

## **Assemblies of the Member States of WIPO**

**Fifty-Seventh Series of Meetings**  
**Geneva, October 2 to 11, 2017**

### **OPENING OF NEW WIPO EXTERNAL OFFICES DURING THE 2018/19 BIENNIUM**

*Document prepared by the Secretariat*

1. The present document contains Program and Budget Committee (PBC) documents WO/PBC/26/7 and WO/PBC/26/7/Corr.2 entitled “Opening of New WIPO External Offices during the 2018/19 Biennium”, which were submitted to the WIPO Program and Budget Committee (PBC) at its twenty-sixth (July 10 to 14, 2017) and twenty-seventh (September 11 to 15, 2017) sessions.
2. The decisions of the PBC in respect of those documents appear in the “List of Decisions Adopted by the Program and Budget Committee” (document A/57/5).

[Documents WO/PBC/26/7 and  
WO/PBC/26/7/Corr.2 follow]

## Program and Budget Committee

**Twenty-Sixth Session**  
**Geneva, July 10 to 14, 2017**

### OPENING OF NEW WIPO EXTERNAL OFFICES DURING THE 2018/19 BIENNIUM

*Document prepared by the Secretariat*

1. At the Fifty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO (October 2015), the WIPO General Assembly, at its Forty-Seventh (22<sup>nd</sup> Ordinary) Session, decided with respect to the issue of new WIPO External Offices, as follows (refer to document A/55/13, paragraph 258 (General Report adopted by the Assemblies)):

“The WIPO General Assembly decided:

“1. to adopt the Guiding Principles annexed to this decision;

“2. recognizing the Organization’s limited capacity to open new external offices, and desirous to take a phased and prudent approach when establishing new external offices, to open not more than three external offices per biennium for the biennia, 2016/17, 2018/19, subject to approval by the WIPO General Assembly.

“3. this decision is without prejudice to any decision by the Program and Budget Committee and the General Assembly on opening new external offices pursuant to the Guiding Principles after an evaluation during 2021.

“4. for the period mentioned in paragraph (2), priority should be given to Africa. For this purpose, Member States are encouraged to submit their hosting proposals to be considered under the Guiding Principles.”

2. The mentioned ‘Guiding Principles regarding WIPO External Offices’ detail a process to be followed for the “establishment of a sustainable, adequately sized network of WIPO External Offices (EOs), that adds clear value, efficiency and effectiveness to program delivery in accordance with the results framework of the Program and Budget, in a coordinated and complementary way with WIPO Headquarters (HQ) and in a way that may otherwise not be

achieved through operations at WIPO HQ.” This process, involving notifications by Member States of a wish to host an External Office and a proposal for the same, can be read in document A/55/13. The Guiding Principles stipulate that the WIPO Secretariat “shall provide to the PBC a separate, factual and technical report on proposed new External Offices and its consistency with these guiding principles”. The Annex to this document provides the mentioned separate, factual and technical report for new External Offices proposed for the 2018/19 biennium. It is based on a template which has been derived from the Guiding Principles, and which was used to present the relevant separate, factual and technical report on new External Offices proposed for the 2016/17 biennium at the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO (October 2016). The text is verbatim from the Member States’ proposals. Clarifications by the Secretariat are indicated in [ ...] (*italic*).

#### DEVELOPMENTS SINCE THE FIFTY-SIXTH SERIES OF MEETINGS OF THE ASSEMBLIES OF THE MEMBER STATES OF WIPO

3. At the Fifty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO (October 2016), the WIPO General Assembly, at its Forty-Eighth (26<sup>th</sup> Extraordinary) Session, decided with respect to the issue of new WIPO External Offices, as follows (refer to document A/56/17, paragraph 126 (General Report adopted by the Assemblies)):

“With respect to PBC Agenda Item 13 “Opening of new WIPO External Offices”, having examined document A/56/15, and in accordance with the decision of the 2015 General Assembly (document A/55/13), the General Assembly decided:

1. to open WIPO External Offices in Algeria and Nigeria; and
2. to continue consultations on the opening of one External Office in the current biennium and three External Offices in the 2018-2019 biennium based on a relevant call for proposals made by the Secretariat with a view to making a decision on the above during the 2017 General Assembly based on the Guiding Principles.”

4. Following the decision of the WIPO General Assembly on the Guiding Principles and further to consultations with the Acting Chair of the General Assembly, Ambassador Jānis Kārklīņš, the Secretariat initiated steps to ensure the implementation of the decision of Member States. Following analysis of the Guiding Principles, the Secretariat issued a Note (C.N 3726) dated November 9, 2016, addressed to Ministers of Foreign Affairs, repeating the process detailed in the Guiding Principles. Based on the practical implications of this process with respect to the 2018/19 biennium, the mentioned Note provided deadlines by which notifications and proposals should be received from Member States in accordance with the Guiding Principles.

