



WHEC UPDATE

Briefings of worldwide activity of Women's Health and Education Center (WHEC)
June 2016: Vol. 11, No. 6

Achieving Global Health

Intellectual Property (IP) accounts for an estimated \$ 5 trillion of Gross Domestic Product (GDP) in the United States alone. It covers patents, trademarks, domain names, copyrights, designs and trade secrets. Unsurprisingly, companies zealously guard their own ideas and challenge the IP of others. Damages arising from infringements have fostered a sizeable claims industry. But IP law is complex, and the business, financial and legal issues around it are difficult to navigate. Court decisions and interpretation of IP law can be unpredictable, and can dramatically change the fortunes of businesses that rely on their IP – as demonstrated in the pharmaceutical industry's battle with generic drugs.

IP is often a company's single most valuable asset. And yet IP is hard to value, widely misunderstood and frequently underexploited. Today, patents are increasingly being used as collateral and a market of patents is developing. However, IP remains an opaque area for many business people. With the rise of the personal computer and the expansion of international brands led to the growth of industries based on copyright and trademarks, IP assumed huge business importance throughout the world. Today, however, the function of patents in stimulating innovation has been called into question by the mass of patent litigation in the smartphone industry and the activities of business that acquire existing patents simply to enforce them. The trend towards strengthening patent rights in the U.S. has started reversing.

Although an international IP strategy can be developed, it has to be implemented locally in major markets throughout the world. Considerable differences in IP law remain at a national level, even within the European Union (EU), and thus there may be differing results in individual countries. IP affects countries' economies. It may be property, and valuable property at that, but it is very different from a tangible asset in the way that it is valued and treated for accounting purposes. The U.S. and Canada lead the world in viewing intellectual property as an investment asset in itself. Legal aspects are far from settled. The remedies available to owners of patents used in critical technical standards in the telecoms industry are only in the process of being clarified. The market impact of successful patent challenges in the pharmaceutical industry, where patents on blockbuster drugs may be invalidated and generic medicines allowed onto the market, reveals that IP is an asset class where legal challenges and the scope of legal protection can have a dramatic impact on the fortunes of a company reliant on intellectual property.

IP is an intangible creation of the law and IP rights can be enforced only through legal process. To capitalize on the value of this asset class, business people and investors need to understand the legal strengths and weaknesses of IP, how it may be protected, its practical and legal limitations, and how transactions or strategies may enhance or destroy its value. In our publications – ***WomensHealthSection.com*** and ***WHEC Update*** – we aim to explore these legal issues from a business perspective. World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) has substantially raised the standards for the protection of IP, and it requires minimum standards from all its members. The goals of an IP strategy should include – identification of the IP used and generated by a business, including third-party IP used under license; ensuring that the business owns all the IP it develops and hires others to develop, especially copyright; mitigating risks of loss of IP, such as loss of trade secrets; and ensuring that the registered IP that is obtained supports and protects the present and future products, services, brands and strategies of the business, with a particular focus on protecting brands.

The internet continues to have a huge impact on IP, making it more likely that IP rights will be infringed. The burden of policing IP rights is on the IP owner. Given the rampant copying of copyright content and the enablement of IP piracy of all types, including sale of counterfeits, it is a heavy burden.

Intellectual Property: An Introduction
Rita Luthra, MD

Your Questions, Our Reply

What does the term Intellectual Property (IP) mean? How to protect it? And how to exploit it?

Building IP into a business strategy: There are number of reasons for businesses to focus on IP as a strategic issue. First, IP can be valuable. Second, its value may be lost as a result of a failure to obtain ownership, through expensive legal challenges or through piracy. Third, there are a number of complementary available protections for IP domestically and internationally that can be used to establish ownership, reduce risk and support the wider business strategy. However, an IP strategy needs to take into account IP's legal strengths and weaknesses as well as its practical limitations. Experience shows that legal remedies are unlikely to plug the holes in a business model that encourages international piracy.

All businesses should obtain ownership of or rights to IP developed for their business and ensure that their IP (such as confidential information) cannot simply be taken by employees or contractors. This is implemented through well-drafted contracts with employees, consultants and contractors that cover IP ownership.

If ownership is handled correctly by contract, copyright protection should at a basic level take care of itself because of the lack of registration required. The same applies to unregistered design rights. The sensitivity of personal information held by many businesses and the prevalence of hacking should also drive good confidentiality and security practices in most situations.

Good IP management may mitigate many risks. Simple steps such as establishing ownership of IP, filing for registrations and patents, and systematically managing both the IP and licenses to and from third parties may avoid unnecessary disputes.

