority protects a certification mark and grants authorisations for its unrestricted use. This is the case of the Peruvian certification mark AGRICULTURA FAMILIAR DEL PERU³⁰, which is a distinctive sign created by MIDAGRI to increase the positioning of products or services elaborated by family farming producers, allowing them and their organisations to participate in government food procurement procedures³¹.

²⁸ Information obtained from <https://www.sherpa-certification.com/en/international-product-certification/product-certification-china>.

²⁹ Information obtained from <https://www.marcahechoenoxaca.mx/>; <https://www.facebook.com/MarcaHechoEnOaxaca/>; <https://www.instagram.com/marcahechoenoxaca/>; and <https://www.oaxaca.gob.mx/comunicacion/anuncia-alejandra-murat-la-marca-de-certificacion-hecho-en-oaxaca/#:~:text=Anuncia%20Alejandra%20Murat%20la%20Marca,Social%20del%20Gobierno%20del%20Estado>.

³⁰ Certification mark N° E00000008, registered by MIDAGRI on 16 September 2021, to identify products and services in classes 20, 23, 24, 25, 27, 29, 30, 31, 35 and 44 of the Nice International Classification).



Information obtained from: <https://enlinea.indecopi.gob.pe/consultatutramitedemarcas/#/consulta-certificado>.

³¹ MIDAGRI seeks to recognize, value and safeguard the traditional techniques of rural men and women who belong to family agriculture as a guarantee of food security, as well as the conservation of biological diversity.

Information obtained from: <https://www.gob.pe/institucion/midagri/campa%C3%B1as/6948-marca-de-certificacion-agricultura-familiar-del-peru>.

The licence to use the certification mark is intended to enable family farming producers and their organisations to participate in government food procurement procedures.

4. GUIDELINES AND RECOMMENDATIONS FOR THE DESIGN AND IMPLEMENTATION OF IP PUBLIC POLICIES TO PROMOTE ECONOMIC DEVELOPMENT OF VULNERABLE POPULATIONS AND MSMEs, AS WELL AS THEIR RECOVERY AFTER DISASTERS

Based on the research carried out and from the collaboration of APEC economies that have shared successful examples on the use of IP collective tools, their usefulness as a tool to boost the economy of vulnerable populations and MSMEs and to recover from disasters, has been demonstrated, along with their ability to promote innovative development and inclusive approaches allowing for better economic and social standards of living.

It is interesting to establish some guidelines and recommendations that could be adapted in each case to the specific situation of each economy. As seen in the preceding paragraphs, the protection of the various IP collective tools differs in each economy. And even more, some elements may not be considered in some legislations.

Taking into account these differences and given the impossibility of implementing uniform public policies for all economies, the following are measures that apply to a wide range of potential beneficiaries. However, they primarily focus on vulnerable populations and MSMEs that have suffered adverse consequences due to natural disasters, economic crises, wars, or pandemics. Therefore, special emphasis is placed on expeditious solutions, as well as temporary implementation measures.

4.1 Guideline 1: Impact studies to focus goals and objectives

Studies and assessments are important as they allow to know not only how entities work and the impact on citizens, but also help to improve processes.

The following are recommended studies or assessment topics that will help economies to improve lines of action to disseminate and enhance the impact of IP collective tools. Conducting one or more of these studies would provide a more complete picture of how and to whom to target possible public policies related to the use, registration and exploitation of IP collective tools:

- Studies that demonstrate the importance of IP collective tools among APEC economies. Knowing the impact generated in the economy of vulnerable populations and MSMEs that use IP collective tools will allow targeting the key points for their dissemination. In addition, the link between growth, development, and IP collective tools would be useful.
- Assessments to identify the added value or the differentiating and characteristic element of the product that is intended to be protected with the IP collective tool. It is important to clearly identify the added value of the product, since this allows a better use and exploitation of it and contributes to an improvement of its competitiveness and positioning in the markets.

An additional factor that some economies believe can be exploited for the benefit of IP collective owners or beneficiaries is whether this identified added value is associated with traditional knowledge or a specific origin, since such kind of information, it is believed, may be appealing to consumers and, in some cases, even determinant for their consumption decisions.

- Market research to identify the potential of new IP collective tools in APEC economies. Market research findings would help to identify the necessary or most useful tool for each purpose, as well as the most relevant timeframe.
- Studies to highlight barriers and difficulties that vulnerable populations and MSMEs have faced when implementing IP collective tools or during the exploitation stage, in order to target possible public policies appropriately.
- Market studies to determine the level of acceptance that the products identified with a certain IP collective tool could have from consumers in a potential entry into the market.
- Financial and economic studies to evaluate the possibility of setting up decentralised or mobile IP offices in remote or rural areas to allow a

better approach of vulnerable populations to the IP collective tools available for their use and exploitation.

4.2 Guideline 2: Capacity building

Institutional capacity building is the key to ensuring the participation - directly or indirectly - of public institutions in the promotion, protection and exploitation of IP collective tools. The idea is to engage and assist other public institutions to support the dissemination and use of IP collective tools in the various APEC economies.

In this regard, each economy should propose actions for the strengthening of institutions or authorities linked to the different stages of an IP collective tool, such as specialization courses, internships, elaboration of studies or documents or the implementation of digital platforms through which all those involved can disseminate and share actions taken and results.

Additionally, it is important to strengthen IP authorities in each APEC economy to make strategic alliances with other public or private entities that have competence in necessary and complementary stages for the success in the implementation of IP collective tools.

4.3 Guideline 3: Review and learn from IP policies implemented by other economies

As already mentioned, there are undeniable differences between each economy's legislation, as well as differences from the economic, geographic, and social points of view. However, there may be points of convergence and similarities that invite us to learn from the positive experiences of others.

Studying successful experiences of other economies regarding the use of IP collective tools to foster economic development can be a valuable source of information to consider. It would be necessary to compare domestic legislation and the economic resources to see whether it is possible to apply them partially or totally.

4.4 Guideline 4: Implementation of a virtual information platform

Without prejudice of the participation of APEC economies in the IPEG meetings or workshops or seminars carried out, it could be useful to implement a virtual network of focal points of APEC economies for dissemination of experiences in the promotion and use of IP collective tools as an effective mechanism to foster an awareness of such tools to vulnerable populations and MSMEs.

The network of contact points could be made up of state agencies of each economy that oversee the registration of IP collective tools or monitor their evolution and development. On this platform, local authorities from all APEC economies could also share the institution-building actions they have carried out in their respective economies and referred to in the previous point.

The main goal would be to promote the exchange of information on methodologies for the formulation, implementation, evaluation and strengthening of IP collective tools public policies.

4.5 Guideline 5: In-depth knowledge of IP collective tools

Focusing on the implementation of public policies that seek economic reactivation of vulnerable populations and MSMEs using IP collective tools, it is crucial to evaluate and select the tool that best fits each situation and each specific case. Therefore, it is essential to verify which IP collective tools are considered by each domestic legislation (either through special laws or through the application of general IP rules), what they establish with respect to the ownership of these rights, what requirements are demanded, the costs involved in their protection and the procedure for obtaining them.

For example, as mentioned before, in the case of GIs and AOs, their registration may involve a longer and more rigorous procedure since it is necessary to demonstrate that the product to be identified has special characteristics and qualities because it comes from a specific geographical area or because its preparation or production process is related to that area. Furthermore, regarding certification marks, their protection also implies a prior procedure to prove compliance with certain quality standards or characteristics.

In addition to the legislative framework, the selection of the IP collective tool must consider the group to be targeted by the public policy, whether they are vulnerable populations or MSMEs that produce or manufacture products or, on the contrary, provide services, as well as their needs.

4.6 Guideline 6: Dissemination and promotion of IP collective tools and their advantages as a mechanism to foster economic development

Vulnerable populations are often made up of low-income people, many of whom have a low level of education and tend to live in rural areas (some of which are difficult to access). These populations are generally engaged in agriculture, fishing, livestock or handicrafts.

For its part, although MSMEs have share capital, this is usually quite limited, so they can rarely compete with large, industrialised, or multinational companies. In fact, in many cases, MSMEs are family businesses that cannot compete on a level playing field.

Both groups are mostly unaware of IP rights, the different tools it offers and even less about the advantages that its use can offer them. As a result, the benefits granted using IP tools are not usually taken advantage of by these disadvantaged groups.

Considering this undeniable reality, one important step would be to reduce this gap between use and awareness of IP and vulnerable populations and MSMEs. In this regard, dissemination and promotional activities should take into consideration the level of education, cultural aspects and variability of languages of the people to whom the activities are addressed in order to know how to approach the ideas and the way they should be transmitted.

4.6.1 Organisation of face-to-face training courses or workshops for vulnerable populations and MSMEs

Given that there are still rural populations without access to the Internet, the organisation of events must take this into account. If necessary, public authorities should travel to these geographic areas to enhance participation.

In order to maintain interest, distribution of printed material must be an option. It should contain clear, friendly and straightforward information to reinforce the concepts provided.

Sharing success stories of other vulnerable groups is always valuable since it allows them to identify themselves and have confidence in the results. Therefore, inviting owners or beneficiaries from the same sector could capture other vulnerable populations or MSMEs' attention and become an incentive to associate and benefit from the advantages of IP collective tools.

4.6.2 Training activities through Internet

For those economies whose disadvantaged groups have easy access to the internet, organising webinars and uploading promotional and information material, interviews, or tutorials is an economical alternative that can reach many more people.

Technology will allow the promotion of training videos in more than one language (for those economies that have populations with various dialects). The videos can show the advantages of associativity and IP or give information about the steps required to register or use IP collective tools.

The use of storytelling should be considered as a useful communication tool, as well as videos through which IP owners or beneficiaries share positive experiences in the use and exploitation of IP collective tools.

4.6.3 Information stands

Beyond their families and the local community, trade fairs are often where members of vulnerable populations or MSMEs come to market their products, so their participation should be used to contact them and encourage the use of IP tools.

Producers, manufacturers or service providers may be contacted directly or through seminars or workshops organised for participants or visitors, but also through information stands.

This dissemination work can be carried out by the government itself through its competent IP authorities, but also through private sector entities, such as chambers of commerce or non-profit legal counsel, for example.

4.6.4 Setting up decentralised or mobile IP offices

Exploring the possibility of setting up decentralised or mobile IP offices in remote or rural areas must be analysed from an economic and logistical point of view, as the lack of technology is often compounded by geographical and transport difficulties for their inhabitants to travel to big cities for advice.

At least, during emergencies, temporary modules could be installed to promote the IP tools that best apply to each community. Given the cost that this may represent, the private sector's participation can be decisive, especially through strategic alliances from which they can also benefit. How private companies from different sectors can obtain economic benefits through the correct use of IP in their respective localities is analysed in detail later.

4.7 **Guideline 7: Strengthening of the associativity**

It is necessary to increase awareness of the advantages of associativity to achieve economic development that, in isolation, would not be possible or would be considerably more difficult.

During times of natural disasters, pandemics or economic crises and times of need, the possibility of sharing costs and not facing them alone can be an important incentive.

Training on the advantages of associativity should also delve into the potential problems of reaching consensus among the members. For this reason, it must

be crucial to convey that the guiding principle must be the common interests of the association's members, specifying the importance of maintaining the quality of products and services, as well as sharing both costs and benefits.

Naturally, finding opposing views in any association, company or working group is ordinary. Indeed, the consensus in associations with a large number of members will be even more difficult. Hence, the importance of establishing conflict resolution mechanisms, clear and binding rules for the exercise of votes and even procedures for voluntary resignations or expulsion of members who do not comply with the approved provisions.

Additionally, it is recommendable to maintain a good relationship and trust between all stakeholders, for example, organising social gatherings for the members.

4.8 Guideline 8: Advice in the pre-registration stage

The focus of this guideline is vulnerable populations and small business that have been encouraged to use IP collective tools. Therefore, their formalisation will be necessary before acceding to the IP tools. Thus, they will need to comply with certain procedures and requirements. In that regard, public and private sector support should extend beyond promotional activities and should also focus on setting up legally established associations or entities. In fact, these disadvantaged groups should seek organisation and may have to incur some costs such as lawyers', notaries' and registration fees. They will have to draw up minutes of, for example, the election of administrative bodies, appointment of directors, representatives, etc. However, for villagers in remote areas, indigenous peoples or micro-entrepreneurs, formalisation may discourage them from using IP, due to the cost it represents, the bureaucracy it may entail or even the difficulties of moving to other cities to carry out the paperwork.

For these reasons, advice and support at the pre-registration stage (some of which are detailed below) can be decisive for vulnerable populations or MSMEs in deciding whether or not to opt for IP collective tools.

4.8.1 Organisation of workshops

Once again, government support can play a fundamental role. The organisation of workshops to inform, in a friendly and simple way, the steps to formalise an association or incorporate a company can be fundamental. Inviting law firms to participate on a non-profit basis can be a zero-cost alternative to be considered.

If possible, in case of face-to-face training activities, they should be carried out in the locality to which the vulnerable populations or small businesses belong, to avoid them for moving to another city, which could be discouraging. Distribution of printed material with information in a clear and friendly language will reinforce the concepts provided.

4.8.2 Standardised forms

The use of standardised forms would make things easier for vulnerable populations or small businesses as the fulfilment of formal requirements during the formalisation process would be less cumbersome.

The objective of this standardised forms – whether are in paper or electronic format - is to facilitate and encourage the formalisation process, by making compliance with requirements expeditious, friendly and appealing to the interested parties. Therefore, according to each economy's legislation and specific provisions, they could provide standardised forms, for instance, of the minute for the constitution of the enterprise or association, or for the regulations on the development and management of the enterprise or association, among others.

Also, it is recommended that the authorities request relevant and necessary data. Information that is already available to them should not be requested.

4.8.3 Advice through virtual platforms

The implementation and provision of virtual training platforms allows for a wider dissemination of information. Uploading video tutorials in user-friendly language can be an attractive option as well.

4.8.4 Establishment of a single service platform

As already mentioned, formalisation requires compliance with certain procedures and requirements which are related to all those aspects required for the constitution of an enterprise, association or entity, ranging from notarial, registry, tax issues, etc., and which may vary depending on what is provided for in the legislation of each economy.

Given the above situation, is common for vulnerable populations or small businesses to be discouraged by the accumulation of procedures and requirements that must be met, one of the main obstacles being the fact that probably several of the procedures or requirements must be processed before different authorities that are located in different spaces. The foregoing not only implies a cost for the procedure itself that must be carried out, but for the transfer from one entity to another, which implies, in addition to money, time.

Therefore, it would be recommendable that the economies evaluate the establishment of a single service platform, either physical or virtual, whose objective is to bring together all the entities that intervene or contribute to the formalisation process. Thus, in a simplified way, the interested parties can approach personally or access a single platform where they can find all the necessary information to carry out their formalisation, and through which they can execute all the necessary procedures that this process entails, including the payment of the corresponding fees.

4.9 Guideline 9: Financial support in the pre-registration stage

As mentioned above, administrative procedure for the formalisation of associations or other entities involve administrative costs, so any financial support will be of great help to these disadvantaged groups.

Some alternatives are listed below:

4.9.1 Identify and promote domestic or international funding programmes

Identify and list in each APEC economy or in international organisations financing funds that encourage formalisation of groups of producers or small businesses, as well as its dissemination among the interested parties.

Producers and small businesses are often unaware of the existence of funding programmes. Therefore, public authorities should be the ones to identify those programmes and bring them to the attention of these groups so that they can apply for them.

4.9.2 Financing programmes

Financing can take different forms such as:

- Aid or subsidies managed by governmental authorities (domestic or regional) or international organisations;
- Loans, guarantees, and capital as modalities of financial assistance to support the formalisation of associations or entities;
- Reduction or exemption of registration fees; or
- Awards to encourage associativity or the formalisation of businesses.

4.10 Guideline 10: Facilitating compliance with registration requirements

Advice from IP offices on the feasibility of the IP collective tool registration (verifying the existence of confusingly previous signs that may constitute an

obstacle), as well as advice on the correct description of the products and services to be identified (classifying them as appropriate to avoid official actions that would delay the registration process), could imply a less cumbersome procedure without delays.

This advice could be provided through face-to-face or digital platforms, in which the steps to protect the IP elements must be clearly described, for example using video tutorials or digital tools to search prior registrations or to assist in the classification of the products and services of interest, according to the rules applied by each economy.

It is also possible to use other communication channels such as emails or artificial intelligence tools, for example chatbots.

The implementation of digital tools to provide technical advice would benefit those who live far away from IP offices and would also save time for public officials.

4.11 Guideline 11: Simplification of IP collective tools registration procedures

Establishing more expeditious and less costly procedures for society can be a prime objective of administrative simplification. Therefore, government authorities should consider implementation of measures in this regard.

In relation to protecting IP collective tools, it may be necessary to review the registration requirements and procedures that each economy demands, according to their domestic legislation.

For rural inhabitants or MSMEs comply with the preparation of technical reports and the collection of suitable means of proof is challenging, even more in emergencies. For that reason, the support of governmental authorities can be decisive in reducing time and costs in the registration processes, and their requirements. Public policies should consider rapid actions with almost immediate effects to avoid business closures or increased poverty levels.

The following are some recommendations to simplify IP collective tools registration procedures to benefit vulnerable populations, MSMEs, women and

others with untapped economic potential, who may have suffered severe consequences from natural disasters, economic crises, pandemics, or wars.

4.11.1 Standardised forms

Regarding IP collective tools, it is more than likely that the stakeholders will require technical support for the drafting of the Regulations of Use (if required by domestic law) or the drafting of other technical documentation.

For that reason, once again an option could be to prepare standardised forms for this type of documents in order to make the procedure easier for disadvantaged groups that do not have their own advisors or technical staff.

4.11.2 Implementation of a fast-track and accessible procedure

A recommended measure to be considered by APEC economies is the implementation of a fast-track procedure to help expedite the process of obtaining protection for IP collective tools. One alternative to do so is to identify the non-contentious applications which present a lower degree of complexity, being more feasible that all stages of those procedures can be executed in a promptly manner.

Of course, some stages have deadlines that cannot be modified or cut down without prejudice to third parties (for example, the deadline to file an opposition). However, other deadlines depend on the competent authority itself. Then, those represent an opportunity for authorities to shorten the procedure, especially in favour of vulnerable populations and MSMEs, so that they can enjoy the benefits of IP as soon as possible.

4.11.3 Research on registration procedures in other economies

It would be advisable to research the registration procedures' rules applied in other economies to have comparable data regarding deadlines and steps applied in different IP offices.

The idea is to search for good practices or operational improvements implemented in other economies, with regard to IP collective tools registration procedures, so they can be applied or adapt to own procedures.

4.11.4 Online registration procedures

Quick actions can mean avoiding the closure of many MSMEs and preventing the exodus of remote or rural populations. Even so, it is important to note that simplifying the registration procedure goes hand in hand with the possibility for disadvantaged communities to apply without incurring logistical costs.

On this point, the solution (at least for those vulnerable populations and MSMEs with internet access) would be to provide online and friendly registration procedures that avoid the applicant's travel expenses to IP offices. The idea is to implement a fully online registration procedure, from the submission of the application, digital transmission and reception of notifications, official actions, to sending the final decision and even the certificate of registration. Also, it would be advisable for these digital platforms to include the option to pay fees virtually.

As the provision of online services entails costs, technical cooperation agreements with international organisations for its development could be an alternative. In fact, some international organisations may be interested in financing (partially or totally) the implementation of virtual platforms as the systematisation of information and procedures in domestic IP offices could allow them to offer updated information and statistics in their own databases, such as distinctive signs search database.

4.12 Guideline 12: Financial support in the registration stage

Natural disasters, economic recessions, or pandemics such as those we have recently experienced hit the poorest and the MSMEs hardest. Their economic and commercial subsistence frequently requires the support of the government and the private sector (financially stronger).

In fact, despite interest in associativity and in the use of IP as a useful tool for economic recovery, there may be situations where disadvantaged groups will not be able to incur any cost. In these cases, any income must be invested in the production or manufacturing of products or provision of services to meet higher levels of demand or for carrying out activities of advertising.

For that reason, financial support will be crucial to fostering the registration and use of IP collective tools.

4.12.1 Identify and promote domestic or international funding programmes

Governmental authorities should identify domestic, regional or foreign financing funds that encourage the registration of IP, and disseminate this information among the interested parties, as the latter are often not aware of the existence of funding programmes.

4.12.2 Financing programmes

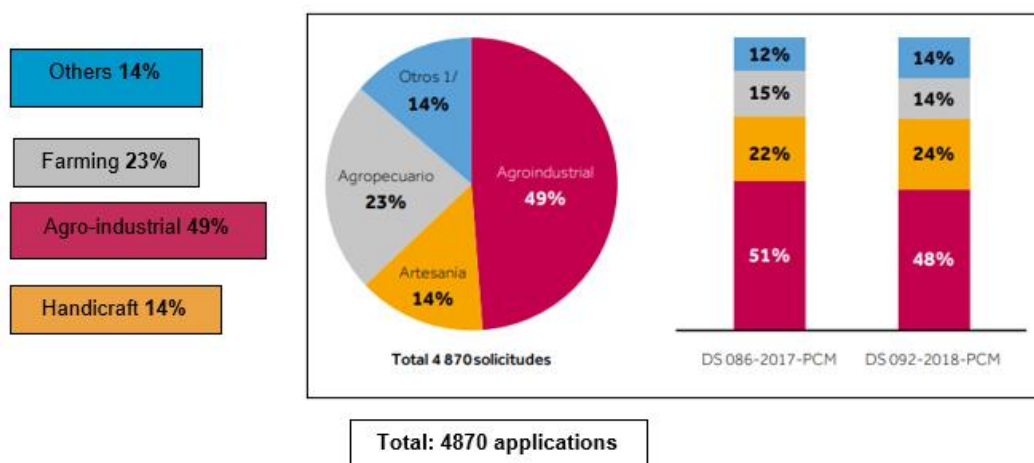
In order to support vulnerable populations and MSMEs that have suffered devastating consequences after natural disasters, pandemics or wars, any aid or subsidies granted by governmental authorities or international organisations would give strong incentives to apply for the registrations of IP collective tools. This is a common measure in the EU to encourage SMEs and entrepreneurs to protect their intangible assets through official fees refund.

Another option to support these groups would be offering affordable loans (long-term and interest-free). Public authorities could also help in the form of guarantees and capital injections as modalities of financial assistance to help the disadvantaged in the registration and protection of IP assets.

Regarding the reduction or elimination of official fees, examples of economies that have implemented these measures due to a post-natural disaster and for particular beneficiaries, such as vulnerable populations and MSMEs, are described in section 6 of the Compendium. It should be noted that, because of the success obtained,

the period and the target public to which the measure was addressed were extended.

Such is the case of, Peru, an example of how the implementation of some of these public policies encourages disadvantaged groups such as small artisans, farmers and MSMEs to approach IP, to learn about its advantages and to take steps to protect their intangible assets. The following table shows the percentage of collective mark applicants, by economic sector, who have benefited in Peru from the elimination of registration fees as well as from free advice, among other public policies³²:



4.12.3 Awards

Creating and promoting awards to encourage the registration of IP collective tools should be considered. Prizes can consist of cash, machinery, technology, free advertising campaigns, the design of a website, and training courses in sales and advertising, among many others.

4.13 Guideline 13: Use of IP collective tool with additional signs

The possibility of using an IP collective tool together with an additional sign that allows its recognition, prestige or retention may be an alternative to enhance its presence in the market.

