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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

CONSULTATION MEETING ON ENFORCEMENT

Geneva, September 11 to 13, 2002

**ELECTRONIC EXCHANGE OF INFORMATION:
ESTABLISHMENT OF AN ELECTRONIC FORUM**

Document prepared by the Secretariat

1. During the first session of the *Advisory Committee on Enforcement of Industrial Property Rights (ACE/IP)* held in Geneva on October 19 and 20, 2000, the ACE/IP agreed that an Electronic Forum be established, in line with the fora established under the Standing Committee on the Law of Trademarks (SCT) and the Standing Committee on the Law of Patents (SCP).¹
2. The Joint Meeting of *the Advisory Committee on Enforcement of Industrial Property Rights (Second Session)* and of the *Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks (Third Session)* (hereinafter referred to as ACE/IP -ACMEC), held in Geneva from December 18 to 20, 2001, was concluded with a Summary by the Chair². In paragraph 1(a) of the Summary by the Chair, adopted by the Advisory Committees, it was stated that “[T]he International Bureau is invited to establish an Electronic Forum in such a way as to facilitate the exchange of information relating to enforcement issues, as called for by various delegations in the course of the Joint Meeting of the Advisory Committees...”
3. Following the above, and in accordance with Sub-program 10.4 “Intellectual Property Enforcement Issues and Strategies” of the Program and Budget for the 2002-2003 biennium, an Electronic Forum on Intellectual Property Enforcement Issues and Strategies (herein referred to as “the Electronic Forum”) is proposed to be established. The Electronic Forum would be open for participation by all Member States and Observers indicated in the list of contact points to the ACE/IP -ACMEC³, which will be subsequently extended on the basis of additional information from governments and interested governmental and non-governmental organizations. The International Bureau would provide administrative support for the maintenance of the Electronic Forum. An alternative means of participation for those who wish to participate in the Electronic Forum, but do not have access to e-mail, would be via facsimile transmission or express mail.
4. The Electronic Forum would be used to make working documents available on a special section of the WIPO website (not advertised to the general public) and provide for the electronic receipt of comments thereto. This would enhance the quality of the working documents, and will permit discussions at future meetings on enforcement to focus on substantive issues.
5. In addition, the Electronic Forum would be used to facilitate the collection of information related to work undertaken by WIPO by providing for the electronic distribution of requests for information and responses thereto. It would also provide an electronic means whereby participants can request to share information as to their respective national experiences in the field of enforcement.

¹ WIPO document ACE/IP/1/2

² WIPO document ACE/IP -ACMEC/3

³ WIPO document CME/3

6. Registration procedures and conditions of use of the Electronic Forum would be similar to those of the SCP and SCT Forums and would include, in particular, conditions relating to the type of information to be posted in the Forum and its accessibility to all correspondents (see Annex).

[Annex follows]

ANNEX

ELECTRONIC FORUM ON
INTELLECTUAL PROPERTY ENFORCEMENT ISSUES AND STRATEGIES

General Procedures

The Electronic Forum on Intellectual Property Enforcement Issues and Strategies⁴ (herein referred to as "the Electronic Forum") will be launched in October 2002.

The following general procedures will be followed both for the presentation of comments in relation to documents made available by the International Bureau and, where applicable, for the collection of information related to work undertaken by WIPO:

(a) Upon completion and translation of a draft working document by the International Bureau, the document will be posted in three languages (English, French and Spanish), utilizing two technical formats for each language (Adobe PDF and MS Word), on the Internet, on a hidden page (not advertised to the general public) of the WIPO website.

(b) At the same time, a communication will be sent by the International Bureau to each of the participants in the Electronic Forum, indicating the title and provisional number of the document, the Internet locations (URLs) of the different versions of the document, and the period for receipt of comments. The communication will be sent to each participant via the means indicated in the Registration Form for receipt of communications (e-mail; if e-mail is not available, facsimile; if e-mail and facsimile are not available, post).

(c) Correspondents who indicated in their Registration Form that Internet access was available will simply access the document on the Internet. Correspondents who indicated that Internet access was not available will receive the document, in the language indicated in the Registration Form, via the means indicated for receipt of documents (e-mail; if e-mail is not available, post. For documents less than 10 pages long, facsimile may be used, where available).

(d) Comments, and responses to comments, concerning the draft document may be submitted to the International Bureau in English, French or Spanish via e-mail, or in any of the six official languages of WIPO by facsimile or by post. A special, easy-to-use e-mail response form, including a facility for sending attachments, will be available on the Forum website. Comments, whether submitted by e-mail, facsimile or post, will be posted for viewing on the Forum website at the discretion of the International Bureau.

(e) Comments, and responses to comments, which are received prior to the expiration of the comment period will be incorporated by the International Bureau, as appropriate, into a finalized version of the document. Comments, and responses to comments, which are received after the expiration of the comment period may be taken into account by the International Bureau, depending on the circumstances and time of receipt.

⁴ Following the Thirty-seventh series of Meetings of the Assemblies of the Member States of WIPO, Geneva, September 23 to October 1, 2002

(f) The finalized document will be distributed via the Electronic Forum in the manner described above, in addition to being distributed on paper in the usual manner to all Member States and Observers indicated in the list of contact points to the ACE/IPA -CMEC,⁵ which will be subsequently extended on the basis of additional information from governments and interested non-governmental organizations. The document will also be posted on the WIPO and the Forum websites.

(g) A special section of the Electronic Forum will be made available to participants to facilitate the exchange of information on national experiences, if so requested by them, including relevant legislation, case law, technical papers, studies and proposals.

(h) The URL of the Forum website, and the e-mail address (or facsimile number or mailing address, as appropriate) for submission of comments, will be sent to each participant along with the announcement of the posting of the first document.

(i) These procedures will be reviewed at future meetings, on the basis of experience, and in light of particular needs and developments in the field of enforcement.

[End of Annex and of document]

⁵ WIPO document CME/3