5. The deadlines articulated by the Secretariat in the Note for notifications and proposals were arrived at looking at the practical requirements imposed on the Secretariat to produce the separate, factual and technical report which would need to be considered by the 26th Session of the Program and Budget Committee (PBC) to be held from July 10 to 14, 2017. In particular, Member States have established that PBC documents need to be made available in all official languages at least two months in advance. Consequently, the report with all of the proposals which would be received would need to be translated into all languages and available by May 15, 2017. Based on past practice in the preparation of documents for WIPO meetings and the anticipated volume of translation required in this case, it was felt reasonable and practical for the Secretariat to request to receive proposals to host a new WIPO External Office for the 2018/19 biennium, in accordance with the Guiding Principles, by February 28, 2017.

6. Following the February 28, 2017 deadline, concerns were raised by some delegations that not all Member States that wanted to submit proposals for the 2018/19 biennium had done so. Consequently, the Acting Chair of the General Assembly, Ambassador Jānis Kārklīņš, held consultations with the Regional Coordinators in Geneva, which resulted in agreement among Member States to: extend the deadline to notify of a wish to host an External Office in the 2018/19 biennium to March 10, 2017; extend the deadline to submit proposals to host an External Office in the 2018/19 biennium to March 28, 2017.

7. As of the extended deadline of March 10, 2017, the following Member States had notified of their wish to host an External Office in the 2018/19 biennium:

1. Azerbaijan
2. India
3. Iran (Islamic Republic of)
4. Oman
5. Republic of Korea
6. Romania
7. Saudi Arabia
8. Turkey
9. United Arab Emirates

8. As of the extended deadline of March 28, 2017, the following Member States had submitted proposals to host an External Office in the 2018/19 biennium:

1. Azerbaijan
2. India
3. Iran (Islamic Republic of)
4. Oman
5. Republic of Korea
6. Romania
7. Saudi Arabia
8. Turkey
9. United Arab Emirates

9. Consequently, the above list of 9 Member States constitutes the final and definitive list of proposals to host a WIPO External Office in the 2018/19 biennium. All of these proposals can be found on the PBC 26 web site at the following link:

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=42294](http://www.wipo.int/meetings/en/details.jsp?meeting_id=42294).

10. The following decision paragraph is proposed.

*11. The Program and Budget Committee (PBC) is invited to:*

*(i) Consider document 'Opening of New WIPO External Offices during the 2018/19 biennium (document WO/PBC/26/7); and*

*(ii) Following consideration of document WO/PBC/26/7 and the proposals of Member States referred to therein, make any recommendation to the WIPO General Assembly.*

[Annex follows]

PROPOSALS FOR THE HOSTING OF EXTERNAL OFFICES

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## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**Azerbaijan**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

[n/a]

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### **RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:**

1. Taking into account the leading position of the Republic of Azerbaijan in the region, its favorable geographic location, implementation of several large-scale projects and programs, growing role of intellectual property in the innovation, creative economy and sustainable development of the knowledge-based industries and its importance for [its] fast-growing economy, [the Republic of Azerbaijan] applies for the establishment of the WIPO EO in the Republic of Azerbaijan.

### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

#### **PURPOSE(S)<sup>2</sup>:**

2. The mandate of the WIPO EO in the Republic of Azerbaijan will be to represent WIPO in the country and to raise awareness of civil society about the activities of WIPO and the overall international intellectual property system.

3. The main aim of the EO in Azerbaijan will be to improve understanding and respect for IP, increase awareness of IP, improve their IP systems, streamline processes and develop the relevant staff dealing with IP at national IP offices, as well as to increase WIPOs visibility and engagement with the WIPO in the collaboration with the national IP offices - State Committee for Standardization, Meteorology and Patent of the Republic of Azerbaijan and Copyright Agency of the Republic of Azerbaijan.