³² Documento de Trabajo N° 04-2020/GEE: Resultados Potenciales Derivados de los Decretos Supremos 086-2017/PCM y 092- 2018/PCM [Working Document N° 04-2020/GEE: Potential Results Derived from Supreme Decrees 086-2017/PCM and 092- 2018/PCM], prepared by the Economic Studies Division of INDECOPI (p.15).

For example, the authorized use of the economy's symbols as a component of a sign can be useful to endorse the qualities of the product or service, in addition to creating a sense of identity and belonging.

An example of this type of signs can be found in "nation brands".

"The nation brand is a «metabrand» that integrates the competitive intangible assets of an economy: its vision, its distinctive character, its people, its promise, constituting the distinctive identity of the said economy. It is more than tourism; it is more than a slogan or an appealing design. It is the complete image of an economy on the international stage, with political, economic, social and cultural dimensions, seeking, like commercial trademarks, to differentiate the economy from other competing economies in the global market. The nation brand is the projection of what the economy is and desires to be³³".

Advertisement campaigns to promote these signs require the mobilisation of large resources and are of great importance because the idea is to compete in a global market in which economies, cities and regions are competing to attract as many tourists, investors, consumers, students, events, and so on as possible.

Therefore, the possibility of another distinctive element (such as an appellation of origin, a collective or certification mark) benefiting from these macro advertising campaigns is very attractive. Although it is true that the authorisation for the use of this type of signs usually demands compliance with certain requirements, due to the fact that the sign identifies a particular economy, it cannot be denied that its use in products and services is likely to generate consumer confidence becoming a powerful marketing tool.

³³ Pablo de Roca, Sharin "Marca País, el registro de su identidad" [*Nation brand: Identity registration*] - Anu. dominic. prop. intelect., N°3, ISSN 2410-3640, August 2016, pp. 77-95.
Publication available at: <https://dialnet.unirioja.es/revista/24441/A/2016>.

4.14 Guideline 14: Support for entering to competitive markets

It is important to be clear that registering or obtaining authorisation to use an IP collective tool can be essential for the economic reactivation of vulnerable populations and MSMEs.

However, in the case of disadvantaged groups, we cannot rule out the possibility that, even working as a team, they may be unaware of ways to access competitive markets and continue offering their products or providing their services on a reduced scale, despite having a useful tool at their disposal.

To prevent this, it is recommended to monitor IP collective tools' owners or beneficiaries belonging to disadvantaged groups, in order to identify the barriers or obstacles they face. Also, the implementation of public policies in favour of vulnerable populations and MSMEs focused on the post-registration stage is crucial as seen below.

4.14.1 Organisation of training workshops to enter to competitive markets

Regardless of teamwork, vulnerable populations and MSMEs will need training to best exploit their IP collective tool. Therefore, it is necessary to organise and conduct training workshops by local governments, chambers of commerce or private sector entities.

These groups will need training on developing economies of scale, export of products or services, marketing strategies, among others.

4.14.2 Participation in trade fairs

Attendance at fairs and exhibitions to promote their products and services, combining efforts to assume the expenses involved in participating outside their localities. It is important to make vulnerable populations and MSMEs aware of the main fairs or exhibitions held each year, considering the economic sector they belong and the target market.

If possible, their participation through stands could be subsidized, partially or totally.

4.14.3 Use of the Internet

The use of social networks or the creation of websites allow the positioning of products and services in a globalised market. As these recommendations focus on disadvantaged groups, financial support for the creation and maintenance of web pages could be subsidised, at least initially, while they are able to assume new costs. In addition, given the fact that some rural populations are not familiar with the use of technology, financial support should be complemented by training activities.

It should be noted that grants and subsidies for vulnerable populations and MSMEs for digitalisation projects and for the design and development of websites, social networks, and cybersecurity as a vehicle for business development is a measure adopted by European economies to encourage the use of technology among entrepreneurs and small businesses.

Without prejudice to the provision of economic resources referred to above, the use of the internet offers additionally the possibility of carrying out advertising activities that do not involve excessive cost, such as promotional videos about the characteristics of the geographical area that make the products special or videos sharing the story behind each product so that consumers become aware of the production process, how long it takes, the ancestral techniques (if applicable) and the effort involved in the product or service. This will make them aware of the value of the product and will facilitate the acceptance of a higher price.

Videos uploaded in internet, nowadays, reach thousands or millions of people internationally. It is a simple, effective, and low-cost form of advertising.

4.14.4 Use of online stores

Marketing through online channels (online shops) are an effective way to market products worldwide. Also, as indicated in some of the successful cases below, it has proven to be a solution during emergencies (destruction of roads or confinements during the pandemic).

For that reason and focusing on remote vulnerable populations and MSMEs, it would be prudent to consider financial support and training courses on the use and exploitation of electronic platforms for marketing their products.

In parallel to the above, IP offices or other domestic authorities could implement virtual platforms where products or services identified with IP collective tools are offered, allowing their purchase or at least sharing the owners' or beneficiaries' contact details from whom consumers can buy the products or hire the services of interest.

4.14.5 Training and support for opening accounts abroad

Foreign sales may involve the need to open bank accounts abroad, so it may be necessary to train IP collective tools owners or beneficiaries on how to do this.

Notwithstanding, as the use of technology and ecommerce is becoming more frequent, training in the use of secure online payment methods could also be considered as an alternative to the opening of banks accounts abroad, even more if it is taken into consideration that this could be a less expensive and faster execution option.

4.14.6 Training and support for domestic and international shipments through postal mail or courier services.

This might seem obvious, but in the case of rural populations or ethnic and indigenous groups, it is not, since they need training in the use of

every tool or mechanism that can expand sales or make possible to offer products beyond their town or village.

5 RECOMMENDATIONS ON HOW PUBLIC AND PRIVATE ACTORS CAN COOPERATE IN THE SUSTAINABILITY OF IP COLLECTIVE TOOLS

Throughout the Compendium, some references have been made to public and private joint actions to promote the registration and use of IP collective tools as a measure to reactivate the economy of vulnerable populations and MSMEs, especially if they have suffered negative and devastating consequences due to natural disasters, economic crises, or pandemics.

The participation of chambers of commerce, international organisations, independent lawyers or law firms in advisory activities for the formalisation of associations or entities, as well as their participation in training activities on the existence and advantages of the use and registration of IP collective tools, has already been mentioned.

However, it is necessary to bear in mind that in many economies certain vulnerable groups will also need support in the exploitation and management of their IP rights so they can successfully compete in the market while minimising the risk of failure. Under this assumption, private sector's active participation is crucial and can generate positive results, as detailed in one of the selected successful cases.

Additionally, as noted below, the possibility of agreements and strategic alliances in which both vulnerable populations or MSMEs and private companies can benefit is a reality. For example, tourism and gastronomy sectors benefits when a given locality or region becomes known for its original products (agricultural or handicrafts), since it attracts domestic and foreign tourists. Thus, private companies see an opportunity to attract and retain customers through partnerships with the owners of collective marks, GIs or AOs that represent a sense of pride for the local and domestic people.

The following are recommendations to achieve strategic collaboration between public authorities, IP rights owners or beneficiaries and private entities in the promotion or exploitation of IP collective tools for the benefit of disadvantaged groups and the private sector itself.

5.1 Establishment of an entity focused in seeking business opportunities between IP collective tool owners or beneficiaries with private companies

The case of Colombia (discussed below) has shown that the existence of an entity dedicated to promoting products or services identified with IP collective tools as well as seeking opportunities for strategic alliances with the private sector (on behalf of the owners or beneficiaries of IP collective tools) can lead to very positive results.

In a post-registration stage, it would be this entity that would contact private companies to reach strategic alliances. Their participation could open doors that the members of an association belonging to a remote population would find difficult to open on their own.

Indeed, without support, collaboration with the private sector will be difficult, and in the case of vulnerable populations and MSMEs they may not even have the option of contacting domestic or foreign private companies nor do they know how to establish collaboration agreements that benefit their respective groups. There is no doubt that advice and accompaniment is necessary for the elaboration of agreements that clearly regulate the rules of the game. The cultural differences and interests among vulnerable populations, MSMEs and private entities must be considered, as well as the fact that there is a set of resources, risks and benefits.

The participation of such an entity is also attractive to private companies, because even if it will act on behalf of the interests of IP rights holders or beneficiaries, it will do so through concrete objectives and clear proposals. It cannot be denied that, in the case of vulnerable populations or MSMEs, their negotiation experience to reach strategic alliances is almost nil.

5.2 Partnerships to enhance social responsibility through the use of IP collective tools

Social responsibility of a company is referred to those policies and practices developed in order to contribute positively to the society welfare.

Currently, most companies have social responsibility policies or plans, since in addition to seeking to positively contribute to society, they also benefit from the implementation of these practices. In fact, the development of this type of practice reinforces the reputation and image of the company in the community and, therefore, among potential new consumers or clients or, in any case, allows greater loyalty to its brand and business origin.

Taking the above into account, this could be seen as an opportunity for vulnerable populations to benefit directly from the development and implementation of these practices. In this sense, the signing of strategic alliances with companies could be considered so that these vulnerable populations can be their suppliers of different inputs. Thus, for example, in the case of vulnerable populations dedicated to the agro-industrial sector, they could provide raw materials for food preparation to companies in the mining sector (which usually have camps in rural areas that in some cases are close to where the communities are located), or in the case of textile artisans, they could provide fabrics to the textile sector.

As can be seen, this type of alliances would generate benefits for both parties, in addition to promoting local production.

5.3 Partnerships with the tourism and gastronomy sectors

In many remote or rural communities and ethnic groups, there are ancestral traditions for the cultivation of products, the preparation of food, the manufacture of handicrafts, as well as typical customs related to the use of elements of their geographical area with sanitary effects (thermal waters, natural mud pools, among other local natural resources).

It is not unusual for consumers to visit places where they can purchase local products or services that have characteristics that other do not have. Consumption and use of these products or services offered by the geography, the special weather or ancestral techniques, among others, may involve exploitation of the tourism and gastronomy sector, including neighbouring areas. Therefore, if local products or services are attractive to the domestic or international consumer, it will lead to an increase in visitors to the locality and, with it, to hotels, restaurants, retail stores, tourist agencies and others.

This opens the opportunity for strategic alliances that can serve both the economic reactivation of vulnerable populations and MSMEs and the local economic revitalisation.

Private companies in these economic sectors could carry out advertising campaigns for local products and services, hand out promotional brochures in their establishments, make mentions on their websites and social networks highlighting the qualities of the products or services identified with IP collective tools.

If we focus on the tourism sector, the creation of tourist routes has been successfully developed in economies such as Colombia and is a way to promote the special products and services of certain localities. Visitors are invited to learn about the extraction processes of raw materials, the special geographic and climatic characteristics, and the manufacturing processes of certain products (e.g., handicrafts). When consumers know the story behind the product, they are aware of the time and effort involved and the value it represents. As a result, higher and fairer prices are accepted.

5.4 Partnerships with service stations

Because of their strategic location, service stations could establish a distribution and sales network and an active channel for promoting special and unique products from each region, stimulating the local economy.

In fact, they are frequently visited by tourists and the general public traveling from one place to another. For that reason, service stations that supply fuel to drivers and tourists along highways can serve as an advertising mechanism for local products or services identified with GIs, AOs, collective or certification marks.

In certain Spanish communities, for example, it is possible to find service stations that promote and market local products identified by IP collective tools, as is the case of the collective mark MANOLITOS DE LA RODA & logo³⁴. Being

³⁴ Spanish collective mark N° M3511907 MIGUELITOS DE LA RODA & logo, registered on 17 February 2015 by ASOCIACION DE PRODUCTORES DE MIGUELITOS DE LA RODA, to identify cakes from La Roda in class 30 of the Nice International Classification.

near to the access and exit roads of the locality of interest, they constitute an effective advertising tool for rights holders and beneficiaries, but also a way of increasing the number of consumers of the station, since it offers the possibility of acquiring recognised products even when it is not possible to visit the locality where they are produced or manufactured.

Given the above recommendations on how public and private actors can cooperate in the sustainability of IP collective tools, it should be noted that some of these alternatives of partnerships with private sector entities have already been taking place in different APEC and non-APEC economies, mainly thanks to initiatives such as the One Village One Product Project (OVOP), which originated in Oita, Japan, but is now used in many economies on all continents.

The OVOP methodology involves the promotion of local products, but at the same time, the promotion of the community at large. In this way, not only the producers or manufacturers will be interested, but also the various private entities in the same local community. Being a general benefit, the interest in participating broadens.

Finally, it is important to highlight that the usefulness of strategic alliances is indisputable if we want to achieve the objective of boosting the economic development of vulnerable populations and MSMEs, especially if we focus on emergencies where reactivation is urgently needed to avoid poverty and the closure of small businesses. Active involvement of the private sector is needed to support these groups, and the government (through its different entities) plays an important role: either to carry out these partnerships or to create opportunities where small entrepreneurs, rural or remote populations can be in contact with business partners.



Information obtained from:

<http://consultas2.oepm.es/ceo/jsp/busqueda/busqMarcasResultados.xhtml>.

6. SUCCESSFUL CASES AMONG APEC ECONOMIES ON THE USE OF IP COLLECTIVE TOOLS TO SUPPORT ECONOMIC REACTIVATION OF VULNERABLE POPULATIONS AND MSMEs

There are undeniable economic and social differences between the APEC economies, but in addition there are also geographical, climatic and cultural differences that force each of them to implement "tailor-made" IP public policies, making it unrealistic to seek to achieve success by applying the same actions in each economy, as already mentioned.

However, these differences enrich and offer us limitless experiences and are the reason why different success cases have been investigated on the use of IP collective tools among the APEC and non-APEC economies. Furthermore, these experiences and the positive results obtained may encourage other economies to develop public policies to promote the registration and use of IP collective tools.

The examples detailed below conclusively demonstrate that IP collective tools are effective for the economic development of vulnerable sectors, especially to recover from the adverse consequences of natural disasters, economic crises, or pandemics such as the one we have recently experienced.

6.1 Peru

Background

Peru is recognised for its geographical variety and its cultural and folkloric richness. However, its territory is hit by different natural disasters, such as earthquakes, floods, droughts, among others.

The northern coasts of Peru usually suffer from a climatic event – called “El Niño Phenomenon” - which consists of the abnormal heating of the surface waters of the Equatorial Pacific Ocean, to such an extent that it causes important climatic changes, for example intense rainfall, floods, landslides and, with it, loss of human life, loss of housing, paralysis of economic and school activities, food shortages, and the appearance of diseases. At the end of 2016 (fourth week of December) and until the end of May 2017, Peru suffered this weather effect again, although the consequences were quite severe. The

phenomenon was called "El Niño Costero" since, despite the fact that a large part of the economy suffered the consequences, the provinces on the north coast were the most affected. A state of emergency was even declared in various regions of Peru³⁵.

According to statistics from INDECI, there were more than one million seven hundred thousand victims, more than four hundred thousand homes destroyed or affected (including health centres and educational centres), approximately two hundred and thirty thousand kilometres of roads affected (including rural roads and bridges) and more than one hundred and thirty thousand agricultural hectares destroyed³⁶.



³⁵ Information obtained from the document: "Compendio Estadístico del INDECI 2017 Gestión Reactiva INDECI" [INDECI Statistical Compendium 2017 Reactive Management, INDECI], pp.11 and 13. First edition.

For more information visit:

<https://cdn.www.gob.pe/uploads/document/file/1048401/20180227171454120200726-15599-1ptpifw.pdf>.

³⁶ As referred to in note 35, p. 13,

For more information visit:

<https://cdn.www.gob.pe/uploads/document/file/1048401/20180227171454120200726-15599-1ptpifw.pdf>.



These photos were obtained from the document "Compendio Estadístico del INDECI 2017 Gestión Reactiva Instituto Nacional de Defensa Civil" [INDECI Statistical Compendium 2017 Reactive Management National Institute of Civil Defence] (<https://cdn.www.gob.pe/uploads/document/file/1048401/20180227171454120200726-15599-1ptifw.pdf>.)

The government of Peru launched various actions with a view to counteracting the adverse effects and supporting the most affected populations. In addition, private and international entities joined the aid.

Public policies adopted by the Peruvian Government

From the IP point of view, on 28 August 2017, through D.S. 086-2017/PCM³⁷, INDECOPI eliminated fees for the registration of collective marks in favour of organisations of artisans, manufacturers, service providers, rural communities and indigenous or local communities, as well as for micro and small businesses that were affected by "El Niño Costero" Phenomenon.

That same decree also simplified the procedure for registering collective marks for areas declared in emergency. Based on this, the formal examination of the applications had to be carried out within five working days of the date of filing and the decision had to be issued within 90 working days. It should be noted that prior to the actions ordered by the Peruvian Government, the legal term for conducting the formal examination was 15 working days from the date of filing and the term for issuing a decision on a trademark application was 180 working days.

Both measures were valid for one year.

³⁷ Decreto Supremo que faculta al INDECOPI a exonerar Tasas Administrativas por el procedimiento de solicitud de Registro de Marcas Colectivas y Simplifica Procedimientos [Supreme Decree empowering INDECOPI to exempt official fees for the registration of Collective Marks and simplifies procedures Published on 28 August 2017 and entered into force on 29 August 2017. For more information visit: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-faculta-al-instituto-nacional-de-defensa-decreto-supremo-n-086-2017-pcm-1559075-1>.

Also, a Collective Mark Promotion Programme was carried out that included the following actions (among others):

- Training events to disseminate and raise awareness among businessmen and entrepreneurs about the advantages of collective marks;
- Support in the completion of the registration application form;
- Support in the preparation and drafting of the Regulations for Use;
- Technical advice and pre-evaluation on compliance with the formal requirements of the application;
- Advice on the correct choice of a sign that meets the requirements of distinctiveness and differentiation from prior rights; and
- Generation of a QR code to be delivered together with the registration certificate of the collective mark, so that it can be inserted in the products (information about the characteristics of the product or service identified with the collective mark is made available to the consumer in an easy and simple way).



The Peruvian Government, through the Distinctive Signs Directorate of INDECOPI, worked together with other public entities (such as MINCETUR), regional governments and local governments, in addition to carrying out strategic alliances with private entities, such as chambers of commerce and universities, among others, with the firm objective of reaching the most significant possible number of MSMEs and vulnerable populations in the sectors affected by the natural disaster and conveying the importance of

partnership as a mechanism for cooperation, competitiveness, and as a tool for joining forces to achieve common goals and objectives, helping to reach more demanding markets.

These groups were made aware of the advantages of associativity in reducing the costs of protecting their IP, and the possibility of taking advantage of economies of scale.

The communities and MSMEs located in the affected areas showed a high interest, reflected in the submission of a large number of applications for the registration of collective marks since the vast majority - for the first time - learned concepts such as “product standardisation” or about the advantages of sharing expenses in the promotion and marketing of their products.

Due to the results (detailed below), the Peruvian government extended the decree’s validity for one more year and the applicable geographic scope. Thus, producer organisations and service providers from various economic sectors - throughout the economy - were able to benefit from the measures imposed. This extension was announced in Supreme Decree 092-2018-PCM³⁸.

Results obtained

The measures established by both regulations meant 4,870 applications for registering collective marks, most of which were from the agribusiness, agricultural and handicraft sectors. This was 1,972% more than the number of applications submitted before the validity of the cited supreme decrees³⁹. As a result of the measures enacted to promote the advantages of collective marks, it was also found that several requesting organisations registered more than one collective mark, some of them filing more than 10 applications.

There were 766 Peruvian organisations that benefited from the exemption from the payment of official fees, and it should be mentioned that more than 70% of

³⁸ Decreto Supremo que aprueba la exoneración en el cobro de tasas por derecho de tramitación y el régimen de simplificación de los procedimientos de registro de marcas colectivas seguidos ante el INDECOPI. Published on 5 September 2018. [Supreme Decree approving the exemption of official fees and the simplification of the collective marks' registration procedures before INDECOPI]. Published on 5 September 2018 and entered into force on 6 September 2018. For more information visit: <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-aprueba-la-exoneracion-en-el-cobro-de-ta-decreto-supremo-n-092-2018-pcm-1687860-4/>.

³⁹ As referred to in note 32, p. 32.

the collective mark holders who benefited were MSMEs. Likewise, it is interesting to point out that there was a 25% increase in the number of workers in the organisations studied⁴⁰, which makes it reasonable to presume a positive development among IP rights holders.

In relation to the free granting of a QR code together with the registration certificate of the collective marks, it should be noted that it provides confidence to the consumers about the product or service that they acquired, making available information about the collective mark, characteristics of the product or service, members of the organisation or association that owns the mark, business contact details, among others.

It is worth highlighting the fact that there were 77 organisations led exclusively by women who managed to register 556 collective marks during the validity of the aforementioned regulations.

Below, a summary table⁴¹ containing some of the collective marks registered to female-led owners, most of which (58%) belonged to the handicraft sector (textiles, leather goods), followed by the agro-industrial sector (clothing and footwear; coffee and dairy products):

Collective mark	Denomination	Distinctive sign
Asociación de Artesanas Pañón Tacabambino	Pañón Tacabambino	
Asociación de Artesanas Textiles Esfuerzo y Esperanza Cutervo	E & E	
Asociación de Jóvenes Emprendedores de la CAC La Florida	AJELF	
Asociación Agroindustrial y de Servicios del Valle de Huatziroki	Café Huatziroki	
Asociación de Artesanos Alpacaart Conduriri	Alpaca Art	
Asociación de Productores Agropecuarios y Artesanos de Sullcamarca - llave	A.A. de Sullcamarca	

⁴⁰ As referred to in note 32, p. 19.

⁴¹ As referred to in note 32, p. 24.

The following two success stories of Peruvian collective marks (ASAMCEI and ÑARI-WALAC) owned by women entrepreneurs from rural and vulnerable areas, as examples of public policies enacted by the Government to promote the economic recovery of an area affected by a natural disaster, have been selected.

6.1.1 ASAMCEI

ASAMCEI comprises 12 people (10 weavers and two administrative staff from the district of Incawasi, in the department of Lambayeque, Peru). In this area of northern Peru, women started the art of weaving on a backstrap loom when they were little girls, dyeing the material with dyes extracted from vegetables.

The weavers' members of ASAMCEI are women who master ancestral knowledge of weaving, which they transmit from generation to generation, preventing the tradition from being lost. The main products are women's clothing from the region (blankets, girdles, bibs and sleeves) as well as tablecloths, blankets, bags and rugs.

Prior to the measures established by the Peruvian Government linked to the promotion of collective marks, these weavers were limited to manufacturing products in their homes and with reduced local sales or in small local fairs.

As the President of ASAMCEI, points out, prior to the registration of the collective mark, their products were sold at meagre margins, mostly to intermediaries (not to the final consumer), who identified the fabrics with their own marks that benefited from good quality. Additionally, and because of "El Niño Costero" Phenomenon, they experienced serious mobility problems (due to destroyed bridges and roads), making it impossible to go out and offer their products in regional fairs⁴².

However, thanks to the promotion actions and free advice provided by INDECOPI, its members learned about the existence of the collective mark, its advantages at a commercial level, the exclusive rights that it

⁴² Interview conducted on 16 May 2022 (see Annex b PERU).

implies, which, together with the existence of a free and simplified registration procedure, encourage them to opt for this tool, submitting their registration application on 9 July 2019 to protect products and services of classes 14, 18, 24, 26, 27 and 28 of the Nice International Classification⁴³:



The President of ASAMCEI informed that before the registration of the collective mark, annual sales did not exceed S/. 3,000 Peruvian Soles (approximately US\$ 790.00⁴⁴). However, since the registration of the collective mark ASAMCEI & logo, sales began to rise and currently the association of weavers has annual sales of S/. 8,000 Peruvian Soles (approximately US\$ 2,110.00⁴⁵), which means a 166.66% revenue increase.