At a more sophisticated level, the biggest IP asset of most businesses is, their name and brand, and this should often be considered the primary asset for protection. Beyond that, it more or less comes down to the kind of business you are running. In creative businesses, however, rely on copyright as a source of revenue; and for any business selling products to customers, branding and design rights are key.

A single item may be protected through various forms of IP, such as, trade secrets; patents; design protection; copyrights; trademark / brand protection and domain names. Although not IP in the traditional sense, personal information about individuals obtained, for example, through their use of websites is subject to protection under the laws of many countries. Personal information is not the same as confidentiality information because the information may be known to a number of people but not broadly known. Information about consumers although not strictly secret, is immensely valuable, and the tension between protection of personal information and its exploitation and misuse is one of the political and policy issues of the moment.

TRIPS builds on two fundamental older treaties: the Paris Convention, which covers international patent, trademark and design rights in member states; and the Berne Convention, which covers copyright protection in member states. In addition, TRIPS legislates for the topography of integrated circuits and the protection of trade secrets.

The law has yet to develop a coherent and consistent approach to aggregation of "mere information". Data has been described as Digital Agenda and as "new oil for the digital age". Just as ownership and protection of oil interests became a paramount concern of the industrial economy, so it is inevitable that the ownership and protection of big data will attract the attention of lawyers and policymakers in the coming years.

United Nations At A Glance

Permanent Mission of Chile to the United Nations

Chile became Member State of the United Nations on 24 October 1945

Chile, officially the **Republic of Chile** is a South American country occupying a long, narrow strip of land between the Andes to the east and the Pacific Ocean to the west. It borders Peru to the north, Bolivia to the northeast, Argentina to the east, and the Drake Passage in the far south. Chilean territory includes the Pacific islands of Juan Fernández, Salas y Gómez Desventuradas and Easter Island in Oceania. Chile also claims about 1,250,000 square kilometers (480,000 sq. mile) of Antarctica, although all claims are suspended under the Antarctic Treaty. Chile today one of South America's most stable and prosperous nations.



The General Assembly is the chief deliberate organ of the United Nations. Here are represented all Member States each of them with a vote. The United Nations Charter assigns the General Assembly the following functions and powers: consider principles of cooperation for the maintenance of international peace and security, including disarmament and arms regulation, and make recommendations thereon; discuss all issues relating to international peace and security and except for cases where the Security Council is considering a dispute or situation, make recommendations thereon; deal and with the same exception, make recommendations on any matter within the scope of the Charter or affecting the powers and functions of any organ of the United Nations .

Representing Chile's stance on multilateral policy matters to United Nations.



The bodies in which this work is developed are the six thematic commissions that comprise the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice and other organs that are part of the United Nations system.

Objectives:

- Enhancing the central importance of a strong and effective organization for collective action faced with today's global challenges, most of which require multilateral action, while supporting the Secretary-General's dealings.
- Highlighting the commitment to democracy, human rights and gender perspective, as essential foundations of multilateral action.
- Supporting high-level global efforts to offset climate change and ensure sustainable development globally.
- Contributing to the revitalization of the Agenda for Economic and Social Development of the United Nations, cementing alliances that enhance our contribution to achieving the Millennium Development Goals (MDGs)
- Ratifying the work of the United Nations in the promotion of peace and international security.

Details: <http://chile.gob.cl/onu/en/>

Collaboration with World Health Organization (WHO)

WHO | Chile

Zika virus infection – Chile

On 26 March 2016, the National IHR Focal Point of Chile notified PAHO/WHO of a confirmed case of sexual transmission of Zika virus; this is the first case acquired in continental Chilean territory where there is no presence of aedes [vector] mosquitoes.



The case (Person A) developed symptoms consistent with Zika virus disease: rash, retroauricular adenopathies, conjunctivitis, and arthritis on 4 February. Her partner (Person B) developed symptoms consistent with Zika virus disease after travelling to a country where local transmission of Zika virus is known. Infection by Zika virus was confirmed for both cases IgM and IgG positive for Zika virus (Person A) and IgM and IgG positive for Zika virus, and negative for dengue IgM (Person B).

Public health response

Health authorities in Chile are taking the following measures:

- Conducting social risk communication on safer sexual practices;
- Advising travelers to areas where Zika virus is circulating to seek medical assistance if presenting symptoms associated with Zika virus infection after return.

WHO risk assessment

Sporadic cases of infection acquired following sexual activity have already been reported in the past. These cases of sexual transmission do not change the overall risk assessment since the virus continues to be primarily transmitted to people through mosquito bites. The risk of a global spread of Zika virus to areas where the competent vectors, the Aedes mosquitoes, are present is significant, given the wide geographical distribution of these mosquitoes in various regions of the world. WHO continues to monitor the epidemiological situation and conduct risk assessment based on the latest available information.

WHO advice

The proximity of mosquito vector breeding sites to human habitation is a significant risk factor for Zika virus infection. Prevention and control relies on reducing the breeding of mosquitoes through source reduction (removal and modification of breeding sites) and reducing contact between mosquitoes and people. This can be achieved by reducing the number of natural and artificial water-filled habitats that support mosquito larvae, reducing the adult mosquito populations around at-risk communities and by using barriers such as insect screens, closed doors and windows, long clothing and repellents. Since the Aedes mosquitoes (the primary vector for transmission) are day-biting mosquitoes, it is recommended that those who sleep during the daytime, particularly young children, the sick or elderly, should rest under mosquito nets (bed nets), treated with or without insecticide to provide protection. Mosquito coils or other insecticide vaporizers may also reduce the likelihood of being bitten.

Although the risk of transmission of Zika virus through sexual activity is considered to be very limited, based on precautionary principles, WHO recommends the following:

- All patients (male and female) with Zika virus infection and their sexual partners (particularly pregnant women) should receive information about the potential risks of sexual transmission of Zika virus, contraceptive measures and safer sexual practices, and should be provided with condoms when feasible. Women who have had unprotected sex and do not wish to become pregnant because of concern with infection with Zika virus should also have ready access to emergency contraceptive services and counselling.

- Sexual partners of pregnant women, living in or returning from areas where local transmission of Zika virus is known to occur, should use safer sexual practices or abstinence from sexual activity for the duration of the pregnancy.
- As most Zika virus infections are asymptomatic:
 1. Men and women living in areas where local transmission of Zika virus is known to occur should consider adopting safer sexual practices or abstaining from sexual activity.
 2. Men and women returning from areas where local transmission of Zika virus is known to occur should adopt safer sexual practices or consider abstinence for at least four weeks after return.

Independently of considerations regarding Zika virus, WHO always recommends the use of safer sexual practices, including the correct and consistent use of condoms to prevent HIV, other sexually transmitted infections and unwanted pregnancies.

WHO does not recommend routine semen testing to detect Zika virus.

WHO does not recommend any travel or trade restriction to Chile based on the current information available.

Country Health Prolife – Chile: <http://www.who.int/gho/countries/chl.pdf?ua=1>

Bulletin Board

Sixty-ninth World Health Assembly 23-28 May 2016

The World Health Assembly is the decision-making body of WHO. It is attended by delegations from all WHO Member States and focuses on a specific health agenda prepared by the Executive Board. The main functions of the World Health Assembly are to determine the policies of the Organization, appoint the Director-General, supervise financial policies, and review and approve the proposed programme budget. The Health Assembly is held annually in Geneva, Switzerland.



Statements by NGOs in official relations with WHO at the WHO governing body meetings

In the spirit of transparency, WHO facilitates this space to post statements from NGOs in official relations with WHO for the WHO Governing body meetings to enable them to make their views known before the debates. These statements are expected to be related to the technical items under discussion during the meetings. The statements are posted for a limited time, and will not be retained on the website thereafter.

“Statements posted on this website reflect solely the views of the Nongovernmental Organization concerned. It follows that posted Statements do not necessarily reflect the views of the World Health Organization, including its Member States and Secretariat.”

69th WHA (A69/1)

Details: <https://apps.who.int/ngostatements/meetingoutline/6>

Overview of reform implementation

Report by the Director-General

1. This report summarizes the progress of WHO reform since the report to the Sixty-eighth World Health Assembly. It provides an overview of the current status of reform, reviews progress in the three broad

reform work streams (programmes and priority-setting, governance and management), and reports on indicators that have been established to measure achievement of the reform objectives, illustrated with examples from different major offices. An earlier version of this report was considered and noted by the Executive Board at its 138th session.

2. The new stream of reform of WHO's work in outbreaks and health emergencies is an important element of the WHO reform programme, and activities are closely aligned with each other. The WHO response in severe, large-scale emergencies is reported on separately.