It should be noted that, in the case of Peru, INDECOPI has regional offices located in different areas of its economy to reach the entire population, because until recently it was not possible to carry out procedures (such as trademark applications) through a virtual platform. Having a regional office in the department of Lambayeque also encouraged the registration of the ASAMCEI & logo collective mark, since the mere idea of moving to the capital Lima would have discouraged the weavers due to the costs and time that this would have implied.

⁴³ Class 14: Jewellery; paste jewellery made from sheep wool and industrial filament (handicraft). Class 18: Carrying bags; purses; handbags made from sheep wool and industrial filament (handicraft). Class 24: Sheep wool and industrial filament base fabrics (handicraft); place mats of textile; household linen; curtain of textiles (handicraft). Class 26: Lace and embroidery, ribbons and braid; hair ornaments made from sheep wool and industrial filament (handicraft). Class 27: Carpets and rugs (carpets) made from sheep wool and industrial filament (handicraft). Class 28: Toys; Christmas tree ornaments made from sheep wool and industrial filament (handicraft). Information obtained from: <https://enlinea.indecopi.gob.pe/consultatutramitedemarcas/#/consulta-certificado>.

⁴⁴ Calculation based on Peruvian official exchange rate S/. 3.786, dated 10 March 2023. For more information visit: https://www.sbs.gob.pe/app/pp/sistip_portal/paginas/publicacion/tipocambiopromedio.aspx

⁴⁵ As referred to in note 44.

The President of ASAMCEI proudly comments that her collective mark was granted in 45 days. Today the collective mark has opened a market for them, even internationally (the United States of America, United Kingdom, Italy, Switzerland and Argentina, among others), offering high quality products through virtual stores. Virtual stores allowed sales and revenue not to be paralysed by the closure of roads and bridges because of natural disasters such as those suffered in 2016 and 2017, nor by the confinement dictated during the COVID-19 pandemic, which kept almost the entire population in quarantine for many months.

Although the pandemic meant a drop in sales, there was no stoppage and they were able to stabilise in the short term, and local weavers who initially sold their products as a means of subsistence, now run a small business.

MINCETUR provided economic support to ASAMCEI in a post-registration stage, in such a way that the support during the legal and registration process was complemented with support from the market perspective. MINCETUR covered the expenses of ASAMCEI - initially - so that it could offer its products in virtual stores, as well as providing training for opening bank accounts abroad, or shipping products internationally through courier companies. Currently, the costs are fully assumed by ASAMCEI.

Its products are no longer sold to intermediaries and are launched on the market with its ASAMCEI & logo collective mark, so that the benefits of good references from buyers revert to the members, in addition to being able to apply fairer and more competitive prices.

The weavers promote their products even on social networks, allowing the ancestral knowledge of a community not to be lost over time and obtaining a fair balance between the traditional and the use of technology.



FACEBOOK⁴⁶



30 Publicaciones 134 Seguidores 165 Siguiendo

ASAMCEI - INKAWASI
Emprendedor
Somos una Asociación de 12 socias. Nos dedicamos a la artesanía de telar a cintura. Trabajamos con lana de oveja teñido con plantas naturales.
inkawasi.ruramaki.pe/
calle union s/n Distrito de Inkawasi, Ferreñafe



INSTAGRAM⁴⁷



TIK TOK⁴⁸

To end this example, its President stressed that the prior advice and, mainly, the free registration procedure were key to applying for the registration of the collective mark, since it is a rural group with low economic income. She rightly expressed the importance of considering that in Peru there are many Quechua-speaking communities that need training and advice to become familiar with legal tools. She urged other associations (not only artisans) to opt for the collective mark, especially if they belong to indigenous or local communities, vulnerable populations in general, or are MSMEs, since associativity allows production to be increased and generates an impact on sales.

By creating and registering a collective mark, the Incawasi weavers are an excellent example of how harnessing the important link between social capital, collective actions (as opposed to individual actions) and

⁴⁶ Information obtained from: <https://www.facebook.com/asamceinkawasi>.

⁴⁷ Information obtained from: <https://www.instagram.com/asamcei/>.

⁴⁸ Information obtained from: https://www.tiktok.com/@shungitu/video/7114752645805395205?is_copy_url=1&is_from_webapp=v1.

IP can contribute to the development and growth of an entire community.

In one of the interviews conducted, the President of ASAMCEI leaves these instructive phrases, in her concise and straightforward language, making clear the impact that the use of the collective mark has caused on the Association: “*selling products identified with a mark is **different** and allows “them to be **recognised** in other countries”* ⁴⁹.

6.1.2 ÑARI-WALAC

The Association of Artisans of Pedregal Chico ÑARI WALAC was established on 24 January 2007 and currently has 185 active members, who work with toquilla straw and reed to manufacture hats and basket with ancestral methods that are maintained from generation to generation, as an economic alternative for each of their families. The Association is in the town named Pedregal Chico - Narihuala, Catacaos, department of Piura in northern Perú.

One of the representatives of the Association recalls that because of “El Niño Costero” Phenomenon crops disappeared and with it the agricultural activity of the area. They lost their jobs and straw handicrafts they had worked on. The consequences of this phenomenon and the economic crisis it caused hit the artisan families of this northern Peruvian community.

However, they never lost hope, and the misfortune brought them together. The women artisan found in associativity the opportunity to help with family expenses and to become independent women, as it is mentioned on one of its social networks⁵⁰.

Thanks to a strategic alliance between INDECOPI and Care (a Peruvian NGO that focuses on assistance and training activities for women and girls), the women artisans of Caserío del Pedregal Chico received

⁴⁹ As referred to in note 42.

⁵⁰ Information obtained from:

https://www.instagram.com/p/CVv_pRwpW7u/?utm_source=ig_web_button_share_sheet&fbclid=IwAR3TH5EkR17YmPC9WNhm5wxlg3GEjIDgGXH2q2T1ON2d0dUfYBLyM_G6VVE.

training workshops on the usefulness of collective trademarks. INDECOPI also support them to gather the necessary information to proceed with the registration of their collective mark, and with the drafting of the Regulations of Use. The fact that there were no official fees to pay had a positive influence on the decision to register a collective mark.

On 25 July 2018 this group of women applied for the registration of ASOCIACIÓN DE ARTESANAS ÑARI-WALAC & logo collective mark, to protect products in classes 11, 14, 18, 20, 21, 24, 25, 26, 27 and 28 of the Nice International Classification⁵¹:



It is important to mention that this collective mark was granted in less than 45 working days and through a fast-track procedure.

The collective mark motivated the artisans to work high quality handicrafts, in order to be recognised within and outside their locality. The Association of Artisans of Pedregal Chico ÑARI WALAC indicates that because of the use of a collective mark to identify their products, they have gained recognition and have acquired greater value in the market. In addition, the collective mark has generated consumer confidence, which has increased the volume of their sales.

Given the positive results, this group of women are much more organised and have moved away from minor sales at small local fairs. They share their story, traditions and advertised their products on social networks (Facebook and Instagram) and even have an online store

⁵¹ Class 11: Vegetable fibre lampshades. Class 14: paste jewellery, key rings made from vegetable fibre. Class 18: Handbags, bags, carrying bags, purses, made from vegetable fibre. Class: 20: Wickerwork, hampers [baskets] for the transport of items, fishing baskets, furniture, made from vegetable fibre. Class 21: Baskets for household purposes, bread baskets for household purposes, place mats, tablemats, vases made from vegetable fibre. Class 24: tablecloths of vegetable fibres. Class 25: Vegetable fibre hats. Class 26: Artificial flowers, hair bands. Class 27: Mats, vegetable fibre carpets. Class 28: Toy figures made from vegetable fibre. Information obtained from: <https://enlinea.indecopi.gob.pe/consultatutramitedemarcas/#/consulta-certificado>.

(accessible in English and Spanish) having expanded the range of products to decorative items, jewellery, accessories and straw sandals:



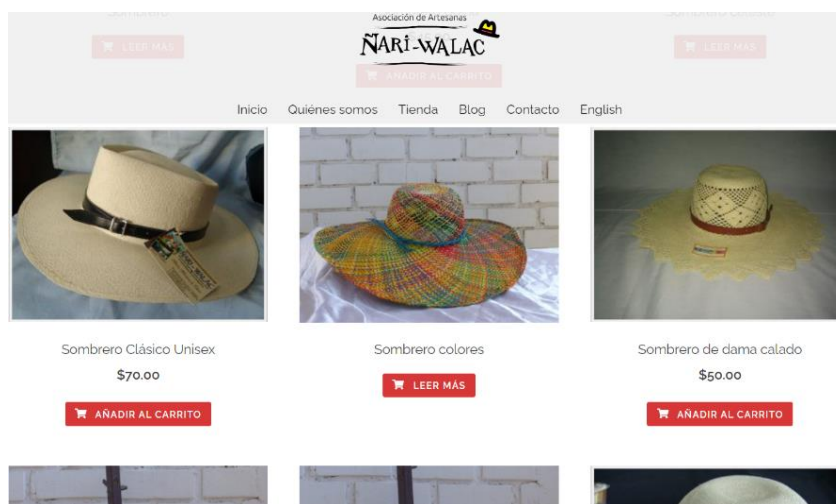
FACEBOOK⁵²



INSTAGRAM⁵³

⁵² Information obtained from: <https://www.facebook.com/Artesanias.Nari.Walac/>.

⁵³ Information obtained from: https://www.instagram.com/nariwalac_artsanias/.



Association of Artisans of Pedregal Chico ÑARI WALAC website⁵⁴

Currently, their products are marketed at domestic fairs, shopping malls and international fairs in the United States, France, and Brazil. Although because of the COVID-19 pandemic sales abroad were affected, they are already reactivating the promotion of their products in other economies.

6.2 The Philippines

The case of The Philippines is also of particular interest for this Compendium. On the one hand, the recent launch of the collective mark BIKOL PILI (whose story is shared below), and on the other hand, the implementation of various public policies, management strategies and best practices to promote the development and economic recovery of vulnerable populations and MSMEs through IP.

In 2020, at the onset of the COVID-19 pandemic, Memorandum Circular No. 2020-036⁵⁵ prescribing the mandatory online filing and payment system was quickly issued to ensure the continuity and accessibility of the IPOP HL services in a cost-effective manner, especially for MSMEs (an important aspect after the economic hits of the pandemic).

⁵⁴ Information obtained from: <https://www.voyagine.org/walac/tienda/>.

⁵⁵ IPOP HL Memorandum Circular No. 2020-036 Alphabetical Schedule on 24 - 27 August 2020 and Mandatory Online Filing and Payment Starting on 1 September 2020. Issued on 21 August 2020. For more information visit: <https://drive.google.com/file/d/1glqr90BlxgVHH1w3-hMqAwtrpnkHrRTM/view>.

The online system implemented by IPOPHL included not only the possibility of filing trademark applications virtually (eTMFile), but also the filing of all necessary post-application documentation (eDocFile) and an effective communication system via e-mail between the Office, applicants, owners, and agents (eCorrespondence). Furthermore, the urgent measures taken included the chance to make online fee payments and the issuing of digital registration certificates.

Undoubtedly, due to the confinements ordered by COVID-19 in practically all economies, the possibility of maintaining services through virtual systems was an important step and an invaluable aid in those economies that maintained a face-to-face and "paper" system. Without these urgent measures, the inability of moving from one place to another without the risk of contagion would have paralysed the system of protection or defence of IP, with the serious consequences that this would have entailed.

In addition to these actions, IPOPHL launched programmes such as JUANA MAKE A MARK aimed at women entrepreneurs or MSMEs led by women, who receive subsidies or benefits such as exemption from registration application fees or publication fees. It is also worth highlighting another cost-saving programme: JUAN FOR THE WORLD, also aimed at MSMEs who receive technical and financial assistance to protect their trademarks at the international level, through the Madrid Protocol.

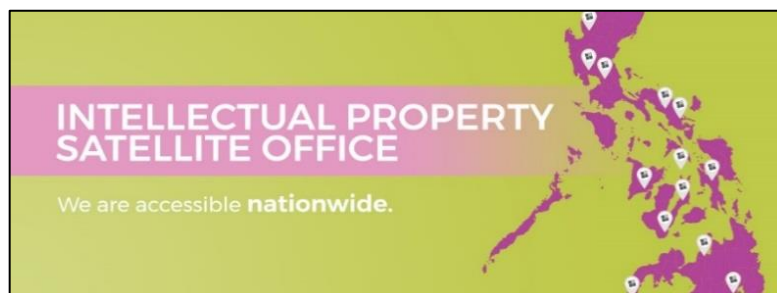
Considering the importance of sharing the usefulness of IP tools, an education and training platform ILAW = IPOPHL LEARNING ACTIVITIES WORKSPACE was created, as the official e-learning management system for external stakeholders. This platform aims to educate and train stakeholders in the use of IP assets to achieve economic and social development⁵⁶.

Meanwhile, during his presentation at the online meeting "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic

⁵⁶ Information obtained from: <https://ilaw.ipophil.gov.ph/>.

Development and Recovery of Vulnerable Populations and MSMEs” held on 6-7 December 2022, the Director IV of the Bureau of Trademarks of IPOPHL indicated that *“we really recognise that effectively harnessing intellectual property system towards economic development is a coordinated nationwide undertaking”*.

Due to the geographical particularities and the fact that online services are limited to populations with access to the internet, IPOPHL has implemented IP Field Operations Unit (IPFOU) with 15 IP Satellite Offices (IPSOs) throughout the economy to promote the IP system nationwide, help MSMEs with inquiries on IP, and assist in filing of applications through to registration.



This picture taken from the power point of Jesus Antonio Z. Ros (Director IV, Bureau of Trademark of IPOPHL) for his presentation “Fostering Economic Development and Recovery in The Philippines through Intellectual Property – APEC Meeting” (slide 12) at the online meeting held on 6-7 December 2022.

Also, in addition to the public policies to promote IP and make modern and low-cost mechanisms available to stakeholders, IPOPHL goes further by creating IP DEPOT, an online shopping platform where IP creators can post and promote their IP assets for marketing or licensing, and also promoting IP stories in The Philippines and globally, including successful marketing stories.

This is particularly relevant because, as indicated in the previous section, it is important to promote IP as a useful mechanism for economic reactivation or development, but - once the role of IP has been assumed and IP protection has been chosen - there is still work to be done. Advertising, marketing and actions to compete properly in the market are also important to stay in business and achieve real economic benefits.

Likewise, the DTI - through the CITEM - assists MSMEs to participate in various international trade fairs and exhibitions where they can showcase, promote, and market their products. For its part, the DTI's Export Marketing Office also promotes MSMEs products locally.

Next, a successful case of registration of a Philippine collective mark, which was officially launched last June 2022. The BIKOL PILI collective mark is an example of an IP collective tool developed through collaboration between the Government (through IPOPHL as well as the DTI and an international body such as WIPO to facilitate the use of IP by local communities.

6.2.1 BIKOL PILI

Pili (*Canarium ovatum*) is a native and widely cultivated tree in The Philippines that grows particularly in the Bicol region (southern Luzon Island) and has multiple uses, as the different parts of the tree are used to produce special products of high quality and particular characteristics. There are the nuts which are used in the pharmaceutical, cosmetic and food sectors because of their qualities; the pulp which is used as vegetable or animal feed; the pili shell that can be used as fuel or to make handicrafts; resin, used as varnish adhesive; and the trunk used in wood furniture.

It is also known as "The Tree of Hope", a name that gained importance after the consequences of the COVID-19 pandemic, as farmers, traders and MSMEs in the Bicol region suffered heavy losses and relied on Pili as a lifeline for economic recovery.

As an active member of the OKB Association (owner of the collective mark BIKOL PILI & logo) says, due to the COVID-19 pandemic there was a 70-80% loss in sales in the Bicol region and many businesses were forced to close. In addition, local artisans were forced to work in other activities to survive⁵⁷.

⁵⁷ Interview conducted on 11 November 2022. (See Annex b THE PHILIPPINES)

Considering the special characteristics of this variety of products obtained or elaborated with Pili, in April 2021, IPOPHL and WIPO developed a project in the Bicol Region to introduce the concept of collective mark. Local people were trained on the advantages of associativity, the importance of the Regulations of Use and their elaboration for the benefit of all, and testimonies of successful cases of collective marks were shared such as GUIMARAS MANGO⁵⁸ and T'NALAK TAU SEBU⁵⁹. Over the following months, stakeholders were convened, and meetings and workshops were held to agree and align the applicable rules and policies, so that everyone is equally protected and benefited. IPOPHL actively collaborated in the development of the Regulations of Use during the months of January and February 2022.

Taking into account the diversity of high-quality products that can be obtained from the pili tree, different working groups were created depending on each specialty (food processing group; raw material group; houseware sector; cosmetic, health and wellness products) to properly coordinate the specific quality standards for each product. The representative of the OKB Association accepted that at the beginning it was not easy to reach absolute agreements on the standards to be applied, especially in an association with more than 150 members. However, through constant communication between the stakeholders,

⁵⁸ Collective mark N° 4-2016-506797 GUIMARAS MANGOES & logo, registered in The Philippines on 30 March 2017 by Guimaras Mango Growers and Producers Development Cooperative, to identify business management: pre-certification of products/mangoes originating from province of Guimaras, in class 35 of the Nice International Classification.



Information obtained from:

https://branddb.wipo.int/en/IPO-PH/quicksearch/brand/PH500042016506797?by=brandName&v=guimaras&rows=30&sort=score%20desc&start=0&_id=1678558419359&office=PH&i=11.

⁵⁹ Collective mark N° 506154 T'NALAK TAU SEBU & logo, registered in The Philippines on 11 May 2017 by T'NALAK TAU SEBU INC., to identify assessment and promotion of products from t'nalak based on standards set by the members of the T'Nalak Tau Sebu Inc, in class 35 of the Nice International Classification.



Information obtained from:

https://branddb.wipo.int/en/IPO-PH/quicksearch/brand/PH500042016506154?by=brandName&v=T%20NALAK%20TAU%20SEBU%20&rows=30&sort=score%20desc&start=0&_id=1678558503275&office=PH&i=0.

listening to their requests and adapting decisions in which everyone benefited, it was possible to reach the necessary agreements.

Thus, on 16 March 2022, registration of the collective mark BIKOL PILI & logo was applied for, to identify goods and services in classes 3, 4, 11, 14, 18, 20, 21, 24, 25, 29, 30, 31 and 35 of the Nice International Classification⁶⁰. It should be noted that the official application fee was subsidised by WIPO.



The trademark was filed in the name of OKB Association and registered (N^o 506349) in record time (28 working days), even as the whole world was suffering the ravages of the pandemic. The registration was issued on 25 April 2022 and is valid for a period of 10 years.

OKB Association is made up of 156 members including MSMEs, farmers, traders, who create, manufacture and market bikolano foods, crafts, housewares and wearables in the Bicol region, who learned about the benefits of having a collective mark that identifies their products and differentiates them from the rest.

⁶⁰ Class 3: Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils. Class 4: Charcoal for fuel. Class 11: Chandeliers; lamps; lighting fixtures. Class 14: Jewelry; paste, costume and imitation jewelry. Class 18: Leather and imitations of leather; luggage and carrying bags; umbrellas and parasols; walking sticks. Class 20: Furniture, mirrors, picture frames; containers, not of metal, for storage or transport. Class 21: Household or kitchen utensils and containers; cookware and tableware, except forks, knives, and spoons; combs and sponges; brushes, except paintbrushes; articles for cleaning purposes; glassware, porcelain and earthenware; vases; flower bases. Class 24: Textiles; curtains; tablecloth of textiles; table runners. Class 25: Clothing; footwear; headwear; belts for clothing. Class 29: Preserved, frozen, dried and cooked fruits, nuts and vegetables; jellies, jams, compotes; cheese; oils and fats for food. Class 30: Bread, cakes, pastries and confectionery; ices and ice cream. Class 31: Raw, fresh and unprocessed nuts and seeds; plant seedlings. Class 35: Business management; assessment and promotion of pili and pili-based products from the Bicol Region based on the requirements and standards set by the members of the ok Bicol Association, Inc; retail and wholesale services featuring products from pili trees. Information obtained from: https://branddb.wipo.int/en/IPO-PH/quicksearch/brand/PH500042022506349?by=brandName&v=bikol%20pili&rows=30&sort=score%20desc&start=0&office=PH&_id=1678558605465&i=0.

The collective mark BIKOL PILI & logo achieved a sense of pride among the members of the association who recognise that the collective mark generates confidence among consumers and gives recognition to the products produced in the Bicol region, bringing about important changes in their community, both economically and socially.

To conclude this success story that emerged and developed during the pandemic, it is worth highlighting some of the actions that the Association constantly carries out, such as the organisation of training and education courses for members, but also social gatherings to maintain good relations between them.

OKB Association also actively participates in local and international fairs and exhibitions, promoting the special characteristics and high quality of the region's products, as well as its collective mark BIKOL PILI & logo.

In addition, as the Bicol region is frequently affected by typhoons, OKB Association organises activities to help producers or weavers when they are affected by these natural disasters in a clear show of solidarity and fellowship.

6.3 Mexico

In the case of Mexico, we are not going to share a specific success story, as there are many internationally recognised collective marks, AOs or GIs. However, it has been considered of interest to share a work 100% focused on a specific group: Small and medium-sized enterprises (SMEs) and linked to IP tools as an effective mechanism for their economic development and that of the locality to which they belong.

It is worth mentioning that in Mexico, SMEs represent 99.8% of the total number of enterprises. Seven out of every ten Mexican employees work in an SME, which is more than enough reason to focus attention on this group and to focus public measures or policies in search of their economic empowerment. As in any part of the world, in emergency or disaster situations, it is the vulnerable populations and small businesses that are the most affected, those that have difficulty withstanding

economic shocks and those that are generally forced to close down and abandon their dreams.

Regarding products that involve tradition or ancestral heritage, or products manufactured through processes that are maintained from generation to generation, it is common to find indigenous, rural populations or small companies that try to do business while maintaining the ancestral culture. Of course, we can also find small entrepreneurs or medium-sized innovative companies that, with ingenuity and creativity, seek to create a company and try to market their products or services in competitive markets, but still struggle to compete with large enterprises.

In view of this, IMPI carried out a research project to verify the level of awareness of the existence and usefulness of IP among Mexican SMEs. This diagnosis was carried out in 2020 with the collaboration of WIPO and was of great interest and usefulness as it contained reliable data, statistics and updated results that made it possible to analyse the feasibility of implementing IP public policies specially designed and aimed at these disadvantaged groups.

With the results of the research, IMPI carried out different actions to bring the benefits of IP closer to entrepreneurs and Mexican SMEs:

- Improvement and development of electronic services;
- Talks, workshops, and courses about IP concepts; and
- Cooperation with local governments to support local SMEs' development.

The implementation and availability of user-friendly platforms for the registration of IP rights (including the online payment system) makes it easier for small entrepreneurs or disadvantaged groups to protect their rights. It encourages them to believe in IP, eliminating the need for travel, lawyers' fees, printing, etc. IMPI considered the importance of offering online services that contain simple language through an intuitive platform, including tutorials, having verified a high percentage of reduction of errors that did occur when applications were filed on paper.

Considering the extent of its geography, courses, workshops and free consultancies have been offered, both face-to-face and virtual (the latter through different channels or social networks, so that it can reach the largest possible number of interested parties). It is worth noting that IMPI reports having been present at more than 110 fairs and exhibitions between 2019 and 2022, providing advice and attending various users. During the same period, more than 12,000 training activities have been organised, benefiting more than one million people, as the Divisional Director of International Relations of IMPI informed during her presentation at the practical session of the online meeting “Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs”, held on 6-7 December 2022.

Technology is also used to provide ongoing IP advice through the creation of e-mail addresses to receive and respond IP queries, and an online appointment service for face-to-face advice.

In addition, IMPI makes information available to interested parties that goes beyond the protection of IP rights, but which is very useful when it comes to starting up their businesses. Some of them focus specifically on women innovators (providing them with support, advice, and visibility), others are platforms with business tools or training courses, as well as spaces with information of interest for making investments:



Taken from the Network of Innovative Women and IPwebsite (<https://mujeresinnovadoras.impi.gob.mx/>)



Plataforma que ofrece herramientas empresariales, contenidos de valor, eventos y programas orientados al desarrollo y fortalecimiento de las capacidades y habilidades, tanto empresariales como digitales, de las personas emprendedoras y las MIPYMES.



Taken from the MIPYMES MX platform (<https://mipymes.economia.gob.mx/>)



Taken from the Mexican Processing platform for investors (<https://www.gob.mx/que-es-gobmx-extendido>)

With regard to cooperation with local governments, IMPI has reached agreements with several states within the economy, either to provide free advice to entrepreneurs or MSMEs on the trademark registration procedure, free search on the availability of the trademark of interest, or to offer a reduction of the registration application fee as part of the 2022 National Economic Reactivation Plan following the COVID-19 confinement. These campaigns resulted in more than 7,000 new trademarks or trade names applications, and more than 600 SMEs benefited from the discounts offered.

Once again, the importance of reaching agreements or strategic alliances between different levels of government or the private sector is confirmed and can be beneficial for all parties. In the case of Mexico, for example, local authorities support the approach of IP to local MSMEs, but the economic growth of the latter will imply benefits for the locality in general through investments, increased tourism, promotion of the locality, among others. These benefits are increased when it comes to products made with ancestral methods or cultural heritage, as it

strengthens local (or even domestic) identity and brings people together.

Therefore, without prejudice to the will of collaborating with the progress of vulnerable populations or less disadvantaged groups, local governments and the private sector can obtain real benefits thanks to the promotion of local products or services protected by the different IP collective tools.

6.4 Spain

The entire world was recently hit by the COVID-19 pandemic, which affected the whole planet since early 2020 and the negative impacts of which are still being felt.

The effects of the pandemic have caused serious economic damage to business. The worst affected have been (and are) start-ups, family businesses and entrepreneurs, whose capital stock does not allow them to make large investments or take risks without fear of closure of the business.

For these reasons and without prejudice to the urgency of political and health measures, MSMEs should be of special interest to governments, which should seek practical and urgent solutions to prevent their closure and disappearance.

An example of the use of IP as a tool for economic reactivation in general and in response to the effects of COVID-19, can be found in Spain, which began a process of gradual de-escalation of the measures of immobility and restriction of social contact adopted. Its transition plan towards a new normality included (among many other measures) rules aimed at relaxing certain restrictions on retail trade, hotels and restaurants, providing hygienic measures for the protection of citizens' and workers' health to complied with.

Because of the fears and insecurities caused by the global pandemic, even when some territories lifted restrictions, millions of consumers

were reluctant to go to shopping venues for fear of being infected. In the case of products, the solution lay in online shopping (which soared to unimaginable levels). But in the case of provision of services, companies (especially MSMEs) stopped receiving income and many of them saw no other solution but to close.

In view of this, the Official Chamber of Commerce, Industry, Services and Navigation of Spain (a public law corporation whose purpose is the representation, promotion and, defence of business interests) applied on 20 May 2020 for the registration of the guarantee⁶¹ mark No. 4067792 C COMERCIO DE CONFIANZA CÁMARAS DE COMERCIO & logo, to basically identify promotion, sales and business services in class 35 of the Nice International Classification⁶²:



This distinctive sign (which accompanied the trademark or trade name of each business) informed that the establishment had complied with health and safety measures for the prevention of COVID-19 and that it had a protocol and guide of good practices in accordance with the requirements of the corresponding legislation. This guarantee mark gave trust and confidence to consumers, who felt secure knowing that the commercial establishment had adopted measures that reduced the risk of contagion.

The use of a certification mark (or guarantee mark as it is called in Spain) by a public law corporation sought to reactivate the commercial activities of Spanish commercial establishments, with a special focus on retail and entrepreneurial establishments. Although they paid a fee in return, it was symbolic (approximately US\$ 54.00 per year).

⁶¹ Spanish Trademark Law (Law 17/2001), which entered into force on 14 January 2019, defines certification marks as guarantee marks (Article 68).

For more information visit: <https://www.boe.es/eli/es/l/2001/12/07/17/con.>

⁶² Information obtained from: <http://consultas2.oepm.es/ceo/jsp/busqueda/busqMarcasResultados.xhtml>.

It is important to point out that the C COMERCIO DE CONFIANZA CÁMARAS DE COMERCIO & logo guarantee mark application was filed on 20 May 2020, even before COVID-19 lockdown was lifted (21 June 2020), although registration was finally granted in December of the same year. Permission for its use took only two days (provided that full documentation was submitted).

The measure allowed several commercial establishments to reactivate their economic activities, avoiding business closures. Spain was clear about the suitability of this IP collective tool and took urgent actions as the debts and economic losses of small entrepreneurs were growing day by day. In fact, the OEPM considers guarantee marks as important business tools for SMEs as they allow:

- Market access;
- Distribution networks;
- Marketing campaigns;
- Increased access to consumers;
- The building of consumer confidence;
- Improved image of products or services; and
- Greater ease of marketing products and provide services⁶³.

The registration and dissemination of the C COMERCIO DE CONFIANZA CÁMARAS DE COMERCIO & logo guarantee mark should have meant a lifesaver for many MSMEs, in providing confidence and greater security to consumers, who dared to go shopping again.

6.5 Kenya

There are positive experiences recounted by people who have used IP collective tools. Of particular interest is the experience of the weavers' community in Taita Taveta County in Kenya. In this locality, many women make baskets using the fibres of the sisal plant, using methods passed down from generation to generation.

⁶³ Information obtained from:
https://www.oepm.es/export/sites/oepm/comun/documentos_relacionados/Ponencias/140_01_PresenteFuturoMarcasColectivasGarantia.pdf.

As it is usual in these cases, the income obtained by these women was minimal and their weaving work was a secondary job, parallel to other functions that they tended to have, like caring for their children and their home. Due to the difficulties for weavers to move outside their community, the beneficiaries (once again) were the intermediaries. In addition, people outside the community used their name (without consent) to make their products more appreciated. There was therefore a need for a sign to identify their baskets and their quality.

WIPO, in collaboration with the JPO began a project in 2016 that included the registration of a collective mark for a community of weavers, creating the TAITA BASKET collective mark. The collective mark was registered (Certificate N° 94134) on 3 April 2017, before the Kenya Industrial Property Institute, by the Taita Basket Association (made up of around 400 members) to identify products of classes 20 and 21⁶⁴ of the Nice International Classification:



According to information provided by WIPO, “*the Taita Taveta County Government preferred establishing a collective mark rather than a certification mark, because setting up a certifying body would take a long time and access to the villages for certification is limited*”⁶⁵.

It should be noted that the project of the Taita Baskets rightly included various training actions for the members, with the aim of teaching them not only about the IP system, but also about the importance of maintaining quality standards that each weaver had to comply with, not only with a view to making sales abroad, but also to distinguish their

⁶⁴ Class 20: Basket not made of metal. Class 21: Baskets for domestic use
Information obtained from <https://www.wipo.int/ipadvantage/en/details.jsp?id=10875>.

⁶⁵ Taita Basket: A New Identity for Basket Weavers in Kenya. WIPO Case Studies; Publication on 20 September 2019.
For more information visit: https://www.wipo.int/ipadvantage/en/articles/article_0221.html.

high quality with respect to products from other communities, generating their own identity and confidence among consumers. In addition to the training activities, the details of the quality standards were introduced in the respective Regulations of Use.

The project also received support and concrete actions from the Kenyan Ministry of Trade, Industry and Cooperatives and the Taita Taveta County Government.

The use of this IP collective tool changed the lives of different groups of women in Taita who, until 2016, had little economic activity in isolation. The changes were not only from an economic point of view (which is important in itself). As one of the Association's representatives indicates, the collective mark has meant better living standards, women have improved their income in a world that until then had been basically masculine. The income they now earn supports their families, made wives independent and even led to a reduction in cases of gender-based violence in the community⁶⁶.

To conclude the story of the weavers of Taita Taveta County, it is worth noting that when government authorities get involved, when alliances are reached with private agents or international organisations, and when awareness of the benefits of associativity and IP is acquired, positive results are visible and real, and can go beyond solutions in the economic sphere, extending also to the social sphere.

6.6 Colombia

A success story that is clear about the importance of accompanying the owners or beneficiaries of IP collective tools belonging to vulnerable populations or MSMEs, to advise and support them in achieving strategic alliances with the private sector, is outlined below.

As a starting point, it is necessary to highlight a differentiating detail of Colombia in the promotion of its handicraft identified with IP collective

⁶⁶ WIPO Webinar: How to Protect and Promote Your Culture. 24 March 2021.
For more information visit: https://multimedia.wipo.int/wipo/en/tk/wipo_webinar_grtkf_2021_1-720p.mp4.

tools. This is the creation of a commercial and industrial semi-public entity (ARTESANIAS DE COLOMBIA S.A.), created exclusively to go hand in hand with Colombian artisans, recognising the high quality of their products and their importance not only for these populations, but also as a symbol of identity and pride of the economy.

As the coordinator of the IP and Handicrafts Programme, mentioned⁶⁷, ARTESANIAS DE COLOMBIA S.A. has been working for 14 years on an IP programme using IP collective tools for the legal protection of all Colombian handicraft products. This entity works in alliance with the Colombian IP Office (the Superintendence of Industry and Commerce) to achieve the correct registration of collective marks, certification marks, AOs and industrial designs.

ARTESANIAS DE COLOMBIA S.A. has collaborated in the registration of more than 3,000 artisan trademarks at a preferential rate, and it should be noted that Colombia has 12 AOs for handicraft products (surpassing the rest of the Latin American economies). Some of its main functions are:

- To promote the participation of local entities and regional entrepreneurs in the development and strengthening of the local artisan sector;
- To support artisans in their organisation, promoting the creation of associations, cooperatives and companies;
- To develop cooperation links with domestic and foreign, public and private entities, in support of the entity's programmes; and
- To develop marketing strategies for the business sector; among others⁶⁸.

The following are some examples of successful agreements with private companies that have benefited Colombian artisans and private entrepreneurs:

⁶⁷ Interview conducted on 14 October 2022.

⁶⁸ Information obtained from: https://artesantiasdecolombia.com.co/PortalAC/C_nosotros/artesantias-de-colombia_7656.

TOTTO

The Wayúu are an indigenous people, known for their weavers, who live in the Guajira peninsula in the northeastern part of Colombia.

In 2020, the Wayúu community reached an agreement with a well-known Colombian trademark TOTTO to produce backpacks with the original weaving and canvas including their characteristic designs.

The indigenous community achieved great economic benefits from the sales of these limited-edition products.

TOYOTA

In the same year, ARTESANIAS DE COLOMBIA S.A. collaborated with the Wayúu community to reach an agreement with a multinational company to manufacture a vehicle inspired by the Wayúu symbology and weavings, which was then auctioned. The Wayúu community received solar panels from the private company to provide them with electricity. For its part, the automotive company promoted its social responsibility work and its interest in working with renewable energies.

YANBAL

To reactivate the economy of Colombian artisans, severely affected by the closure of tourism and the confinements ordered due to COVID-19, ARTESANIAS DE COLOMBIA S.A. reached an agreement with a major private company of cosmetics, perfumery, and jewellery, among other products.

Through this agreement, a catalogue was published giving visibility to handicraft products from different regions of Colombia (Wayúu indigenous community from Guajira; Usiacurí weavers community from Boyacá; Duitama community from Boyacá; the Zenu indigenous people, from Cordoba), who manufactured various products such as

hand-woven purses and jewellery boxes, wallets, as well as particular packaging for the private company's products.

DISNEY

Years before the release of the Walt Disney Animation Studios film ENCANTO, ARTESANIAS DE COLOMBIA S.A. met with them because of their interest in learning about Colombian products and IP rights.

Disney selected five products protected by AOs that can be seen in the film (backpacks, hats, ceramics).

As part of this agreement, National Geographic produced promotional videos of Colombian culture and craft traditions, showing the different communities, their customs, and the work behind the selected AOs.

It should be noted that Colombian artisans actively participated in these negotiations through ARTESANIAS DE COLOMBIA S.A. so that they could be sure there was no unauthorised use of their products or AOs.

SWISS FEDERAL IP INSTITUTE

Through the Colombian-Swiss Intellectual Property Project (COLIPRI), a Guide for the Evaluation of Conditions and Impacts of the Appellation of Origin is being applied, which is a tool that allows the communities themselves to self-evaluate and measure the impacts of the process of their AOs, from an economic point of view, but also from the social, cultural, and environmental points of view.

The idea is that, with the results of these self-assessments, ARTESANIAS DE COLOMBIA S.A. and the governmental entities themselves will know where and how to focus their future actions to support them in what they most need.

TOUS

This European jewellery company reached an agreement with Colombian artisans who have the collective mark FILIGRANA DE MOMPOX⁶⁹. The company launched a collection of jewellery made using the artisanal technique of filigree, from the town of Mompox.

Filigree is a technique that consists of making very fine interlaced and laminated metal threads that give a grainy appearance, usually gold or silver, to make pieces of jewellery that resemble lace.

Strategic alliances such as these promote the economic development of the region of Mompox and the positioning of local handicrafts, as well as indirectly positioning this region as a tourist destination. For its part, the European company strengthens its presence in the Latin American market.

JOHNNIE WALKER

This alliance between the alcoholic beverages company and Colombian artisans consisted in the production of a limited edition (860 bottles) handmade by Colombian artisans. Around 50 Colombian artists had been working on three designs of bottles using different local techniques:

- GUATAVITA edition, produced by handcraft artisans located in Pasto, Nariño using a Colombian art technique called “mopa mopa plated”.
- GUATAPÉ edition, produced by artists located in Pasto, Nariño as well, using a Colombian technique named “tamo de trigo”.
- THE ATLANTIC OCEAN edition, created by 18 Colombian artisans from Valle de Sibundoy, Putumayo using Inga and

⁶⁹ Collective mark N° 435652, registered on 27 October 2011 by ASOCIACIÓN DE ORFEBRES MOMPOSINOS (ADOM), to identify precious metals and their alloys; goods made of precious metals or coated therewith, not otherwise classified; jewellery, paste jewellery; precious stones; timepieces; chronometric instruments, in class 14 of the Nice International Classification. In force until 27 October 2031.

Information obtained from:

<https://siji.sic.gov.co/siji/Extra/IP/TM/Qbe.aspx?sid=638141401982975740>.

Kamentsá indigenous communities' handmade techniques ("chaquiras").

The Johnny Walker Blue Label advertising campaign included promotional videos emphasising the history of these ancient techniques and the meticulous work of the artisans involved in making the designs.

HOTELS & RESTAURANTS PROJECT

Since 2015, the project has sought to promote and market products developed by 25 artisans from different parts of Colombia, using eight different craft techniques and 14 different raw materials, in hotels and restaurants.

It has been advertised at tourism events through the decoration of rooms, bathrooms, lobbies, restaurants, and bars with high quality handmade products. Colombian artisans were brought together with new contacts to reach commercial agreements for the decoration of hotel establishments or restaurants to allow them to boost businesses and strengthen the commercialization of products identified by IP collective tools.

These Colombian examples show that a partial or full participation of public authorities has been useful for artisans, who probably - in isolation - would hardly have had the opportunity to contact private and multinational companies in order to reach agreements to the benefit of both parties.

7. CONCLUSIONS

- 7.1 Without prejudice to the existing differences in domestic IP legislation from each economy, they all contain provisions and mechanisms for the protection of IP collective tools, either through special rules or by reference to other IP elements.
- 7.2 Research and collaboration among APEC economies have demonstrated the usefulness of IP collective tools to boost the economy of vulnerable populations and MSMEs and to recover from disasters, along with their ability to promote innovative development and inclusive approaches allowing for better economic and social standards of living.
- 7.3 Associativity makes it possible to pool efforts, share costs and foster economic development that vulnerable populations and MSMEs that have suffered devastating consequences of natural disasters, pandemics, economic crises or wars, could not achieve in isolation.
- 7.4 Considering the legislative, geographic and social differences of each economy, the implementation of public policies aimed at promoting the use and registration of IP collective tools as a mechanism to boost the economy of vulnerable populations and MSMEs (that have suffered a natural disaster, an economic crisis, a pandemic or a war) must be based on an analysis of domestic legislation, public resources and even cost-benefit studies to implement a correct strategy in accordance with each economy.
- 7.5 There is a need to build the institutional capacity of IP authorities in each APEC economy to make strategic alliances with other entities that have competence in necessary and complementary stages for the success in the use and exploitation of IP collective tools.
- 7.6 Economies' proposals, actions, recommendations and their results and programme performance regarding IP collective tools should be available for all APEC economies to study and discuss the possibility to apply or adapt them to its own.
- 7.7 The implementation of public policies related to IP collective tools should cover various stages: from the promotion of their existence and advantages, through

the procedures for their registration or authorisation of use, to finally assisting in the marketing of products and services in more competitive markets. The objective varies and with it, the actions to be implemented, the actors and possible allies.

- 7.8 Public policies related to IP collective tools' use and promotion should include the participation of different governmental institutions (IP offices, registry offices, Ministry of Commerce, Industry or Tourism, Ministry of Culture, Ministry of Agriculture, foreign trade administrative bodies, trade promotion public institutions, among others).
- 7.9 The support of international organisations has proven to be very useful, through promotional activities, technical advice or financial support, as described in the examples of The Philippines and Kenya.
- 7.10 Private sector also has an important role to play and its participation in the implementation of efficient and effective public policies is needed.
- 7.11 It is essential to emphasise the capacity of IP collective tools to improve the living standards of vulnerable populations and MSMEs, but also its proven capacity to change the lives of women from a family and social point of view. IP collective tools empowers women, making them independent and capable of developing their own goals and objectives.

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ANNEXES

- a. APEC Survey for IP policy makers (IP offices / governmental authorities)

AUSTRALIA:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [Australia](#)

Name of the Institution: [IP Australia](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Policy Officer](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Yes
Certification mark	Yes
Appellation of Origin (AO)	No
Geographical Indication (GI)	Yes, certification trademarks can be used to protect geographical indications for all goods. Collective trademarks can sometimes be an appropriate form of protection for geographical indications in Australia (e.g. for geographical indications that are owned by an association). Sui generis system only applies to wine goods, which are defined in the Wine Australia Act as: Wines; or Grapes, or grape extract, used or intended to be used in manufacturing wine.

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	Association Yes
Certification mark	Person or persons having legal personality
AO	N/A
GI	Person or persons having legal personality For Sui generis system for wine goods: - a declared winemakers association; - a declared wine grape growers organization; - an organization representing winemakers in a State or Territory; - an organization representing growers of wine grapes in a State or Territory; or - a wine maker or a grower of wine grapes. Regulation 60 of the Wine Australia Regulations 2018 states a person may apply in writing for the determination of a geographical indication in relation to a foreign country.

3. Are there any business group that are not allowed to be owner of IP collective tools?
No, except what has already been mentioned above.
4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	Trade Marks Act 1995 (Cth)
Certification mark	Trade Marks Act 1995 (Cth)

AO	
GI	Trade Marks Act 1995 (Cth), Wine Australia Act 2013 (Cth)

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI *
2017				10
2018				9
2019				10
2020				6
2021				7

* These numbers include GIs that have been applied for as collective or certification marks.

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI*
2017			N/A	5
2018			N/A	3
2019			N/A	1
2020			N/A	0
2021			N/A	4

* These numbers include GIs that have been applied for as collective or certification marks.

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	Unsure	Unsure	N/A	Unsure
2018	Unsure	Unsure	N/A	Unsure
2019	Unsure	Unsure	N/A	Unsure
2020	Unsure	Unsure	N/A	Unsure
2021	Unsure	Unsure	N/A	Unsure

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry		X

Handicraft		X
Agriculture	X	
Others		X

8. If there is a fee for the registration of IP collective tools, what is the cost in US dollars?

IP collective tool	Official fee
Collective mark	Application fee of up to \$400 per class depending on method of filing
Certification mark	Application fee of up to \$400 per class depending on method of filing
AO	N/A
GI	For GIs seeking protection as either a collective or certification mark there is an application fee of up to \$400 per class depending on method of filing. For GIs seeking to be entered onto the Register of GIs under the Wine Australia Act there is an application fee of 27,500 AUD which is approximately \$20,000 USD.

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark		Yes
Certification mark		Yes
AO		N/A
GI		Yes

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

Confusion around what goods/services to claim and issues with rules and conditions.

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	Yes
Online payment of applications and other fees	Yes
Fast track proceeding	Yes
Differentiated rates for Vulnerable Populations and MSMEs	No

Special discounts for Vulnerable Populations and MSMEs
Others

No
Yes

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
Australia exempted COVID-19 Disrupted Persons from payment of fees for requesting an extension of time during the COVID-19 pandemic requested between a certain fixed period.	To relieve financial stress for applicants suffering hardship during the pandemic.	Unsure	Unsure

12. Does your Institution or other agencies of your economy (e.g. IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

No specialised units. We have general customer support, education and awareness activities regarding IP that can be accessed, including in such circumstances.

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i. Pre-counselling NO
(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii. Management _____

NO

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii. Commercialization

NO

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
N/A			
N/A			
N/A			
N/A			
N/A			

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

N/A

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

Elimination of registration fees	<u>No</u>
Simplification of registration proceeding	<u>No</u>
public subsidies for official fees	<u>No</u>
Government funds	<u>No</u>
Reimbursement of costs once granted	<u>No</u>
Others (specify):	<u>No</u>

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

N/A

19. In case your Institution or other agencies of your economy (i.e. IP Office) have not developed any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

The Australian Government introduced other measures to support businesses during the Pandemic, including support payments and other measures. IP Australia supported our customers through time extensions and the provision of virtual services.

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

No

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

N/A

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

These types of activities do not occur post-registration.

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

There is no specific programme to advise women on IP collective tools but the Department of Industry, Science, Energy and Resources is responsible for the "Advancing Women in STEM Strategy" which would encourage women to engage with the innovation and IP systems.

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

No.

V. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis, and pandemics (such as COVID-19)?

Yes

If YES, please specify:

Collective action within an Industry or region is a necessary condition for IP collective tools to support economic improvement. Coordination and free rider problems that inhibit collective action can present barriers to effective design of policies focussed around the use of IP collective tools.

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

Sharing case studies and data on the evaluation of the effectiveness of IP collective tools to achieve these outcomes, as well as how industries or regions have overcome collective action and free rider problems to encourage collective marketing and use of IP collective tools would be a useful step toward designing effective policies.