Details: http://apps.who.int/gb/e/e_wha69.html

Collaboration with UN University (UNU)

UNU-WIDER (World Institute for Development Economics Research) *Expert Series on Health Economics:*

Country Study 10

Chile

Two factors make the Chilean experience of stabilization policies interesting. One is that probably no other government in Latin America (and perhaps also elsewhere) has been more diligent in pursuing liberal economic policies than the one which took power in Chile in 1973. Almost straightaway it set about reducing the role of the state in economic affairs, freeing business from controls and allowing more scope for market forces to allocate resources. Secondly, throughout its period of responsibility the Chilean government has endeavored to adhere closely to the International Monetary Fund (IMF) prescription in its conduct of stabilization policy. And, according to the numbers, with some apparent success, too, both in the 1970s when it succeeded the Allende government and in the 1980s in the aftermath of the second oil price shock. One might add that in 1985-86 Chile was one of the first recipients of a World Bank structural adjustment loan after the unveiling of the 'Baker plan' for international debt. The tale, however, is not all success. Far from it. The authors point out that the government has not been consistent. It flinched from applying a 'market solution' when it was faced with a situation in 1981-82 of widespread internal indebtedness: instead of letting heavily-indebted companies go to the wall, they and their bankers were rescued by the public sector. More fundamentally, the authors criticize the Chilean government for being in too much of a hurry and for being insensitive to the employment and social consequences of its actions. Restructuring takes time, especially when a current account deficit reflects, as in Chile, both structural weaknesses and 'fundamental disequilibria'. Restructuring requires the application of gradual policies and not the shock treatment which most Latin American countries, including Chile, have undergone. The authors conclude by arguing the case for the application of gradual, selective and stable policies with adequate external financing, due regard for employment promotion and, if necessary, selective (multi-tier) exchange rates.

On the other hand, in the government budget, expenditure cuts have been made or planned in social programmes (pensions, family allowances, make-work programmes, etc.) in order to increase public investment and transfer public savings to the private sector. Transfers of government savings to the private sector have reached an important magnitude because of a pension's reform which created a privately-funded system. The annual transfer of resources is near 3 per cent of GDP.

Finally, there is the issue of the accumulated losses of the financial sector and debtors which have been transferred to the Treasury and the Central Bank. The equity implications of their future distribution are of great importance given their very large magnitude. Fiscal and monetary policies will determine who pays the costs of the financial excesses of the past. Another issue of investment policy concerns its public-private mix. This has ideological overtones which have been very much present in recent Chilean history and also in the approach of foreign lenders. In a way the greater reliance on public investment of the World Bank loan than in IMF policies is an implicit recognition of the need of a less ideological approach.

Publisher: UNU-WIDER; Authors: Jose Pablo Arellano, Rene Cortazar, Andres Solimano; Sponsors: (WIDER) was established in 1984 and started work in Helsinki in the spring of 1985. The principal purpose of the Institute is to help identify and meet the need for policy-oriented socio-economic research on pressing global and development problems and their inter-relationships. The establishment and location of WIDER in Helsinki have been made possible by a generous financial contribution from the Government of Finland. The work of WIDER is carried out by staff researchers and visiting scholars and through networks of collaborating institutions and scholars in various parts of the world.

(Details of the paper can be accessed from the link of UNU-WIDER on CME Page <http://www.womenshealthsection.com/content/cme/>)

United Nations Girls' Education Initiative (UNGEI)

The Effort to Advance the Global Strategy (Continued)

Chile: Background

Chile's basic social indicators compare favorably with other countries in the region. Although poverty has decreased in 10 years, further reductions are proving difficult. In 2002, a National Policy and Plan of Action for Children and Adolescents was launched by the Government. It has provided a framework for the protection of children rights and has raised the awareness of the authorities.



The government also launched a program named "Chile Solidario," to focus on the 20 per cent poorest households. For the first time, families will be the focus of social policies, a principle strongly advocated by UNICEF. Chile is making an important effort to expand the time children spend at the classroom through measures such as expanding the coverage of pre-school education; increasing the daily school hours; increasing compulsory education from nine to 12 school years; and improving learning skills.

The government has submitted a health reform to Parliament aimed at establishing an universal access system, reinforcing the primary health network and improving co-ordination between the different levels.

United Nations agencies have agreed with the government on the need to define additional goals from the Millennium Development Goals for Chile. These are especially related to unequal opportunities and human rights.

'Investing in early childhood'

"The significance of this policy, for us as UNICEF, is that children are being considered by the new government as a central point of the new political agenda," says UNICEF's Representative in Chile, Egidio Crotti.

"This means that investing in children is considered a key element for the development of the country, and I think that this is very important, the fact that we start investing in early childhood," he adds. The Chile Grows with You initiative offers specialized aid in education, maternity care and health services for all children and their families. The programme offers direct action to help the poorest 40 per cent of households – those who make less than 300,000 pesos (about \$560) per month.