VI. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration

28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

BRUNEI DARUSSALAM:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [Brunei Darussalam](#)

Name of the Institution: [Brunei Intellectual Property Office \(BrulPO\)](#)

Name of the person responsible for completing the survey: [This survey was completed with inputs provided by the BrulPO IP Registries Unit and International Unit](#)

Position held at the institution:

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	<ul style="list-style-type: none"> Trade Marks Act Trade Marks Act (Amendment) Order, 2014 Trade Marks Act (Amendment) Order, 2017 Trade Marks Act (Amendment) (2) 2017 <p>Subsidiary Legislation:</p> <ul style="list-style-type: none"> Trade Marks Rules Trade Marks (International Registration) Rules, 2018 Trade Marks (Importation of Infringing Goods) Regulations
Certification mark	<ul style="list-style-type: none"> Trade Marks Act, 2000 Trade Marks Act (Amendment) Order, 2014 Trade Marks Act (Amendment) Order, 2017 Trade Marks Act (Amendment) (2) 2017 <p>Subsidiary Legislation:</p> <ul style="list-style-type: none"> Trade Marks Rules Trade Marks (International Registration) Rules, 2018 Trade Marks (Importation of Infringing Goods) Regulations
Appellation of Origin (AO)	None
Geographical Indication (GI)	None

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	Private entities
Certification mark	Public and Private entities
AO	Not Applicable (N/A)
GI	N/A

3. Are there any business group that are not allowed to be owner of IP collective tools?

None

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	http://bruipo.gov.bn/SitePages/legislation.aspx
Certification mark	http://bruipo.gov.bn/SitePages/legislation.aspx
AO	none
GI	none

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	0	2	N/A	N/A
2018	0	1	N/A	N/A
2019	0	0	N/A	N/A
2020	0	0	N/A	N/A
2021	0	0	N/A	N/A

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	0	1	N/A	N/A
2018	0	1	N/A	N/A
2019	0	0	N/A	N/A
2020	0	0	N/A	N/A
2021	0	0	N/A	N/A

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	0	0	N/A	N/A
2018	0	0	N/A	N/A
2019	0	0	N/A	N/A
2020	0	0	N/A	N/A
2021	0	0	N/A	N/A

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry	0	N/A

Handicraft	0	N/A
Agriculture	0	N/A
Others	2	N/A

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	USD\$109 per class of good/services
Certification mark	USD\$109 per class of good/services
AO	N/A
GI	N/A

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	8 - 12 Months	N/A
Certification mark	8 - 12 Months	N/A
AO	N/A	N/A
GI	N/A	N/A

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

The regulations of use without legal parameters

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-application	___
N/A	
Online payment of applications and other fees	___
N/A	
Fast track proceeding	
N/A	
Differentiated rates for Vulnerable Populations and MSMEs	___
N/A	
Special discounts for Vulnerable Populations and MSMEs	___
N/A	
Others	___
N/A	

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
N/A	N/A	N/A	N/A

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes

No

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

- i. Pre-counselling
No

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

- ii. Management
No

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

- iii. Commercialization
No

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
N/A	N/A	N/A	N/A

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

N/A

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees

N/A

- b. Simplification of registration proceeding N/A
- c. public subsidies for official fees N/A
- d. Government funds N/A
- e. Reimbursement of costs once granted N/A
- f. Others (specify): N/A

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

N/A

In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

The needs had not risen for us to adopt any of those policies/strategies

III. TAX INCENTIVE

19. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes ___

No

Please specify:

20. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

N/A

IV. OTHER

21. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable

populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes

No

If YES, please indicate the type of activity that is carried out:

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

No

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes

No

If YES, please specify:

V. **OPINION**

24. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes

No

If YES, please specify:

25. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

[Organize capacity building and sharing sessions](#)

VI. CASES FOR STUDY

26. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration
-	-	-	-	-

27. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration
-	-	-	-	-

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

[N/A.](#)

CHILE:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [Chile](#)

Name of the Institution: [INAPI \(Industrial Property Chilean Agency\)](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Head of the International Affairs and Public Policy Department](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Law N° 19.039 on Industrial Property and its Rules
Certification mark	Law N° 19.039 on Industrial Property and its Rules
Appellation of Origin (AO)	Law N° 19.039 on Industrial Property and its Rules, plus Supreme Decree N° 464, of 1994, of the Ministry of Agriculture, establishing viticulture zoning and rules on its use
Geographical Indication (GI)	Law N° 19.039 on Industrial Property and its Rules

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	An association (a legal entity formed by a group of producers, manufacturers, traders or service providers)
Certification mark	Any person, natural or legal, except those who manufacture or market goods or services identical or similar to those to which the corresponding mark is to be applied.
AO	Any person, natural or legal, may request the Registration of a AO or GI, provided that they represent a significant group of producers, manufacturers or artisans, whatever their legal form, whose properties or establishments of extraction, production, transformation or elaboration are within the delimitation zone established by the requested GI or AO and comply with the other requirements provided by Law N° 19.039. National, regional, provincial or communal authorities may also request the recognition of a GI or AO which are located within the territories of their respective jurisdictions.
GI	

3. Are there any business groups that are not allowed to be owner of IP collective tools?

[Regarding Certification Marks, those who manufacture or market goods or services identical or similar to those to which the corresponding mark is to be applied may not be their holders.](#)

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	Articles 23 bis A and 23 bis C of Law N° 19.039 on Industrial Property, as amended by Law N° 21.355, available here: http://bcn.cl/2qci8

Certification mark	Articles 23 bis B and 23 bis C of Law N° 19.039 on Industrial Property, as amended by Law N° 21.355, available here: http://bcn.cl/2qci8
AO	Title IX of the Industrial Property Law (Articles 92 to 105 of Law N° 19.039), available here: http://bcn.cl/2fcwd And Supreme Decree N° 464, of 1994, of the Ministry of Agriculture, establishing viticulture zoning and rules on its use, available here: http://bcn.cl/2f6ii
GI	Title IX of the Industrial Property Law (Articles 92 to 105 of Law N° 19.039), available here: http://bcn.cl/2fcwd

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	15	22	5	1
2018	6	27	3	4
2019	9	14	4	5
2020	31	31	1	2
2021	46	41		2

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	9	99	3	2
2018	10	5	9	0
2019	3	19	1	1
2020	7	14	0	0
2021	10	20	1	0

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017				
2018				
2019				
2020				
2021				

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry		
Handicraft		
Agriculture		
Others		

8. If there is a fee for the registration of IP collective tools, what is the cost in U\$ dollars?

IP collective tool	Official fee
Collective mark	<p>The official fees are established in UTM (monthly tax units). The UTM for June 2022 is 57.557 Chilean pesos (therefore, 1 UTM today corresponds to approximately 65 USD)</p> <p>Regarding the registration of Collective and Certification Marks, the official fees are 3 UTM per class (one to be paid upon filing of the application and the other two when registration is granted). The registration is valid for 10 years and can be renewed indefinitely.</p> <p>Renewal applications are subject to an official fee of 6 UTM per class, to be paid upon filing.</p>
Certification mark	
AO	<p>The official fees are established in UTM (monthly tax units). The UTM for June 2022 is 57.557 Chilean pesos (therefore, 1 UTM today corresponds to approximately 65 USD)</p> <p>Regarding IG and AO, the official fees are 3 UTM per registration (one to be paid upon filing of the application and the other two when registration is granted).</p> <p>The registration is valid indefinitely, no renewal required.</p>
GI	

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	1,1 years	Available
Certification mark	1,2 years	Available
AO	1,8 years	Not Available
GI	1,5 years	Not Available

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

All the above, but mainly issues regarding the regulations of use for Collective and Certification Trademarks and the technical studies and expert reports needed for AO and GI applications.

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools

registration proceeding in your economy:

- E-applications _____
- Online payment of applications and other fees _____
- Fast track proceeding _____
- Differentiated rates for Vulnerable Populations and MSMEs _____
- Special discounts for Vulnerable Populations and MSMEs _____
- Others _____

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
E-applications	Avoid the people from regions of Chile have to come to Santiago to present the application at INAPI.	Today, the 100% of applications are received by e-filing.	New platform more friendly-user was launched on June 2022.
Online payment of applications and other fees	Avoid the people from regions of Chile have to come to Santiago to present the application at INAPI.	Today, the 100% of applications are paying using online payment system.	

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes [As for SMEs is concerned](#)

No

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i. Pre-counselling [YES](#)

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii. Management

YES

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii. Commercialization

NO

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
INAPI Running	Annual contest for best initiative in certain technological fields	Inapi. Yearly since 2020	https://www.inapi.cl/concurso-inapi-running-tecnologias-covid-19

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Lack of appropriate budgetary funding

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

In collaboration with international organizations and private sector

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees _____
- b. Simplification of registration proceeding _____
- c. public subsidies for official fees _____
- d. Government funds _____
- e. Reimbursement of costs once granted _____
- f. Others (specify): _____

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

N/A

19. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes _____

No

Please specify:

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e

IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes

No

If YES, please indicate the type of activity that is carried out:

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

On Planning.

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes

No

If YES, please specify:

V. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes

No

If YES, please specify:

Lack of budgetary resources and legal authorizations

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

Promoting successful programs from other economies; providing technical assistance y the design and implementation of the program; establishing funding mechanism

VI. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration
N/A				

28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration
N/A				

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

HONG KONG, CHINA:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy Hong Kong, China

Name of the Institution Intellectual Property Department (the Office)

Name of the person responsible for completing the survey:

Position held at the institution: Assistant Director of Intellectual Property (Advisory)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Trade Marks Ordinance (Cap. 559) (TMO) (section 61 & Schedule 3); and Trade Marks Rules (Cap. 559A) (TMR) (rules 100 & 102)
Certification mark	TMO (section 62 & Schedule 4) and TMR (rules 101 & 102)
Appellation of Origin (AO)	In Hong Kong, China, AOs are protected under its domestic legislation on trademarks (particularly as certification or collective marks) and also the common law passing off action.
Geographical Indication (GI)	In Hong Kong, China, GIs are protected under its domestic legislation on trademarks (particularly as certification or collective marks) and also the common law passing off action.

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e. consortiums).

IP collective tool	Possible owners
Collective mark	Any legal entity (e.g. an individual or an incorporated entity)
Certification mark	Any legal entity (e.g. an individual or an incorporated entity)
AO	N/A
GI	N/A

3. Are there any business group that are not allowed to be owner of IP collective tools?

No

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	· The mark must be a sign capable of distinguishing goods or services of members of the association which is the owner of the collective

	<p>mark from those of other undertakings (section 2, Schedule 3, TMO).</p> <ul style="list-style-type: none"> · A collective mark will not be registered if the public is liable to be misled as regards its character or significance, in particular, if it is likely to be taken to be something other than a collective mark (section 4(1), Schedule 3, TMO). · The regulations governing the use of the collective mark must be filed with the application for registration (section 5(1), Schedule 3, TMO). · Such regulations must specify: <ul style="list-style-type: none"> (a) the persons authorized to use the collective mark; (b) the conditions of membership of the association; and (c) where they exist, the conditions of use of the collective mark, including any sanctions against misuse (section 5(2), Schedule 3, TMO). · Such regulations must not be contrary to accepted principles of morality (section 6(2), Schedule 3, TMO). · The registrability requirements under sections 11 and 12 of TMO have to be met (but notwithstanding section 11(1)(c) of TMO on the absolute ground for refusal of registration concerning indication of geographical origin, a collective mark which consists of a sign which may serve, in trade or business, to designate the geographical origin of goods or services may be registered (section 3(1), Schedule 3, TMO)). <p>Schedule 3 of the TMO https://www.elegislation.gov.hk/hk/cap559</p>
Certification mark	<ul style="list-style-type: none"> · The mark must be a sign capable of distinguishing goods or services which are certified from those which are not (section 2, Schedule 4, TMO). · A certification mark shall not be registered if the owner carries on a trade or business involving the supply of goods or services of the kind certified (section 4, Schedule 4, TMO). · A certification mark will not be registered if the public is liable to be misled as regards its character or significance, in particular, if it is likely to be taken to be something other than a certification mark (section 5(1), Schedule 4, TMO). · The regulations governing the use of the certification mark must be filed with the application for registration (section 6(1), Schedule 4, TMO). · Such regulations must indicate: <ul style="list-style-type: none"> (a) the persons authorized to use the certification mark; (b) the characteristics to be certified by the certification mark;

	<p>(c) how the certifying body is to test those characteristics and to supervise the use of the certification mark;</p> <p>(d) the fees, if any, to be paid in connection with the use of the certification mark; and</p> <p>(e) the procedures for resolving disputes (section 6(2), Schedule 4, TMO).</p> <ul style="list-style-type: none"> · Such regulations must not be contrary to accepted principles of morality (section 7(2), Schedule 4, TMO). · The applicant for the registration of the mark is required to be competent to certify the goods or services for which the certification mark is to be registered (section 7(1)(b), Schedule 4, TMO). · The registrability requirements under sections 11 and 12 of TMO have to be met (but notwithstanding section 11(1)(c) of TMO on the absolute ground for refusal of registration concerning indication of geographical origin, a certification mark which consists of a sign which may serve, in trade or business, to designate the geographical origin of goods or services may be registered (section 3(1), Schedule 4, TMO)). <p>Schedule 4 of the TMO https://www.elegislation.gov.hk/hk/cap559</p>
AO	N/A
GI	N/A

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	0	7	N/A	N/A
2018	0	5	N/A	N/A
2019	0	1	N/A	N/A
2020	0	0	N/A	N/A
2021	0	4	N/A	N/A

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	0	0	N/A	N/A
2018	0	0	N/A	N/A
2019	0	3	N/A	N/A
2020	1	6	N/A	N/A
2021	0	1	N/A	N/A

6. What percentage of the IP collective tool owners / beneficiaries indicated in the

table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	N/A	0% (apparently)	N/A	N/A
2018	N/A	0% (apparently)	N/A	N/A
2019	N/A	0% (apparently)	N/A	N/A
2020	0% (apparently)	0% (apparently)	N/A	N/A
2021	N/A	0% (apparently)	N/A	N/A

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry	✓	N/A
Handicraft		N/A
Agriculture		N/A
Others	✓ (The service sectors relating to the registrations of certification and collective marks include healthcare professions, pharmaceutical sectors, financial sectors, wholesaling and distributorship, construction/repair industry)	N/A

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	US\$255 (US\$128 per additional class)
Certification mark	US\$255 (US\$128 per additional class)
AO	N/A
GI	N/A

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	4 years	Yes
Certification mark	6 years	Yes
AO	N/A	N/A
GI	N/A	N/A

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

Regulations of governing use of the collection/certification marks filed by the applicants
 do not readily satisfy the registration requirements, and it takes time for them to rectify the deficiency.

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	✓
Online payment of applications and other fees	✓
Fast track proceeding	—
Differentiated rates for Vulnerable Populations and MSMEs	—
Special discounts for Vulnerable Populations and MSMEs	—
Others	—

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
E-applications	Applications for registration of collective/certification marks can be filed anytime electronically through the Office's E-Filing System. No prior registration of an e-filing account is required.	75% of the collective/certificate mark applications received by the Office in 2017-2021 were filed electronically.	The Office is considering to introduce preferential fee for e-filed trade mark applications.
Online payment of applications and other fees	Fees for e-filed applications/forms can be paid via our E-Filing System. Payment can be made by credit card or by depositing a sum into the Office's designated bank account.	All fees for e-filed applications were paid online through the Office's E-Filing System. Applicants do not need to visit the Office to make payment.	To provide more payment options, the Office is considering to introduce the Fast Payment System for applicants to make fees payment via mobile devices.

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes _____

No _____

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i.Pre-counselling NO —

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii.Management NO —

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii.Commercialization NO —

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
N/A	N/A	N/A	N/A

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

N/A

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees _____
- b. Simplification of registration proceeding _____
- c. public subsidies for official fees _____
- d. Government funds _____
- e. Reimbursement of costs once granted _____

f. Others (specify): _____

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

N/A

19. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

_____The handful proportion of domestic registrations of collective and certification marks illustrate that the domestic market demand for collective tools is low if not negligible. That said, the Office has been organizing various local campaigns and programs (e.g. by means of seminars and workshops, free IP consultancy services targeted at SMEs and MSMEs) for promoting IP literacy and commercialization.

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes _____

No _____

Please specify: A sum expended for the registration of a trade mark is deductible

from the chargeable profits to the extent to which it is incurred during the basis period

_____for the year of assessment (section 16(1)(g) of the Inland Revenue Ordinance (Cap. 112)).

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

The provision of tax deduction in relation to the expenditure incurred in trade mark registration serves as an incentive to encourage businesses including those of vulnerable populations and MSMEs to register their trade marks for protection of their brands as a feasible and practical means of developing their own IP trading business strategy or model, such as brand licensing/franchising.

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes _____

No _____

If YES, please indicate the type of activity that is carried out:

N/A

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

No.

24. Please indicate whether your Institution or other agencies of your economy (i.e

IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes _____

No _____

If YES, please specify:

N/A

VI. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes _____

No _____

If YES, please specify:

N/A

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

The APEC economies that have implemented the relevant measures or policies are most welcome to share their own experience and insight with those that do not have such measures or policies in place.

VII. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations

and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration
N/A	N/A	N/A	N/A	N/A

28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration
N/A	N/A	N/A	N/A	N/A

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

N/A

MEXICO:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [MEXICO](#)

Name of the Institution: [Instituto Mexicano de la Propiedad Industrial / Mexican Institute of Industrial Property \(IMPI\)](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Divisional Director of International Relations / Directora Divisional de Relaciones Internacionales](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Yes, in the Federal Law for the Protection of Industrial Property (LFPPI)
Certification mark	Yes, in the Federal Law for the Protection of Industrial Property (LFPPI)
Appellation of Origin (AO)	Yes, in the Federal Law for the Protection of Industrial Property (LFPPI)
Geographical Indication (GI)	Yes, in the Federal Law for the Protection of Industrial Property (LFPPI)

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	Associations or companies of producers, manufacturers or traders of products, or service providers, legally constituted, to distinguish, in the market, the products or services of their members, provided that they have quality or characteristics common to each other and diverse with respect to others. third party products or services (art. 179 LFPPI)
Certification mark	Legally constituted moral person that accredit the certification activity in accordance with its corporate purpose, as long as it does not carry out a business activity that implies the supply of products or the provision of services of the same nature or type that it certifies (art. 185 LFPPI)
AO	The State (art. 268 LFPPI)
GI	The State (art. 268 LFPPI)

3. Are there any business group that are not allowed to be owner of IP collective tools?

None

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	LFPPI art. 179 -182 https://www.diputados.gob.mx/LeyesBiblio/ref/lfpfi.htm
Certification mark	LFPPI art. 183 - 189 https://www.diputados.gob.mx/LeyesBiblio/ref/lfpfi.htm
AO	LFPPI art. 264 – 297 and art. 315 - 327 https://www.diputados.gob.mx/LeyesBiblio/ref/lfpfi.htm
GI	LFPPI art. 264 – 297 and art. 315 - 327 https://www.diputados.gob.mx/LeyesBiblio/ref/lfpfi.htm

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	36	N/A	0	N/A
2018	48	11	1	6
2019	40	24	0	0
2020	102	30	2	2
2021	113	12	3	6

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	4	N/A	N/A	N/A
2018	21	0	1	0
2019	7	3	1	0
2020	11	28	1	0
2021	24	36	0	0

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	No data	No data	No data	No data
2018	No data	No data	No data	No data
2019	No data	No data	No data	No data
2020	No data	No data	No data	No data
2021	No data	No data	No data	No data

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry	Yes	Yes
Handicraft	Yes	Yes
Agriculture	Yes	Yes
Others	Yes	Yes

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	156 DLS

Certification mark	156 DLS
AO	89 DLS
GI	a. DLS

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	Four months	Four months
Certification mark	Four months	Four months
AO	Six months	Six months
GI	Six months	Six months

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

Ignorance of the different forms of protection and for economic reasons.

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications X
 Online payment of applications and other fees X
 Fast track proceeding
 Differentiated rates for Vulnerable Populations and MSMEs
 Special discounts for Vulnerable Populations and MSMEs
 Others

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
E-applications	Streamline processes for entering registration requests	The presentation of applications was streamlined and the number of registrations granted increased	- Presentation of applications - Notifications
Online payment of applications and other fees	Implement of online payment to speed up the registration process	The implementation of online payment allowed users to carry out procedures more agilely	- Online payments - Notifications of online payments

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable

populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes

No

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i. Pre-counselling NO

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii. Management NO

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii. Commercialization NO

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
Does not apply	Does not apply	Does not apply	Does not apply

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Does not apply

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Does not apply

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

Does not apply

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- | | | |
|----|---|------------|
| a. | Elimination of registration fees | <u>N/A</u> |
| b. | Simplification of registration proceeding | <u>N/A</u> |
| c. | public subsidies for official fees | <u>N/A</u> |
| d. | Government funds | <u>N/A</u> |
| e. | Reimbursement of costs once granted | <u>N/A</u> |
| f. | Others (specify): | <u>N/A</u> |

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

Does not apply

19. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

Actions are recently being carried out with WIPO to map the situation in Mexico in order to generate applicable public policies

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes

No _____

Please specify:

Does not apply

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

Does not apply

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes

No

If YES, please indicate the type of activity that is carried out:

In February 2022, as part of the actions carried out with WIPO to find out the level of knowledge and use of IP by MSMEs, a dialogue was held that consisted of listening to the main stakeholders in the sector, in order to generate policies that improve access to IP rights by MSMEs.

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

The Institute has the Network of Innovative Women and Industrial Property, where in addition to giving visibility to the successful cases of Mexican business women, also there are various sections that support and guide women in the protection of their IP rights.

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes

No

If YES, please specify:

V. OTHER

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes

No

If YES, please specify:

As part of the activities managed by IMPI and WIPO to find out the level of knowledge and use of IP by MSMEs, various barriers have been identified, among them is the lack of knowledge on the part of MSMEs about the importance of protecting their IP, as well as a lack of resources to protect their IP.

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

Carrying out programs for the dissemination and support of MSMEs for the protection and exploitation of their IP for the benefit of their economic growth.

VI. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Due to legal restrictions, we are not allowed to share the names and personal private information of those individuals (such as name, email, phone number, etc.)

Name	E-mail	Phone number	Website	IP registration

29. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

NEW ZEALAND:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [New Zealand](#)

Name of the Institution: [Intellectual Property Office of New Zealand \(IPONZ\)](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Acting Manager, Trade marks](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Yes
Certification mark	Yes
Appellation of Origin (AO)	No
Geographical Indication (GI)	Yes

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	<p>The owner of a collective mark is a collective association.</p> <p>This is defined by Section 5(1) of the Trade Marks Act 2002:</p> <p>collective association means a body (whether incorporated or not) that has or is able to have members, and is—</p> <p>(a) constituted for the joint benefit of its members for the time being; and</p> <p>(b) so constituted that its membership at any time can be ascertained</p>
Certification mark	<p>The owner of a certification mark is a legal entity capable of holding personal property, such as individuals, joint owners, companies and cooperated bodies and government departments.</p> <p>This is defined by Section 5(1) of the Trade Marks Act 2002:</p> <p>Owner:</p> <p>(a) in relation to a registered trade mark that is not a certification trade mark or a collective trade mark, means the person in whose name the trade mark is registered; and</p> <p>(b) in relation to a collective trade mark that is registered, means the collective association in whose name the trade mark is registered; and</p> <p>(c) in relation to a certification trade mark that is registered, means the person who certifies the goods or services to which the certification trade mark relates; and</p> <p>(d) in relation to an unregistered trade mark, means the person who owns all of the rights in the mark</p>
AO	N/A
GI	<p>There are four different legal mechanisms for protecting GIs in New Zealand:</p> <ul style="list-style-type: none"> • Common law tort of passing off • Fair Trading Act 1986 • Trade Marks Act 2002 (as collective or certification marks) • Geographical Indications (Wine and Spirits) Registration Act

	<p>2006.</p> <p>Of these, only the Trade Marks Act 2002 expressly defines an owner (see our trade mark response above for that definition).</p> <p>The Geographical Indications (Wine and Spirits) Registration Act 2006 allows any interested person to apply to register a wine or spirits GI. Any interested person may also take legal action against a person breaching the restrictions on the use of registered GI.</p> <p>A GI owner in New Zealand would most likely be either a regional or national producer group.</p>
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3. Are there any business group that are not allowed to be owner of IP collective tools?

Certification marks

Section 14 of the Trade Marks Act 2002 provides that a certification trade mark may not be registered in the name of a person who owns a trade mark in respect of, or otherwise carries on trade in, goods or services of the kind certified.

Collective marks

Business groups that are not collective associations cannot be the owner of collective marks.

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	<p>Trade Marks Act 2002 https://www.legislation.govt.nz/act/public/2002/0049/latest/DLM164446.html</p> <p>Trade Mark Regulations 2003 https://www.legislation.govt.nz/regulation/public/2003/0187/latest/DLM200881.html?search=qs_act%40bill%40regulation%40deemedreg_%22trade+mark+regulations%22_resele_25_h&p=1&sr=1</p> <p>Sections 7(1)(d) and 10(2) of the Act provide for additional rights that attach to registered collective marks. Section 15 of the Act provides additional provisions that relate to the registrability of collective marks. Sections 101 and 107 of the Act provide for additional infringement rights and damages. Regulation 59 of the Trade Mark Regulations 2003 (the Regulations) sets out the application requirements for collective marks.</p>
Certification mark	<p>Trade Marks Act 2002 https://www.legislation.govt.nz/act/public/2002/0049/latest/DLM164446.html</p> <p>Trade Mark Regulations 2003 https://www.legislation.govt.nz/regulation/public/2003/0187/latest/DLM200881.html?search=qs_act%40bill%40regulation%40deemedreg_%22trade+mark+regulations%22_resele_25_h&p=1&sr=1</p>

	<p>Section 14 of the Act – this states that (a) the owner of a certification mark is the person who certifies the goods/services; (b) a person who owns a trade mark for the specified goods/services cannot also own a certification mark for those goods/services.</p> <p>Sections 54 to 56 of the Act – these deal with certification mark regulations: when they must be provided, what they must include, and that they must be made publicly available.</p> <p>Sections 79 and 80 of the Act – these provide for the alteration of certification mark regulations.</p> <p>Regulations 57 and 58 of the Trade Mark Regulations 2003 – these set out matters relating to applications for certification marks.</p>
AO	N/A
GI	<p>Of the four mechanisms for protecting GIs, only the Trade Marks Act 2002 and the Geographical Indications (Wine and Spirits) Registration Act 2006 expressly provide a registration procedure.</p> <p>Trade Marks Act 2002</p> <p>See our response above</p> <p>The Geographical Indications (Wine and Spirits) Registration Act 2006</p> <p>https://www.legislation.govt.nz/act/public/2006/0060/latest/DLM390756.html</p> <p>Provides a regime for registering domestic and foreign) GIs for wine and spirits.</p> <p>The Geographical Indications (Wine and Spirits) Registration Regulations 2017</p> <p>The GI regulations set out the procedure for examination and registration of a GI, as well as the process for setting up the Register of Geographical Indications</p> <p>https://www.legislation.govt.nz/regulation/public/2017/0146/latest/DLM7292873.html</p>

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark		Certification mark	AO	GI
2017	22		73		22

2018	13		20		0
2019	7		20		0
2020	14		17		1
2021	15		17		2

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	9	50		3
2018	13	13		18
2019	2	6		2
2020	3	11		1
2021	4	1		2

No information is collected on the composition of any group/body/entity applying to register an IP collective tool

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Unknown, as noted above this kind of information is not collected.

Year	Collective mark	Certification mark	AO	GI
2017				
2018				
2019				
2020				
2021				

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry		
Handicraft		
Agriculture		
Others		

This information has not been collected nor available to respond to this question.

However, since the Geographical Indications (Wine and Spirits) Registration Act 2006 was implemented in 2017 only the domestic wine sector has applied to register their GIs. No applications have been received from the domestic spirits sector to register GIs.

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

9. US dollars are based on current exchange rates.

IP collective tool	Official fee
Collective mark	NZ\$100 per class (US\$63)
Certification mark	NZ\$100 per class (US\$63)
AO	N/A
GI	Geographical Indications (Wine and Spirits) Registration Act 2006 NZ\$5,000 Application fee (US\$3,153)

10. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	Median Timeframe in Days: 470	YES Collective trade marks Applications must be filed electronically through our online case management facilities. Section 8 Trade Mark Regulations 2003
Certification mark	Median Timeframe in Days: 632	YES Certification trade marks Applications must be filed electronically through our online case management facilities. Section 8 Trade Mark Regulations 2003.
AO	N/A	N/A
GI	Median Timeframe in Days: 214	YES

11. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

- Applicants applying to register a collective and certification marks when they should have filed a standard trade mark application.
- Applicants applying to register a standard trade mark when they should have applied to register either a collective mark or certification mark.
- Applicants when applying to register a certification mark failing to also file appropriate regulations concerning the use of the certification mark in a timely manner.

- Applicants when applying to register a certification mark filing inappropriate regulations concerning the use of the certification mark

II. SUPPORT PROGRAMS / INITIATIVES

12. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	Yes (Mandatory)
Online payment of applications and other fees	Yes (Mandatory)
Fast track proceeding	No
Differentiated rates for Vulnerable Populations and MSMEs	No
Special discounts for Vulnerable Populations and MSMEs	No
Others	

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement

13. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes _____

No X _____

14. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i.Pre-counselling YES _____

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii.Management NO _____

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii.Commercialization NO _____

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

15. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
Trade mark search and preliminary advice search	Enables potential applicants to receive advice about whether the trade mark is likely to be registrable before applying to register.	IPONZ	https://www.iponz.govt.nz/about-ip/trade-marks/spa/

16. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Although the use of collective tools has been considered from time to time as potential tool to support economic development among different sectors of the economy, including among vulnerable sections of the population, we are unaware of any specific policies or strategies for the protection, promotion and development of IP collective

tools having been implemented.

17. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

N/A

18. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign

N/A

19. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- | | | |
|----|---|----------------|
| a. | Elimination of registration fees | <u> </u> No |
| b. | Simplification of registration proceeding | <u> </u> No |
| c. | public subsidies for official fees | <u> </u> No |
| d. | Government funds | <u> </u> No |
| e. | Reimbursement of costs once granted | <u> </u> No |
| f. | Others (specify): | <u> </u> No |

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs

N/A

20. In case your Institution or other agencies of your economy (i.e IP Office) have not developed any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

The small size of New Zealand, its population and, therefore, the economy, means that collective tools are rarely, if at all, considered as an effective measure to support economic development. We note that, for example, when natural disasters occur (such as an earthquakes or flooding), their impact tends to be localised and often in isolated areas with very small communities. The focus of support for those affected is on the

measures that can bring the most immediate relief, and which allow these small communities to recover and return to normal as quickly as possible. Such measures will include, for example, repairs to transport infrastructure (roads, bridges and railway), utility services (phone, power and water) and housing.

Although the Government has provided the necessary legal setting and relevant information that enables businesses and communities to develop and use collective tools, their use is relatively rare in New Zealand. The fact that only a small number of collective tools are in use in New Zealand must reflect that many businesses and communities do not see any economic advantage or benefits from developing and using collective tools. We discuss possible reasons for why below.

Merely registering and/or using a collective tool does not, on its own, provide any economic benefits, such as consumers paying higher prices to purchase goods or services to which the collective tool has been applied. Whether businesses and communities will be sufficiently motivated to develop and use a collective tool is largely a question of economics. Would the proposed increased revenue to them from selling goods and services to which the collective tool is applied exceed the costs of developing and maintaining the collective tool?

Consumers are only going to be motivated to pay higher prices for goods and services to which a collective tool has been applied where they recognise that what they are purchasing has one or more desirable characteristic(s) that they value more than from purchasing for same or similar goods and services for which the collective tool is not applied.

There are costs to the owners of collective tools and any scheme consisting of a collective tool needs to at least recover these costs. To achieve higher revenues from selling goods and services to which a collective tool has been applied, it will be essential for the owner of the collective tool to invest in the ongoing promotion and marketing of the collective tool to the public to build and maintain market recognition of the collective tool and the characteristic(s) it represents. It also requires the owner to invest in ensuring that those businesses and communities authorised or licenced to use the collective tool are producing goods or services with the characteristic(s) that the collective tool represents to consumers.

The owner needs to recover these costs from somehow. Their costs will typically be

recovered from those authorised or licenced to use the collective tool by requiring them pay a fee for the privilege of using the collective tool.

There are also costs to the businesses and communities to use collective tools. Not only will there be a fee to be paid to the owner of the collective tool, but there will also be costs to them in developing and maintaining processes and procedures that ensures that the goods or services they are producing have the characteristics that use of the collective tool represents to consumers.

In our experience proposals for developing and using collective tools rarely get beyond the ideas stage. The costs associated with developing and using the collective tool (as discussed above) do not exceed the benefits. The smaller the potential market for the goods or services to which the collective tool is to be applied, the less economical it becomes to develop and maintain use of a collective tool. This will be especially the case for small economies like New Zealand.

III. TAX INCENTIVE

21. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes _____

No

Please specify:

22. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

IV. OTHER

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes

No

If YES, please indicate the type of activity that is carried out:

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

No special programmes have been implemented.

25. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes

No

If YES, please specify:

V. OPINION

26. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes

No

If YES, please specify:

[See our response to question 20.](#)

27. In your opinion, how can APEC economies collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

[We consider that the first step would be for economies to fully understand the costs and benefits of developing and using collective tools. Having this understanding will then assist economies to identify those situations under which a net benefit will be able to be derived from their development and use. Having identified those situations, economies will be in a better position to consider collaboration and cooperation activities.](#)

VI. CASES FOR STUDY

28. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration

[We are unable to identify suitable examples](#)

29. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration

[We are unable to identify any such groups using collective tools.](#)

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

PERU:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL
AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [Peru](#)

Name of the Institution: [National Institute for the Defense of Competition and Protection of Intellectual Property – INDECOPÍ](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Executive and Specialist, respectively, of the Distinctive Signs Directorate](#)

Email:

1. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Decision 486 (Common Industrial Property Regime of the Andean Community) and Legislative Decree 1075 that approves Supplementary Provisions to Decision 486
Certification mark	Decision 486 (Common Industrial Property Regime of the Andean Community) and Legislative Decree 1075 that approves Supplementary Provisions to Decision 486
Appellation of Origin (AO)	Decision 486 (Common Industrial Property Regime of the Andean Community) , Legislative Decree 1075 that approves Supplementary Provisions to Decision 486 and Law 28331 (Framework Law of the Regulatory Councils of Appellations of Origin)
Geographical Indication (GI)	Decision 486 (Common Industrial Property Regime of the Andean Community) , Legislative Decree 1075 that approves Supplementary Provisions to Decision 486 , Legislative Decree N° 1397 (amending Legislative Decree 1075) , and Supreme Decree N° 170-2021-PCM that approves the Regulations for the Regime of the Protection of Traditional Specialties Guaranteed (TSG) and the Regime of Geographical Indications (GIs)

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e. consortiums).

IP collective tool	Possible owners
Collective mark	Associations of producers, manufacturers, service providers, organizations or groups of people legally established
Certification mark	A private or public company or institution, or a state, regional or international body
AO	The Peruvian State
GI	The Peruvian State

3. Are there any business group that are not allowed to be owner of IP collective tools?

[No](#)

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	D. 486, artículo 182. Tupa
Certification mark	D. 486, artículo 187. Tupa
AO	D. 486, artículo 204. Tupa

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	60	5		
2018	908	72		
2019	3949	59		
2020	34	48		
2021	1053	105		

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	53 [--]	8		
2018	823 [--]	71		
2019	3427 [451]	34		
2020	245 [25]	54		
2021	680 [137]	109		

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark (*)	Certification mark (**)	AO	GI
2017	21%	12.5 %		
2018	20%	1.4 %		
2019	37%	2.9 %		
2020	33%	16.6 %		
2021	70%	4.5 %		

(*) The percentages of collective marks granted to organizations related to indigenous or native population, women, as well as MSMEs, have been considered.

(**) The percentages of certification marks granted to SMEs, NGOs, and Chambers of Commerce that promote MSMEs, have been considered.

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry	49 %	Yes
Handicraft	14 %	Yes
Agriculture	23 %	
Others	14 %	

For more information: “Resultados Potenciales derivados de los Decretos Supremos 086-2017/PCM y 092-2018/PCM”, junio 2020, pág. 15.

8. If there is a fee for the registration of IP collective tools, what is the cost in US dollars?

IP collective tool	Official fee (*)
Collective mark	No fee
Certification mark	\$ 143.37
AO	\$ 118.92
GI	\$ 118.02

(*) Exchange rate: 1 Peruvian Sol equal to US \$ 0.27 as of May 20, 2022

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	60 business days on average	Yes
Certification mark	60 business days on average	Yes
AO	180 business days (legal term)	Yes
GI	180 business days (legal term)	Yes

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

- Elaboration of the regulations of use to distinguish a homogenized product or service with a commercial perspective
- Development of a good logo and a good choice of a brand

2. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	X
Online payment of applications and other fees	<u> X </u>
Fast track proceeding	<u> X </u>
Differentiated rates for Vulnerable Populations and MSMEs	<u> </u>
Special discounts for Vulnerable Populations and MSMEs	<u> </u>
Others	<u> X </u>

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
Exemption and elimination in the payment of the fee for collective marks applications	Through Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM, Indecopi implemented the free registration of collective marks in favor of organizations affected by “El Niño Costero” Phenomenon (2 years: August 2017 – September 2019). Then, through Resolution N° 0127-2020-PRE/INDECOPI, Indecopi eliminated the registration fee for collective marks to mitigate the impact of COVID-19	The promotion of the registration of collective marks carried out through the implementation of the Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM generated estimated savings of S/. 8,799,467 due to the 4,870 applications submitted by businessmen and entrepreneurs interested in registering collective marks	Seek to reach more groups to benefit from the free registration of collective marks
Fast track proceeding	Through Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM, a reduction in the term for resolution of collective marks applications was established, from 180 to 90 business days	The average term between the filing of the application and the date of granting the corresponding certificate was 42 business days for Supreme Decree N° 086-2017/PCM, while for Supreme Decree 092-2018/PCM was 45 business days	Everything established in both Decrees was complied with
Free publication in the Electronic Gazette of Indecopi	By creating this electronic tool, applicants would no longer incur in publication costs	The promotion of the registration of collective marks carried out through Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM generated estimated savings of S/. 1,517,102 for free publications in the Electronic Gazette	None
E-applications	Thanks to this tool, the entire registration procedure can be carried out online. When an electronic file is generated, all the communications that are generated in the procedure until the issuance of the registration certificate will be notified through an electronic mailbox, if applicable. Interested persons can access this service,	In 2021, 69% of collective marks applications were filed online. Between January to March 2022, 55% of collective marks applications were filed online	-----

	<p>previously obtaining their electronic mailbox through the link: https://servicio.indecopi.gob.pe/sel, after which they will be able to access the aforementioned tool</p>		
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For more information: [“Resultados Potenciales derivados de los Decretos Supremos 086-2017/PCM y 092-2018/PCM”, junio 2020, págs. 11-12, 27 y 31-32](#)

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes

No

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i.Pre-counselling Yes

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii.Management No

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii.Commercialization No

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
Collective Marks Program	The objective of this program is to promote the development, registration, use and management of collective marks, within which, the elimination of the payment of the fee for registration of collective marks, as well as training, advice and support, constitutes an effective mechanism for the economic reactivation, promotes the development and competitiveness of our entrepreneurs and contributes to local and regional development	The Distinctive Signs Directorate in the year 2017	None

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

a) Increase the registration number of collective marks: Through Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM, 4,870 applications for the registration of collective marks were filed, which benefited from the exemption from the payment of the registration fee and the corresponding simplification of the registration procedure

b) Generation of QR codes: When granting the registration of each collective mark, the entrepreneurs are provided with the corresponding certificate and a QR code, which allows to disseminate and validate information regarding the collective mark such as characteristics of the product, history, organization that markets it, members, commercial contact data, in which market the product is marketed, among others. The consumer who has a QR code reading application on his cell phone can scan it and go

to a link that allows to verify all the aforementioned information related to the collective mark

c) Economic performance of the benefited organizations: The organizations benefited from the exception of the payment of the registration fee are categorized mainly into three economic activities: agro-industry, agriculture, and handicraft. Likewise, an increase was observed in the number of organizations benefiting from the Supreme Decrees that reported information between 2015 to 2018, observing a slight drop in 2019. The joint efforts of the various private and public institutions have helped face the adverse effects of “El Niño Costero” Phenomenon by increasing the number of organizations by economic category and not reducing their aggregate income

For more information: [“Resultados Potenciales derivados de los Decretos Supremos 086-2017/PCM y 092-2018/PCM”, junio 2020, págs. 25-29](#)

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

- Little allocated budget and human resources to promote and disseminate information regarding this benefit to a greater number of groups
- Not having a large human resource to deal with a greater number of collective marks
- Not having a marketing specialist for the development of the logo and positioning of the brand on the networks
- Not having specialists in quality supervision for a better elaboration of regulations of use

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

It is a job that Indecopi cannot carry out alone. Therefore, Indecopi needs to develop alliances with other public and private institutions such as Ministries, Regional and Local Governments, Chambers of Commerce, NGOs, etc.

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees
- b. Simplification of registration proceeding
- c. public subsidies for official fees
- d. Government funds
- e. Reimbursement of costs once granted
- f. Others (specify):

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

The promotion was directed both to producers as well as to strategic allies. This multiplier effect is interesting so that they can transfer information about the advantages and benefits of the collective marks system. Also, Indecopi has been working continuously in the identification of potential users or owners of collective marks.

There are many people who do not realize what products they can exploit and how they can help them have a better quality of life. This work of identifying potential users, potential holders of interesting products that the market may require from collective marks, is something that Indecopi has been developing continuously and will continue to do so.

For more information: [“Resultados Potenciales derivados de los Decretos Supremos 086-2017/PCM y 092-2018/PCM”, junio 2020, pág. 12](#)

For more information: [“Resultados Potenciales derivados de los Decretos Supremos 086-2017/PCM y 092-2018/PCM”, junio 2020, pág. 9](#)

19. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

Not applicable

3. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax

incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes

No

Please specify:

Through Supreme Decrees N° 086-2017/PCM and N° 092-2018/PCM, and Resolution N° 0127-2020-PRE/INDECOPI, Indecopi implemented the free registration of collective marks, first in favor of organizations affected by “El Niño Costero” Phenomenon through the two Supreme Decrees, and then, in 2020, to mitigate the impact of COVID-19 through the Resolution.

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

- Access to trainings on the importance of the development, registration, use, and management of collective marks for their officials and organized producers.
- Access to material with specialized information.
- Participation in fairs and programs in charge of Indecopi, where training and technical support by specialized personnel is provided.
- Specialized technical advice on the identification and classification of products and services in the areas of beneficiary companies or organizations.
- Phonetic or figurative searches and non-binding technical opinion on the registrability of the collective mark.
- Technical support in filling out applications.
- Technical assistance in intellectual property matters for the preparation of the regulations of use for collective marks.
- Generation and delivery of QR codes together with the registration of collective marks for the promotion and commercial positioning of products and services

4. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes

No __

If YES, please indicate the type of activity that is carried out:

- Indecopi communicates with them to help them obtain their QR code, and to make them participate in interviews or recognitions.
 - Indecopi request them to fill out surveys to be able to develop impact studies.
- For more information: c600a3d9-1325-dbf-a36bd-1e3cb592b04c (indecopi.gob.pe).

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

Yes, the Collective Marks Program is applied transversally, but it is especially concerned with assisting vulnerable populations such as women. In this sense, it has been identified that the Program has had the following scope in this matter:

Marcas Colectivas Otorgadas				
Periodo (01-01-2019 al 31-12-2019)				
Marcas Colectivas por tipo de integrante				
	Número de asociaciones	Número de integrantes Mujeres	Número de integrantes Hombres	Número de Certificados
Solo Mujeres	59	1176	0	451
Solo Hombres	14	0	173	32
Hombres y Mujeres	462	6147	10865	2944
Total	535	7323	11038	3427

Marcas Colectivas otorgadas				
Periodo (01-01-2020 al 31-12-2020)				
Marcas Colectivas por tipo de integrante				
	Número de asociaciones	Número de integrantes Mujeres	Número de integrantes Hombres	Número de Certificados
Solo Mujeres	12	161	0	25
Solo Hombres	2	0	31	6
Hombres y Mujeres	80	922	1506	214
Total	94	1083	1537	245

Marcas Colectivas Otorgadas

Periodo (01-01-2021 al 31-12-2021)

Marcas Colectivas por tipo de integrante

	Número de asociaciones	Número de integrantes Mujeres	Número de integrantes Hombres	Número de Certificados
Solo Mujeres	18	406	0	137
Solo Hombres	0	0	0	0
Hombres y Mujeres	141	1308	2051	543
Total	159	1714	2051	680

Marcas Colectivas Otorgadas

Periodo (01-01-2022 al 31-03-2022)

Marcas Colectivas por tipo de integrante

	Número de asociaciones	Número de integrantes Mujeres	Número de integrantes Hombres	Número de Certificados
Solo Mujeres	22	347	0	30
Solo Hombres	1	0	23	3
Hombres y Mujeres	82	844	1496	170
Total	105	1191	1519	203

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes _____

No

If YES, please specify:

5. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes

No

If YES, please specify:

The main barriers or difficulties are related to bureaucratic limitations for the design and approval of public policies or strategies, which are linked to the functioning of the State administration. Also, there are budgetary constraints that limits the development of public policies or strategies, precisely because of the scarce resources available for both their design and implementation

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

- Identifying and strengthening collective marks cases (by giving advice and support to improve their associative components, quality management and commercial promotion) to show them as success stories and as examples for new initiatives within APEC economies.
- Establishing an international network of associative strategies and collective IP tools, as a space for training and exchange of experiences and good practices.
- Developing projects relative with women or vulnerable populations and collective marks in the APEC region including current situation, performance, and challenges, as well as the analysis of case studies of specific APEC economies and success stories or lessons learned, among other aspects related to these topics.

6. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration
Asociacion de Artesanas Mujeres Creativas Y Emprendedoras De Incahuasi			https://www.facebook.com/asamceinkawasi	Classes: 14, 18, 24, 26, 27 and 28
Asociacion de Productores KEMITO-ENE			https://www.kemitoen.e.com/ https://www.facebook.com/profile.php?id=100010317641130	Classes: 30, 31, 32, 33 and 43
Asociacion de			https://www.facebook.com/	Classes: 2, 18,

Productores Cafetaleros Agroecologicos Perenepichanaki (ASCAPP)			com/coffee.nativosac https://m.facebook.com/story.php?story_fbid=595386498067556&id=100027886340780&sfnsn=mo&d=n&vh=i	23, 24, 25, 26, 29, 30, 31, 32 and 33
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28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration
MUJERES ARTESANAS HACIA EL MUNDO LA ENCANTADA				Classes: 14, 21, 24 and 28
ASOCIACIÓN DE ARTESANAS ÑARI-WALAC				Classes: 11, 14, 18, 20, 21, 24, 25, 26, 27 and 28
COORDINADORA DE PRODUCTORES TRANSFORMADORES COMERCIALIZADORES AGROPECUARIOS ECOLOGICOS			https://issuu.com/marcafabdiseno/docs/nuwa_brandbook_reducido_ http://grufides.org/sites/default/files//documentos/publicaciones/A1.1.2.2%20Plan%20Marketing%20NUWA%20Ja%C3%A9n_Cat%C3%A1logo%20Productos.pdf https://catalogo.midagri.gob.pe/Catalogo/Producto/393	Classes: 29, 30, 33 and 43

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

RUSSIAN FEDERATION:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [Russian Federation](#)

Name of the Institution: [Federal Service for Intellectual Property \(Rospatent\)](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Advisor, International Cooperation Department](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Registration of a collective mark is regulated in Part IV of the Civil Code of the Russian Federation (hereinafter – Civil Code)
Certification mark	
Appellation of Origin (AO)	Registration of a collective mark is regulated in Part IV of the Civil Code (paragraph 3)
Geographical Indication (GI)	Registration of a collective mark is regulated in Part IV of the Civil Code (paragraph 3)

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e. consortiums).