Universal day care

The policy emphasis on universal day care for poor children supports mothers such as 25-year-old Jessica Borges Calquin, who lives with her two children in the town of Rancagua, near Santiago. "A few weeks ago, I found out that I was going to become a mother again," says Ms. Borges, who recently attended the inauguration of the Sala Luna day care center for children under the age of two. "The anxiety of where I could leave my child disappeared because this day care center solves my problem. "At the day

care,” she notes, “I believe that I’ve found all the things that my children need: affection, commitment, dedication and above all else, the love and care that the caregivers bring to the kids.”

Importance of monitoring

Mr. Crotti says the new policy promotes all of UNICEF’s priorities in Chile: “First of all, to ensure that all children have access to primary health care, [and] that all the families receive tools to better support the growth of their children not only in terms of health and nutrition, but also psychological support.”

The UNICEF Representative also stresses the importance of monitoring the overall situation of children in Chile – especially those who may be most vulnerable, including indigenous children and children from migrant populations. The Chile Grows with You initiative is gradually being implemented across the country and is expected to be fully in effect by 2009.

Details: http://www.unicef.org/media/media_33187.html

To be Continued.....

Top Two-Articles Accessed in May 2016

1. The Diseases of Addiction: Opiate Use and Dependence; <http://www.womenshealthsection.com/content/gynmh/gynmh013.php3>
WHEC Publications. Special thanks to our reviewers for helpful suggests and to WHO, NIH and physicians’ board for contributions.
2. Medical Liability: Tort Reform; <http://www.womenshealthsection.com/content/heal/heal020.php3>
WHEC Publications. Special thanks to our writers and editors for compiling the review. We thank NIH and AMA for the contributions.

From Editor’s Desk

On International Day, UN spotlights role of midwives in achieving development targets



In Dinajpur, Bangladesh, Selina Akter, second year midwifery student, plays the role of a mother as students practice postnatal care at the Dinajpur nursing institute. Photo: Nicolas Axelrod/Ruom for UNFPA

Every year, some 300,000 women still die during pregnancy and childbirth and almost three million babies do not survive their first four weeks of life, yet a majority of these deaths could be averted by trained midwives, the United Nations said today as it marked the International Day of the Midwife with a call for strengthened skills and investments in midwifery.

“Midwives are our heroes and the backbone of sexual and reproductive health. Let us support them and the women and newborns at the heart of their care,” said Babatunde Osotimehin, Executive Director of the UN Population Fund (UNFPA).

Saluting the contribution of midwives to saving the lives of women, adolescent girls and newborns, sometimes under very difficult circumstances, the Executive Director emphasized that midwives are essential to achieving the [Sustainable Development Goals \(SDGs\)](#).

“Well-trained and supported midwives working in communities are uniquely positioned to provide the compassionate, respectful and culturally sensitive care a woman needs during pregnancy and childbirth,” Mr. Osotimehin said.

“Midwifery is equally important for newborns during the critical first month of life, and is a significant contribution to sexual and reproductive health in general,” he added.

The [International Day of the Midwife](#) was observed around the world on 5 May. This year's theme was [Women and Newborns: The Heart of Midwifery](#).

The UNFPA Executive Director noted that while in the past 25 years, the world has almost halved maternal deaths, the vast majority of these largely preventable deaths take place in developing and crisis-affected countries. “If deployed in larger numbers, trained midwives could avert approximately two thirds of these deaths. Significant investments in midwifery are essential if the world is to achieve its ambitious goals of reducing maternal and newborn deaths,” Mr. Osotimehin said. For its part, UNFPA is helping to train and support thousands of midwives in more than 100 countries. The Executive Director highlighted a recent survey estimating that in 57 of these countries, the agency has trained 66,000 midwives over the past seven years.

“These critical health-care providers can help more than 11 million women to give birth safely each year, but much more needs to be done,” the Executive Director said.

“On this International Day of the Midwife, we at UNFPA renew our commitment to working with global partners and countries to strengthen midwifery skills and capacities. We call on countries to acclaim and reward midwives who are working in challenging and hard-to-reach areas, where their services are most needed. We also urge countries to invest in quality training, good working conditions, decent salaries, adequate workforce policies and possibilities for professional growth,” he added.

News Tracker: past stories on this issue

[Woman's risk of dying from pregnancy-related causes nearly halved over 25 years – UN report](#)

Words of Wisdom

In everyone's life, at some time, our inner fire goes out. It is then burst into flame by an encounter with another human being. We should all be thankful for those people who rekindle the inner spirit.

– Albert Schweitzer (14 January 1875 – 4 September 1965)
French-German theologian, organist, philosopher, and physician.

*Monthly newsletter of WHEC designed to keep you informed on
the latest UN and NGO activities*

<http://www.womenshealthsection.com>