IP collective tool	Possible owners
Collective mark	An association of persons whose creation and activities comply with the legislation of the state in which it was created has the right to register a collective mark in the Russian Federation (Article 1510 of the Civil Code).
Certification mark	
AO	One or several citizens, one or several legal entities, as well as associations (unions) or other associations of persons whose creation and activities comply with the legislation of the country of origin of the goods (paragraph 1 of Article 1518 of the Civil Code)
GI	One or several citizens, one or several legal entities, as well as associations (unions) or other associations of persons whose creation and activities comply with the legislation of the country of origin of the goods (paragraph 1 of Article 1518 of the Civil Code)

3. Are there any business group that are not allowed to be owner of IP collective tools?

The holder of a collective trademark is not one individual entrepreneur or one legal entity, but an association of persons that, for example, produces a common product.

Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	Article 1510 of the Civil Code. The right to a collective mark (https://www.consultant.ru/document/cons_doc_LAW_64629/db56aa1593a8254f03e2a45e2a8be605bc1dcc27);

	Article 1511 of the Civil Code. State registration of a collective mark (https://www.consultant.ru/document/cons_doc_LAW_64629/2add7dd8344b66d4b5cf1c6247036ef755332648)
Certification mark	
AO	Article 1516 of the Civil Code "Geographical indication and appellation of origin". http://www.consultant.ru/document/cons_doc_LAW_64629/11b7a515e3a042b436472a2a5a679e5cf09f13f8/ Article 1518 of the Civil Code "State registration of a geographical indication". http://www.consultant.ru/document/cons_doc_LAW_64629/43a26e1a57873dc3e2c774df5c38fc60877bab07/
GI	Article 1516 of the Civil Code "Geographical indication and appellation of origin". http://www.consultant.ru/document/cons_doc_LAW_64629/11b7a515e3a042b436472a2a5a679e5cf09f13f8/ Article 1518 of the Civil Code "State registration of a geographical indication". http://www.consultant.ru/document/cons_doc_LAW_64629/43a26e1a57873dc3e2c774df5c38fc60877bab07/

4. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	2		56	
2018	1		97	
2019	3		92	
2020	1		72	42
2021			57	58

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017			4	
2018			19	
2019	3		36	
2020			20	1
2021			5	15

5. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	No data		No data	No data
2018	No data		No data	No data
2019	No data		No data	No data

2020	No data		No data	No data
2021	No data		No data	No data

6. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry	Yes	
Handicraft	Yes	
Agriculture	Yes	
Others	Pharmaceuticals, production and extraction of mineral water, tobacco industry.	

7. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	<p>In the Russian Federation the official currency is the ruble, therefore the fees in US dollars vary in accordance with the exchange rate.</p> <p>Registration of an application for a trademark or service mark (hereinafter referred to as a trademark application) and decision-making on a trademark application based on the results of a formal examination fee is 3500 rubles for each of the classes of the Nice Classification for which registration is requested up to 5 classes, 4500 rubles for each of the classes of the Nice Classification exceeding 5 classes.</p> <p>Examination of the designation claimed as a trademark and making a decision upon the examination fee is 11500 rubles for one class of the Nice Classification for which registration is requested, 14000 rubles for each of the classes of the Nice Classification exceeding 1 class.</p> <p>Registration of a collective mark and issuance of a digital certificate fee is 20,000 rubles one class of the Nice Classification, 21000 rubles for each of the classes of the Nice Classification exceeding 1;</p> <p>Issuance of a certificate on paper fee is 2000 rubles.</p>
Certification mark	
AO	<p>Registration of an AO application for granting the exclusive right to an AO fee, and an application for granting the exclusive right to a previously registered AO fee is 2700 rubles</p> <p>Examination of a designation claimed as an AO fee is 10800 rubles</p> <p>Registration of an AO and (or) granting of the exclusive right to an AO, issuance of a digital certificate attesting the exclusive right to an AO fee is 16000 rubles</p>

GI	<p>Registration of a GI application for granting the exclusive right to a GI fee, and an application for granting the exclusive right to a previously registered GI fee is 2700 rubles</p> <p>Examination of a designation claimed as a GI fee is 10800 rubles</p> <p>Registration of a GI and (or) granting of the exclusive right to a GI, issuance of a digital certificate attesting the exclusive right to a GI fee is 16000 rubles</p>
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8. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	18.5 months	available
Certification mark		
AO	11 months and 5 days	available
GI	11 months and 5 days	available

9. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

The most common problem applicants face when applying for a collective mark is the correct listing of common quality characteristics of goods and services which will be identified by a collective mark.

II. SUPPORT PROGRAMS / INITIATIVES

10. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	yes
Online payment of applications and other fees	no
Fast track proceeding	no
Differentiated rates for Vulnerable Populations and MSMEs	yes
Special discounts for Vulnerable Populations and MSMEs	no
Others	no

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
E-filing	Transition to e-filing	Increase in the number of electronic applications (and reduction of labor costs associated with additional paperwork).	30% fee reduction for an application filed electronically
Special fees for	Making AO and GI	Increase the number of	Reduced fees for

MSMEs	registration more affordable for MSMEs	applications filed by MSMEs	small businesses, individual entrepreneurs, state-accredited educational organizations, research organizations
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11. Does your Institution or other agencies of your economy (e.g., IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

No data

12. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e. IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i.Pre-counselling —

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii.Management —

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii.Commercialization —

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

13. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)

14. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

[No data currently available](#)

15. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

[No data currently available](#)

16. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

[No data currently available](#)

17. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees _____
- b. Simplification of registration proceeding _____
- c. public subsidies for official fees _____
- d. Government funds _____
- e. Reimbursement of costs once granted _____
- f. Others (specify): _____

Please indicate whether and how they were intensively promoted among the disaster-

affected vulnerable populations and MSMEs:

18. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

III. TAX INCENTIVE

19. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

[No data currently available](#)

20. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

IV. OTHER

21 Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

[No data currently available](#)

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

[No data currently available](#)

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

[No data currently available](#)

V. OPINION

24. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e. IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

[No data currently available](#)

25. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

[No data currently available](#)

VI. CASES FOR STUDY

26. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration

27. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

THE PHILIPPINES:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy. [Philippines](#)

Name of the Institution [Intellectual Property Office of the Philippines – Bureau of Trademarks](#)

Name of the person responsible for completing the survey:

Position held at the institution: Director IV / Attorney IV

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Yes, this is protected under Philippines laws, specifically Republic Act No. 8293 otherwise known as The Intellectual Property Code (IP Code) of the Philippines.
Certification mark	Certification marks are not explicitly referred to in the IP Code. However, the definition of a collective mark (under Section 121.2) also describes that of a certification mark. The IPOPHL is proposing amendments to the IP Code to explicitly refer to certification marks.
Appellation of Origin (AO)	Not applicable
Geographical Indication (GI)	Geographical Indications (GIs) are referred to in Section 4(c) of the IP Code. However apart from mentioning the same as protectable subject matter, the law currently does not provide for a detailed discussion on GIs, including its registration procedure, among others. Thus, and at present, the Bureau of Trademarks (IPOPHL-BOT) has proposed Implementing Rules and Regulations (IRR) discussing search and examination of the applications for the registration of GIs. The proposed rules and regulations have undergone public consultation and are currently being refined.

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	Any entity as the IP Code does not impose limitations on ownership.
Certification mark	Any entity as the IP Code does not impose limitations on ownership.
AO	NA
GI	Since the IP Code does not currently detail who may be the owners of GIs, it is assumed that anyone may own the same. Under the proposed IRR for GI, only the following may be applicants of GIs: (1) Producers (any person who exploits, processes, or produces agricultural goods and/or foodstuffs, or wines and spirits, makes or manufactures handicrafts or industrial products, and/or exercises control over the use of GI, standards of production and other product specification) or organization or association directly involved in the extraction, production or manufacture of the goods covered by the

	<p>geographical indication;</p> <p>(2) organization or association engaged in the trade of goods bearing geographical indication; or</p> <p>(3) government agency or local government units having area of responsibility covering the geographical origin of the goods, as well as representatives of foreign governments, relative to the geographical indication of its nationals, whose laws afford the same rights and protection to Philippine nationals; and</p> <p>(4) organizations or associations which are specifically entrusted with the task of regulating and/or protecting geographical indication by those enumerated above..</p>
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3. Are there any business group that are not allowed to be owner of IP collective tools?

To date, there are no limitations as to which entities may or may not own IP collective tools.

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	<p>Section 121.2 of the IP Code</p> <p>Section 167 of the IP Code</p> <p>Link to the law: https://www.officialgazette.gov.ph/1997/06/06/republic-act-no-8293/</p>
Certification mark	See above
AO	NA
GI	<p>Section 4(c) of the IP Code (see link above)</p> <p>Proposed IRR on GIs: https://drive.google.com/file/d/1p65jZQUCoicFXutlvKUvshp4WExcPoio/view [Note: This is only the proposed draft which has undergone public consultation and does not constitute the final and approved version.]</p>

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
*2016	1	None	NA	NA
2017	-	None	NA	NA

2018	-	None	NA	NA
2019	1	None	NA	NA
2020	-	None	NA	NA
2021	1	None	NA	NA
2022	1	None	NA	NA

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	2	None	NA	NA
2018	-	None	NA	NA
2019	1	None	NA	NA
2020	-	None	NA	NA
2021	-	None	NA	NA
2022	1	None	NA	NA

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs?

Year	Collective mark	Certification mark	AO	GI
2017	50%			
2018				
2019				
2020				
2021				

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry		X
Handicraft		X
Agriculture		X
Others		

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	<p>If small entity: US\$71.00</p> <p>If big entity: US\$115.00</p> <p>NOTE: A small entity applicant has assets worth Php100 million or less while a big entity applicant has assets over Php 100 million.</p>

Certification mark	See above
AO	NA
GI	No final figures yet, proposed fee undergoing amendments.

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	4.43 months	Yes
Certification mark	4.43 months	Yes
AO	N/A	N/A
GI	N/A	N/A

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

As mentioned, there are no specific regulations, which detail and delineate the specific protections granted to certification marks and GIs. Thus, this “gap” leaves an ambiguity among the relevant stakeholders in not just enforcing their rights, but more importantly, protecting their rights to the same through registration. Further, while collective tools have been mentioned in PH laws, public information on the same may still be improved, especially amongst the communities/groups which may potentially use this regime of protection.

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	✓	.
Online payment of applications and other fees	✓	.
Fast track proceeding	—	.
Differentiated rates for Vulnerable Populations and MSMEs		✓
Special discounts for Vulnerable Populations and MSMEs		.
Others	✓	.

The IPOPHL is currently conducting visits to areas/communities with potential GIs to introduce the concept of GI. If identified as a potential GI, the IPOPHL also assists in preparing for the registration of GIs, e.g., having the same registered as a collective mark first, assisting the community in the preparation of the requirements for the registration of GI.

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
eTM File (E-applications)	No manual filing of trademark applications. The IPOPHL implemented the mandatory online filing in Sept. 2020.	The BOT was able to streamline processes resulting to faster processing of applications and reduced turn-around-times. Workforce doing the manual encoding of data were assigned the new tasks	Enhancement and improvement of the online filing system including reducing downtimes
Online payment of applications and other fees	To facilitate the online filings mentioned above.	See above.	Suggestion to have more payment channels

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

Yes ✓

No _____

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

i.Pre-counselling

YES

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

ii. Management

YES

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

iii. Commercialization

YES

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
Community Immersions and Workshops	The IPOPHL conducts seminars and trainings to communities which have been identified to own a potential GI. The workshop includes, among others, assisting communities and preparing their respective Code/Manual of Specifications.	IPOPHL	Example of community seminars/visit conducted: https://www.ipophil.gov.ph/news/ipophil-helps-benguet-businesses-move-toward-gi-registration-of-goods/

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

In the midst of a global pandemic, the IPOPHL has recognized that MSMEs need to be properly informed and educated on how to effectively utilize not just IP collective tools, but IP assets, in general. In a forum held in 2021, business experts opined that MSMEs which protected IP and had positive branding strategies have withstood store closures and revenue losses that marked the first pandemic year (2020). Thus, at the core of any effective strategy of protecting IP assets is proper education and promotion of the

benefits and advantages of protecting these rights; for these IP collective tools and assets not just to be viewed as a cost but as an investment for the future.

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

As mentioned above, the lack of information on the importance of not just protecting IP assets but the nature of these assets has posed a challenge for the Office. Further, the information dissemination has been hampered by lockdowns and quarantines as not all stakeholders (especially those located in remote areas) have access to the internet. Thus, for a year or so, the IPOPHL was not able to conduct seminars and trainings with communities.

Moreover, the importance of protecting IP assets, including IP collective tools, had to take a backseat considering that during the pandemic the priority of government programs were focused on public health. Thus, public policies during this time, including those implemented by IPOPHL, had to be more focused on public health. It was only last year when the IPOPHL-BOT had resumed re-focusing on the recovery of MSMEs and the promotion of IP collective tools, most especially GIs.

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

The IPOPHL has worked with both public (e.g., Department of Trade and Industry) and private actors.

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- | | | | |
|----|---|---|---|
| a. | Elimination of registration fees | . | |
| b. | Simplification of registration proceeding | . | ✓ |
| c. | public subsidies for official fees | . | ✓ |
| d. | Government funds | . | ✓ |
| e. | Reimbursement of costs once granted | . | |

f. Others (specify): :

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

Promotion was not exactly done before vulnerable populations but more so on communities with potential GIs.

19. In case your Institution or other agencies of your economy (i.e IP Office) have not develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

N/A

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes ✓

No

Please specify: Several technical assistance projects were provided in the past in partnership with international institutions. Such assistance includes helping producers of potential GI products to organize themselves, develop their code of practice, and register their collective marks.

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

It added value to their products.

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or

MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes _____

No _____

If YES, please indicate the type of activity that is carried out:

Since IP collective tools, e.g., GI system, have not been concretely established in the country, there are currently no “registrations” for GIs. However, the IPOPHL plans to conduct continuous seminars and workshops to reinforce the benefits of these tools.

With respect to collective marks, there are free seminars being offered by the IPOPHL as regards these matters.

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages and benefits of registering and using IP collective tools.

While not specific to IP collective tools, the Office offers through the JUANA MAKE A MARK program reduced trademark registration fees for women-led MSMEs particularly, if they are engaged in priority sectors identified by the Department of Trade and Industry. These priority sectors include agri-business (food and resource-based processing); aerospace parts; automotive and auto spare parts; chemicals; electronic manufacturing and semiconductor manufacturing services; construction; design-oriented furniture and garments; IT and business process management; tool and die; tourism; and transport and logistics

24. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes -

No -

If YES, please specify:

V. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other

agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes ✓

No _____

If YES, please specify:

As mentioned above, information dissemination and promotion are the main challenges. Apart from this, the IPOPHL, in implementing these IP collective tools must learn how to balance the interests of various stakeholders involved in developing the potential GIs and ensure that these interests are recognized.

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

APEC economies may help by sharing their best practices in the promotion of these IP collective tools among the community and at the same time, support these communities during the pandemic. Further, APEC economies may collaborate in providing technical knowledge on how to further strengthen the policies and strategies of other economies in relation to these IP assets.

VI. CASES FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Available upon request. Kindly note that there is a need to secure prior confirmation from the IP rights owners on whether their contact details can be provided for the purpose of this study.

Name	E-mail	Phone number	Website	IP registration

28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities. [None at the moment.](#)

Name	E-mail	Phone number	Website	IP registration

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

THE UNITED STATES OF AMERICA:

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information from IP Policymakers (such as IP officials or governmental authorities) who are in charge of designing and implementing IP policies. This survey also aims to identify and collect contact information on IP collective tool owners / beneficiaries who have had successful experiences in the registration and use of these legal figures.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you for your support in advance in completing this survey.

Economy: [United States of America](#)

Name of the Institution: [United States Patent and Trademark Office \(USPTO\)](#)

Name of the person responsible for completing the survey:

Position held at the institution: [Attorney-Advisor, Office of Policy and International Affairs](#)

Email:

I. LEGISLATION / LOCAL INFORMATION

1. Does your economy have a legal regime for each of the following IP collective tools? Please specify

IP collective tool	Legal framework
Collective mark	Yes, 15 U.S.C Section 1054
Certification mark	Yes, 15 U.S.C. Section 1054
Appellation of Origin (AO)	Via the U.S. trademark regime, 15 U.S.C. Section 1054
Geographical Indication (GI)	Via the U.S. trademark regime, 15 U.S.C. Section 1054

2. Who can be an owner of the following IP collective tools? Please, specify whether they can be any type of legal entity, groups formed around business contracts (i.e consortiums).

IP collective tool	Possible owners
Collective mark	<p>Any legal entity may be an owner.</p> <p>The term "collective mark" means a trademark or service mark—</p> <ul style="list-style-type: none"> • (1) used by the members of a cooperative, an association, or other collective group or organization, or • (2) which such cooperative, association, or other collective group or organization has a bona fide intention to use in commerce and applies to register on the principal register established by this Act, <p>and includes marks indicating membership in a union, an association, or other organization (15 U.S.C. Sec. 1127)</p>
Certification mark	Any legal entity responsible for establishing a certification program and that certifies or authorizes use of the certification mark to others. (TMEP 1306.04(b))
AO	-AOs are protected via the TM system.
GI	-GIs are protected via the TM system.

3. Are there any business group that are not allowed to be owner of IP collective tools?

N/A

4. Please indicate the legal text where the requirements for registration are set out, preferably the relevant article(s). If possible, please include the web link to the regulation.

IP collective tool	Requirements
Collective mark	Section 1303 of the Trademark Manual of Examining Procedure TMEP (uspto.gov)
Certification mark	Section 1305 of the Trademark Manual of Examining Procedure TMEP (uspto.gov)
AO	- AOs are protected via the TM regime.
GI	-GIs are protected via the TM regime.

5. Please, provide us with the total number of IP collective tools applications and registrations filed by residents of your economy. Next to the figure, please specify in brackets, if possible, the number of applications filed by groups formed and/or led exclusively by women.

Number of applications submitted:

Year	Collective mark	Certification mark	AO	GI
2017	6	462		
2018	13	474		
2019	4	529		
2020	8	548		
2021	1	443		

Number of registrations granted:

Year	Collective mark	Certification mark	AO	GI
2017	23	244		
2018	14	235		
2019	11	264		
2020	2	274		
2021	8	261		

6. What percentage of the IP collective tool owners / beneficiaries indicated in the table above belong to vulnerable populations and/or MSMEs? [Data unavailable](#)

Year	Collective mark	Certification mark	AO	GI
2017				
2018				
2019				
2020				
2021				

7. In the last five years, which economic sectors have made most use of the IP collective tools and which ones do you think could be further developed?

	Extensive use	To be promoted
Agro-industry		
Handicraft	X	
Agriculture	X	
Others		

8. If there is a fee for the registration of IP collective tools, what is the cost in US\$ dollars?

IP collective tool	Official fee
Collective mark	\$250.00 USD application filing fee
Certification mark	\$250.00 USD application filing fee

AO	--
GI	--

9. How long does the registration proceeding take approximately? Please specify whether it is possible in your economy to register online.

IP collective tool	Duration	Online proceeding
Collective mark	Approximately 17 months on average	Yes
Certification mark	Approximately 17 months on average	Yes
AO	--	
GI	--	

10. What is the main problem(s) faced by users when applying for registration of IP collective tools? (e.g.: misclassification of products/services; regulations of use without legal parameters; lack of commercial perspective, economic reasons, others)?

Failing to comply with the application requirements

II. SUPPORT PROGRAMS / INITIATIVES

11. Please, indicate mechanisms or tools applied to facilitate IP collective tools registration proceeding in your economy:

E-applications	<input checked="" type="checkbox"/>
Online payment of applications and other fees	<input checked="" type="checkbox"/>
Fast track proceeding	<input type="checkbox"/>
Differentiated rates for Vulnerable Populations and MSMEs	<input type="checkbox"/>
Special discounts for Vulnerable Populations and MSMEs	<input type="checkbox"/>
Others	<input type="checkbox"/>

If you marked one or more alternatives, please provide details below:

Type of mechanisms or tools	Briefly description of the objectives	Results and successes	Aspects of improvement
E-applications	To facilitate the filing of applications via the internet	An estimated 99.9% of all applications are submitted electronically to the USPTO.	
Online payment of applications and other fees	To facilitate efficiencies for making payment of fees to the Office	Fast and efficient processing of fees	

12. Does your Institution or other agencies of your economy (e.g IP Office) have or has it ever implemented a special unit to attend/promote the registration and use of IP collective tools to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and

pandemics (such as COVID-19).

Yes X

No _____

13. Please indicate with YES/NO whether your Institution or other agencies of your economy (i.e IP Office) currently have or have ever implemented (even temporarily) public policies or strategies, including funding programmes, to support the protection, use or promotion of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19).

iv.Pre-counselling YES _____

(i.e legal assistance to formalise and register associations; support with statutes; trademark search; drafting of rules of use or other requirements to protect IP collective tools).

v.Management YES _____

(i.e preparation of business plans, mentoring, technical, legal and financial information services, IP advice, or others).

vi.Commercialization YES _____

(i.e assistance for new markets, advice in export activities, participation in commercial fairs or others).

14. If you have indicated YES in one or more options in the previous question, then please complete the following table with up to five of the main public policies or strategies that are or have been available in your economy for the protection, promotion and / or development of IP collective tools:

Name of the public policy or strategy	Brief description of the public policy or strategy	Institution that manages the public policy or strategy and year of design and implementation	Website of the public policy or strategy (if applicable)
Public awareness and outreach events	To provide information on how to file a TM application at the USPTO and filing internationally.	USPTO - ongoing	
Extended certain filing date	Assist applicants impacted by the	2020	USPTO notices regarding COVID-19

deadlines	COVID-19 pandemic		USPTO
-----------	-------------------	--	-----------------------

15. Please indicate the impact and / or lessons learned from your experience with the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs, and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

[The aforementioned outreach events and COVID-19 related extensions positively impacted our users.](#)

16. Please indicate the main barriers or difficulties faced during the designing and / or implementation of public policies or strategies for the protection, promotion and / or development of IP collective tools to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19).

[Tuning the outreach and COVID-19 programs to ensure that our users' needs were adequately met.](#)

17. If you have marked one or more options from question 13 (public policies and / or strategies), please indicate if you have worked independently or in cooperation with strategic public or private actors (domestic or foreign).

[Depending on the activity and effort, we partner with different actors, both private and public.](#)

18. Without prejudice to answers of question 13 please indicate, if applicable, if your IP public policy(ies) or strategy(ies) included one of the following actions.

- a. Elimination of registration fees _____
- b. Simplification of registration proceeding _____
- c. public subsidies for official fees _____
- d. Government funds _____
- e. Reimbursement of costs once granted _____
- f. Others (specify): _____

Please indicate whether and how they were intensively promoted among the disaster-affected vulnerable populations and MSMEs:

19. In case your Institution or other agencies of your economy (i.e IP Office) have not

develop any IP policy or program related to IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19), please indicate the reasons that lead your Institution not to consider this scope of work.

N/A

III. TAX INCENTIVE

20. Does your economy offer, or has it offered in the past, financial support (domestic, regional, foreign grants) for the registration of IP collective tools or apply tax incentives (tax credit, tax deductions) for vulnerable populations or MSMEs, especially following COVID-19 devastating effects or any other disaster?

Yes _____

No

Please specify:

21. If you have answered YES to the previous question, what have been the advantages for vulnerable populations and MSMEs of these measures?

IV. OTHER

22. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) coordinates with the owners / beneficiaries from vulnerable populations or MSMEs once registration is obtained, to follow up their commercial activities and the actual benefits of having IP collective tools.

Yes _____

No

If YES, please indicate the type of activity that is carried out:

23. Please indicate whether your Institution or other agencies of your economy (i.e IP Office) implement special programmes to advise women's groups on the advantages

and benefits of registering and using IP collective tools.

While not specific to IP collective tools, the USPTO participates in various initiatives to raise awareness of and encourage participation of women in the IP system, in general.

24. Please indicate whether your Institution or other agencies of your economy. (i.e IP Office) monitor the balance between tradition and technology to ensure sustainability.

Yes _____

No _____

If YES, please specify:

V. OPINION

25. In your opinion, are there barriers or difficulties for your Institution or other agencies of your economy (i.e IP Office) to design and / or implement policies related to the registration and use of IP collective tools as an effective measure to support economic improvement among vulnerable populations and MSMEs and their recovery from natural disasters, economic crisis and pandemics (such as COVID-19)?

Yes _____

No X _____

If YES, please specify:

26. In your opinion, how can APEC economies can collaborate/cooperate to promote the use and registration of IP collective tools to support the economic reactivation of vulnerable populations and MSMEs affected by natural disasters, economic crisis and/or pandemics (such as COVID-19)?

Encourage exchange of information and experiences amongst IPEG member economies

VI. CASE FOR STUDY

27. Please, if possible, provide us with the contact details of vulnerable populations

and MSMEs owners / beneficiaries of IP collective tools that benefited from the implementation of public IP policies and that are currently (successfully) commercializing their products / offering their services locally or abroad. We will contact and interview them as part of the APEC project activities.

Name	E-mail	Phone number	Website	IP registration

28. Please, if possible, provide us with the contact details of successful IP collective tools owned by groups formed and/or lead exclusively by women. We will reach and interview them as part of the APEC Project activities.

Name	E-mail	Phone number	Website	IP registration

Finally, if necessary, please note any suggestions or information that you consider important for this project. Your input would be very appreciated.

b. APEC Survey for IP Collective Tools Owners / Beneficiaries

PERU:

APEC SURVEY FOR IP COLLECTIVE TOOLS OWNERS / BENEFICIARIES

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information on the difficulties encountered, challenges faced, and success achieved by vulnerable populations (women, indigenous peoples, ethnic minority groups, among others) and MSMEs through the use of IP collective tools to market their products and/or services and thus achieve economic development and/or economic recovery after disasters.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you in advance for your kind support and time devoted in completing this survey.

Economy: [Peru](#)

Name of the association / MSMEs: [Asociación de Artesanas Mujeres Creativas y Emprendedoras de Incahuasi](#)

Name of the person responsible for completing the survey:

Position held at the association / MSMEs: [President of the Association](#)

Gender:

Age:

Educational level:

- Undergraduate degree
- Graduate degree

- Postgraduate degree

- Postdoctoral training

Career:

E-mail:

Phone number:

Skype:

I. PRE-REGISTRATION STAGE

1. To which economic sector do you belong? (e.g agro-industry, handicraft, agriculture, other).

Handicraft

2. Please indicate whether your association is made up exclusively of women. If not, please indicate the percentage of women in your association.

The association is made up of 12 members: 10 women and 2 men. Male participation is basically related to administrative tasks

3. Please indicate whether, before you became aware of the existence of IP collective tools, you were engaged in commercial activities.

Yes _____

No _____

4. If you have answered YES to the previous question, please specify whether you were acting alone in the market or in association with other persons and what have been the disadvantages you faced in the commercialization of your products/services?

Always with the association which have been formalized since 2011. The main disadvantage they faced in the commercialization of its products before they became aware of collective marks is that they could not sell as an own brand and their products had less value since they were sold to an intermediary who placed their own brand on them

5. In the event that your community has suffered negative consequences due to a natural disaster / economic crisis / pandemic, please indicate what were the main devastating effects for your business and your wider community?

The main devastating effects is that they could not sell their products, road access were limited so it greatly affected any type of shipments

6. Please indicate whether you consider that IP collective tools are useful instruments to counteract the effects of natural disasters / economic crisis / pandemics? Please specify your answer.

Yes, collective marks have been a very useful instrument, since it has allowed them to be able to individualize and distinguish its products in the market, which also meant the possibility of increasing their prices and standardizing their production processes, which are based on their traditional practices

7. How did you become aware of IP collective tools as a possible effective measure to counteract the consequences of the disaster / crisis / pandemic?

In 2017, the association participated in the Ruraq Maki Fair, where Indecopi also participated providing training about the importance of collective brands

8. In this context, please indicate what was the main reason for applying for registration of an IP collective tool (financial assistance, simple/fast proceedings, requirement to trade in certain establishments, need for increased supply, others).

The main reason for applying for registration of a collective mark was to be able to position its products in the market in a more competitively way, and to give added value to its products

9. Due to the disaster, have you received any training or legal assistance for the registration and/or use of your IP collective tool (e.g to formalise and register associations; legal support with statutes; trademark search; classification of products/services; drafting of rules of use; others)?

Yes X

No _____

If you have answered YES, please specify what kind of training or legal assistance you have received and from whom.

They received technical assistance from Indecopi, which consisted in trademark search, classification of products, drafting of rules of use, among others

10. Due to the disaster, have you received financial support (local, domestic, regional or foreign subsidies; discounts on official fees; free proceeding; reimbursement of expenses; others) for the registration of your IP collective tool?

Yes X _____

No _____

If you have answered YES, please specify what kind of financial support you have received and from whom.

The financial support consisted in the free proceeding carried out by Indecopi

11. In general, the resources necessary to cover the costs associated to register you IP collective tool (after the disaster / crisis / pandemic) came basically from:

- a. Own resources _____
- b. Loan of relatives _____
- c. Bank loan _____
- d. Government funds _____
- e. Others (specify): X _____


The association did not have to incur in any expenses since the procedure was totally free

II. REGISTRATION STAGE

12. In this (post-disaster) context, please indicate your collective IP tools obtained with the aim of counteracting the effects of the disaster, as well as the corresponding classification and registration number.

If any of them have been more successful compared to the rest, please specify.

The association has registered the collective mark ASAMCEI according to the following detail:

Collective Mark	Classification	Registration Number
	14	1721
	18	1716
	24	1717
	26	1720
	27	1719
	28	1718

13. What was(were) the biggest difficulty(ies) you encountered during the registration process?

They do not consider that they had difficulties when requesting the registration of their collective mark, since the procedure was not only free but also quite expeditious

14. What was the approximate duration of the registration proceeding?

45 working days

15. In addition to the official fees, did you have to incur any other costs in order to register your IP collective tool (e.g legal advice)?

No

16. What support (technical or financial) do you consider essential to encourage and promote the registration of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19? What governmental actions would encourage the registration of IP collective tools?

In terms of financial support, they consider that the gratuity of the procedure is essential since most of the associations made up of vulnerable populations does not have enough resources to pay a fee for the registration of an IP collective tool.

Regarding technical support, advice for filling out applications and meeting requirements is also essential.

Finally, they consider important that the government take actions to be able to have a better approach to the communities, many of which do not speak Spanish, so it is important that they consider the language barriers, and that the government relies on

translators so that it can have greater reach within communities

III. COMMERCIALIZATION

17. After the devastating effects of a disaster, what actions or activities would you not have been able to carry out independently (before joining others and using IP collective tools)?

This question does not apply, since, as indicated above, she has always carried out her commercial activity within the association, which has been formalized since 2011

18. Once you have registered your IP collective tool, how do you developed your business plan and exploitation of your products / services in order to counteract the devastating effects of the disaster?

Thanks to the support of the Ministry of Culture, the association has begun to sell its products through virtual stores, which has allowed its brand and its products to have greater visibility not only domestically but also abroad

19. Did you carry out an analysis or market research to know/understand the characteristics of the sector where you would commercialize your products / services?

Yes _____

No X _____

20. If you have answered YES in the previous question, then please indicate how you did it and what tools you used for it.

21. After the devastating effects of a disaster please indicate what strategies do you used to promote your IP collective tools? (e.g. ecommerce, storytelling, digital media, digital marketing, others).

The promotion of its collective brand has been carried out mainly through its participation in virtual stores

22.

f applicable, could you please indicate in which economies you export your products/services and, if so, whether you have extended the protection of your IP

I

collective tools(s) to other economies?

The association has exported its products to 8 economies abroad, including the USA, Switzerland, England, Argentina, among others.

At the moment, they have not registered their trademark in any foreign economy.

23. Did you receive technical support (from public and/or private sector) to exploit your industrial property as a tool for your cluster's economic development or disaster recovery (including COVID-19)?

Yes _____

No X _____

If you have answered YES, please specify what kind of assistance (e.g organizational capacity; business management; branding; market strategies, advice for export activities, others) and from whom.

24. Did you receive financial assistance (from public and/or private sector) to exploit your industrial property as a tool for your cluster's economic development or disaster recovery (including COVID-19)?

Yes X _____

No _____

If you have answered YES, please specify what kind of assistance (e.g loans; governmental financing; tax incentives; advertising expenditure) and from whom.

The Ministry of Culture has covered the expenses so that the association can participate in the RURAQ MAKI fair

25. In general, after the devastating effects of a disaster, the resources necessary to cover the costs associated to develop your commercial activities came basically from:

- | | | |
|----|-------------------|----------|
| a. | Own resources | <u>X</u> |
| b. | Loan of relatives | _____ |
| c. | Bank loan | _____ |
| d. | Government funds | <u>X</u> |
| e. | Others (specify): | _____ |

26. In general, after the devastating effects of a disaster, what have been the main obstacles you have encountered in developing your business?

One of the main obstacles is the difficulty in shipping their products due to the difficult road connectivity. An additional issue is that due to the current situation, the sale of its products has decreased slightly

27. After the registration and use of an IP collective tool, what are the five main elements that led you to succeed with the chosen strategy?

- a. Greater visibility in the market
- b. Better associativity
- c. Value added to their products
- d. The collective mark has strengthened its competitiveness
- e. Greater diffusion of their products

28. What recommendations would you give to other associations / MSMEs who want to introduce their products / services into the market through an IP collective tool?

- a. Take advantage of the technical advice given by Indecopi and register your IP collective tool
- b. Take advantage of the free registration system
- c. Take advantage of the fact that a brand will allow them to position their products in the market and export them

29. What kind of assistance (technical or financial) do you consider useful and necessary to strengthen the use of IP rights of vulnerable populations and MSMEs and turn it into a tool to increase the competitiveness and value of local products / services and thus contribute to economic development in order to counteract the negative effects of disasters?

Financial support has been extremely useful since it has allowed them to participate in fairs and exhibit their products and the activities they carry out. In addition, through this exposure they have been able to meet new clients

30. In a post-disaster context, who (public and/or private sector) do you think is or are in the best position to support vulnerable populations and MSMSEs in the exploitation of their IP collective tools? Please explain your answer.

The government is the one in the best position to support them, since the free proceeding and the technical advice basically depend on them. In addition, in their

experience, the public sector are the ones with whom they have had the closest approach

31. What challenges do you -currently- face in the COVID-19 context? Have you developed any strategies to counteract its devastating consequences?

As stated previously, one of the main challenges is the difficulty in shipping their products due to the difficult road connectivity. An additional issue is that due to the current situation, the sale of its products has decreased slightly. They have been facing these challenges by increasing their participation in virtual stores and fairs.

IV. OPINION

32. During the development of your economic activities, is there a balance and control between tradition and the use of technology in order to ensure sustainability?

Yes, for their association is essential to apply its traditional practices in their handicrafts

33. In your opinion and experience, do exclusive IP collective rights allow economic development and better opportunities to successfully enter into a competitive market?

¿What is the added value of having a collective industrial property right?

Yes, because it allows them to sell their products with their own brand, which gives them the opportunity to position themselves and successfully distinguish themselves in the market

34. Do you consider that your IP rights have a social impact on your community? What is the scope of influence (e.g number of beneficiary families, community members, etc.)?

In addition to give a hopeful example to the community, there are several beneficiary families since the daughters of members of the association also work with them in the elaboration of handicrafts

Finally, if necessary, please note any suggestions or information that you consider important for this project. Statistics and information on advertising actions will be very useful. Your input would be very appreciated.

In general, they consider their experience as a good example to demonstrate the importance of registering a brand and participating in fairs to position their products. An additional issue that is important is that these IP collective tools facilitate the union and coordination of associations.

THE PHILIPPINES

APEC SURVEY FOR IP COLLECTIVE TOOLS OWNERS / BENEFICIARIES

This survey is part of the APEC's Project IPEG 01 2021 titled "Recovering from COVID-19: Successful Practices among APEC Economies on the Use of IP as a Collective Tool to Foster and Promote Economic Development and Recovery of Vulnerable Populations and MSMEs".

The main objective of this survey is to gather information on the difficulties encountered, challenges faced, and success achieved by vulnerable populations (women, indigenous peoples, ethnic minority groups, among others) and MSMEs through the use of IP collective tools to market their products and/or services and thus achieve economic development and/or economic recovery after disasters.

The results of this survey will be used to produce a compendium containing a set of guidelines and recommendations for the design and implementation of public policies that promote the registration and use of IP collective tools as an effective measure to support economic development and improvement among vulnerable populations and MSMEs. It will also contain successful experiences of IP collective tools owners/beneficiaries from APEC economies that have benefited from these public policies to overcome the devastating effects of COVID-19 or other disasters.

We want to thank you in advance for your kind support and time devoted in completing this survey.

Economy: [The Philippines](#)

Name of the association / MSMEs: [Orgullo Kan Bikol Association](#)

Name of the person responsible for completing the survey:

Position held at the association / MSMEs: [Active member](#)

Gender:

Age:

Educational level:

- Undergraduate degree
- Graduate degree
- Postgraduate degree
- Postdoctoral training

Career:

E-mail:

Phone number:

Skype:

I. PRE-REGISTRATION STAGE

1. To which economic sector do you belong? (e.g agro-industry, handicraft, agriculture, other).

[Agro-industry and handicraft](#)

2. Please indicate whether your association is made up exclusively of women. If not, please indicate the percentage of women in your association.

[The association is made up of 156 members \(men and women\).](#)

3. Please indicate whether, before you became aware of the existence of IP collective tools, you were engaged in commercial activities.

Yes _____

No [X](#)_____

4. If you have answered YES to the previous question, please specify whether you were acting alone in the market or in association with other persons and what have been the disadvantages you faced in the commercialization of your products/services?
-

5. In the event that your community has suffered negative consequences due to a natural disaster / economic crisis / pandemic, please indicate what were the main devastating effects for your business and your wider community?

[Due to COVID-19 farmers, traders and MSMEs in the Bicol region suffered heavy losses \(70-80% loss in sales\) many businesses were forced to close. Local artisans were forced to work in other activities to survive.](#)

6. Please indicate whether you consider that IP collective tools are useful instruments to counteract the effects of natural disasters / economic crisis / pandemics? Please specify your answer.

[Yes, collective marks generate confidence among consumers and gives recognition to their products. Collective mark brought important changes in their community, both economically and socially an also a sense of pride among the members of the association.](#)

7. How did you become aware of IP collective tools as a possible effective measure to counteract the consequences of the disaster / crisis / pandemic?
[in April 2021 IPOPHL and WIPO developed a project in the Bicol Region in order to introduce the concept of collective mark.](#)

8. In this context, please indicate what was the main reason for applying for registration of an IP collective tool (financial assistance, simple/fast proceedings, requirement to trade in certain establishments, need for increased supply, others).
[The main reason for applying for registration of a collective mark was to learn about other success stories in the Philippines \(GUIMARAS MANGO and T'NALAK TAU SEBU\). In addition, official application fee was subsidised by WIPO.](#)

9. Due to the disaster, have you received any training or legal assistance for the registration and/or use of your IP collective tool (e.g to formalise and register associations; legal support with statutes; trademark search; classification of products/services; drafting of rules of use; others)?

Yes _____

No _____

If you have answered YES, please specify what kind of training or legal assistance you have received and from whom.

[They received technical assistance from IPOPHL and WIPO. Local people were trained on the advantages of association and collective marks and the importance of the Regulations of Use](#)

10. Due to the disaster, have you received financial support (local, domestic, regional or foreign subsidies; discounts on official fees; free proceeding; reimbursement of expenses; others) for the registration of your IP collective tool?

Yes _____

No _____

If you have answered YES, please specify what kind of financial support you have received and from whom.

[Official application fee was subsidised by WIPO.](#)

11. In general, the resources necessary to cover the costs associated to register you IP collective tool (after the disaster / crisis / pandemic) came basically from:

- | | | |
|----|-------------------|---|
| a. | Own resources | _____ |
| b. | Loan of relatives | _____ |
| c. | Bank loan | _____ |
| d. | Government funds | _____ |
| e. | Others (specify): | <input checked="" type="checkbox"/> _____ |


[Official application fee was subsidised by WIPO.](#)

II. REGISTRATION STAGE

12. In this (post-disaster) context, please indicate your collective IP tools obtained with the aim of counteracting the effects of the disaster, as well as the corresponding classification and registration number.

If any of them have been more successful compared to the rest, please specify.

[The association has registered the collective mark BIKOL PILI according to the following detail:](#)

Collective Mark	Registration Number	Classes
 BIKOL PILI	506349	3, 4, 11, 14, 18, 20, 21, 24, 25, 29, 30, 31 and 35

13. What was(were) the biggest difficulty(ies) you encountered during the registration process?

[They do not consider that they had difficulties when applying for the registration of their collective mark, since IPOPHL supported them.](#)

14. What was the approximate duration of the registration proceeding?

[28 working days](#)

15. In addition to the official fees, did you have to incur any other costs in order to register your IP collective tool (e.g legal advice)?

[No](#)

16. What support (technical or financial) do you consider essential to encourage and promote the registration of IP collective tools as an effective measure to counteract the devastating effects of natural disasters, economic crisis and pandemics (such as COVID-19)? What governmental actions would encourage the registration of IP collective tools?

[Financial support for the registration of the registration of an IP collective tool \(elimination of official fees\).](#)

[Advice for filling out applications and for the preparation of the Regulations of Use.](#)

III. COMMERCIALIZATION

17. After the devastating effects of a disaster, what actions or activities would you not have been able to carry out independently (before joining others and using IP collective tools)?

[After COVID-19 many businesses were forced to close and artisans were not able to work independently.](#)

18. Once you have registered your IP collective tool, how do you developed your business plan and exploitation of your products / services in order to counteract the devastating effects of the disaster?

[They actively participate in local and international fairs and exhibitions, promoting the special characteristics and high quality of the region's products, as well as its collective mark BIKOL PILI & logo.](#)

19. Did you carry out an analysis or market research to know/understand the characteristics of the sector where you would commercialize your products / services?
Yes _____

No X _____

20. If you have answered YES in the previous question, then please indicate how you did it and what tools you used for it.

21. After the devastating effects of a disaster please indicate what strategies do you used to promote your IP collective tools? (e.g. ecommerce, storytelling, digital media, digital marketing, others).

[The promotion of its collective brand has been carried out mainly in trade fair, social networks, and webpage.](#)

22.

If applicable, could you please indicate in which economies you export your products/services and, if so, whether you have extended the protection of your IP collective tools(s) to other economies?

—

23. Did you receive technical support (from public and/or private sector) to exploit your industrial property as a tool for your cluster's economic development or disaster recovery (including COVID-19)?

Yes _____

No _____

If you have answered YES, please specify what kind of assistance (e.g organizational capacity; business management; branding; market strategies, advice for export activities, others) and from whom.

[Support from the Department of Trade and Industry \(DTI\)-Region 5 and the Department of Tourism \(DOT\)-Region 5 to organize and participate in trade fairs.](#)

24. Did you receive financial assistance (from public and/or private sector) to exploit your industrial property as a tool for your cluster's economic development or disaster recovery (including COVID-19)?

Yes _____

No _____

If you have answered YES, please specify what kind of assistance (e.g loans; governmental financing; tax incentives; advertising expenditure) and from whom.

25. In general, after the devastating effects of a disaster, the resources necessary to cover the costs associated to develop your commercial activities came basically from:

- a. Own resources _____
- b. Loan of relatives _____
- c. Bank loan _____
- d. Government funds _____
- e. Others (specify): _____

26. In general, after the devastating effects of a disaster, what have been the main obstacles you have encountered in developing your business?

[One of the main obstacles is that Bicol region is frequently affected by typhoons. For that reason, Orgullo Kan Bikol Association Inc. organises activities to help producers or weavers when they are affected by these natural disasters](#)

27. After the registration and use of an IP collective tool, what are the five main elements that led you to succeed with the chosen strategy?

- a. [Sense of pride among the members](#)
- b. [Greater visibility and recognition in the market](#)
- c. [Confidence among consumers](#)
- d. [Value added to their products](#)
- e. [Greater diffusion of their products](#)

28. What recommendations would you give to other associations / MSMEs who want to introduce their products / services into the market through an IP collective tool?

- a. [Register your IP collective tool](#)
- b. [Knowing and learning from success stories](#)
- c. [IP collective tools allow an increase in sales and earnings.](#)

29. What kind of assistance (technical or financial) do you consider useful and necessary to strengthen the use of IP rights of vulnerable populations and MSMEs and turn it into a tool to increase the competitiveness and value of local products / services and thus contribute to economic development in order to counteract the negative effects of disasters?

[Financial support for participation in trade fairs. In addition, through this exposure they have been able to meet new clients](#)

30. In a post-disaster context, who (public and/or private sector) do you think is or are in the best position to support vulnerable populations and MSMSEs in the exploitation of their IP collective tools? Please explain your answer.

Governmental authorities

31. What challenges do you -currently- face in the COVID-19 context? Have you developed any strategies to counteract its devastating consequences?

As stated previously, COVID-19 meant heavy losses in sales. The strategy was the registration of the collective mark and increasing their participation in trade fairs and Internet.

IV. OPINION

32. During the development of your economic activities, is there a balance and control between tradition and the use of technology in order to ensure sustainability?

33. In your opinion and experience, do exclusive IP collective rights allow economic development and better opportunities to successfully enter into a competitive market? ¿What is the added value of having a collective industrial property right?

Definitely.

IP collective rights allow them to identify products with special and high-quality characteristics, given them the possibility to distinguish them in the market.

34. Do you consider that your IP rights have a social impact on your community? What is the scope of influence (e.g number of beneficiary families, community members, etc.)?

Yes, there are several beneficiary families since the new generations also work with pili-tree products

Finally, if necessary, please note any suggestions or information that you consider important for this project. Statistics and information on advertising actions will be very useful. Your input would be very appreciated.

They consider important to constantly carry out training and education courses for the members of the association, but also social gatherings to maintain good relations.