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<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (INCLUDING REGIONAL ACTIVITIES IF APPLICABLE<sup>3</sup>):**

4. The activities of the EO will include: promoting research, development, outreach on intellectual property (IP) issues between WIPO and the government, industry, the private sector and the general public in the Republic of Azerbaijan; providing legal and technical assistance on IP; promoting the use of WIPO's services, providing assistance to the users; and liaising with WIPO Headquarters on issues that impact on the work of the Organization. It also will seek to increase innovation and creativity in the region by promoting effective use of global IP services such as the Patent Cooperation Treaty (PCT), Madrid System of Marks, and Hague System for industrial designs.
5. More precisely there will be several functions of the EO. First function will be the provision of information and assistance to the IP users. The EO can perform indispensable work in supporting WIPO's global systems in the relevant time zones and in the locally applicable language.
6. Furthermore, it will provide support to WIPO's general customer response network. As the WIPO receives, thousands of calls per week on IP related matters, and based on time difference many of them became unanswered after the business hours in WIPO Headquarters in Geneva, the existence of such an office in the region can be proven to be very valuable addition to the WIPO's general services.
7. Another function will be the administration of mirror sites for the WIPO's IT systems, platforms and databases for the purposes of IT security, business continuity, disaster recovery and load-sharing.
8. The further function will [be] the provision of technical support in relation to the various technical assistance programs administered in the Global Infrastructure Sector of the WIPO, such as implementation of the automation system for IP offices, establishment of Technology and Innovation Support Centers, that make available patent and other IP related information available to IP offices, higher educational and research institutions and implementation of IT system for collecting societies in support of copyright administration. This will also promote development and transfer of technology.
9. Last, but not least, the other function will be a general capacity building, that covers an extensive range, including conferences, seminars, trainings, on the spot training of a technical nature (e.g. for patent or trademark examiners or for technical resources in relation to technical database), participation in academic courses and programs, study visits and training at the foreign IP offices.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

10. The EO in Azerbaijan will offer considerable advantage in terms of strengthening the participation of the country in WIPO's Global IP Systems in order to resolve IP related issues more quickly by more effective use of such systems, enabling the WIPO to service more sustainable, equitably and effectively a vast territory and its surrounding region, and will assist in building capacity for the use of IP in a region where most national economic strategies aim to use rich resource base as a foundation for value addition in more knowledge-based industries.

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

*[No indication of proposed contribution provided]*

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>5</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

India

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>6</sup>:

1. India has chartered a path to develop knowledge-based economy with high level of emphasis on innovation and technology upgradation. Following pointers would set out the rationale for establishing a new External Office in India.
2. A comprehensive National Intellectual Property Rights Policy has been approved on 12th May 2016 with the clarion call “Creative India; Innovative India” that will not only stimulate innovation and creativity across sectors, but also provide a clear vision on the roadmap ahead. The Policy document is available on the website of the DIPP (<http://dipp.nic.in>).
3. India, the second most populous country in the world, also emerged as the fastest growing economy in the world in 2015. The 2015 Global Innovation Index report has chosen India as an example of an innovation achiever in Central and Southern Asia in the group of lower-middle-income countries. The report presents India as a representative ‘innovation achiever’ by providing a narrative of how the country has shaped its innovation policy over the years and a perspective on what has worked for India.
4. The Global Innovation Index aims to capture the multi-dimensional facets of innovation. In the GII-2016 report released by WIPO on 15th August 2016, India improved its ranking by moving up by 15 places to the 66th rank. GII 2016 reports highlights that “India is good example of how policy is improving innovation environment”. India is the top-ranked economy in Central and Southern Asia. This remarkable achievement is largely due to a better performance in university rankings, in which India is second among middle income economies and 20th overall. India is a top-ranking economy in central and south Asia with particular strengths in tertiary education and R&D, including global R&D intensive firms, the quality of universities and scientific publications, its market sophistication and ICT service exports where it ranks

<sup>5</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>6</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

first in the world. In patent families too, the country has made stellar progress and ranks third among middle income economies and 37th overall. India also over-performs in innovation relative to its GDP. The 'Make in India' programme of the Government of India has given a fillip to manufacturing in India. It aims to foster an innovation ecosystem in India and would help India in achieving world leadership in knowledge economy and technology.

5. The 'Startup India' mission has unleashed entrepreneurial energy among start-ups, as young and bright minds are raring to move ahead. Giving a spur to IPRs of startups, the Government of India has launched a scheme to facilitate IPR protection to startups for patents, trademarks and designs from the stage of filing to final disposal (including grant or registration) of the IPR applications.

6. The 'Digital India' Initiative provides a platform for people to display their talent and share ideas on spectrum of topics. The digital revolution has also kicked in innovations, and more and more innovations are expected in India in the sectors like education, agriculture, healthcare and environment in the near future. As a result, the number of IP filings is likely to increase at an exponential level.

7. Technology innovation will have a disruptive impact on outdated traditional models, bringing in welcome changes in tune with the times. Innovation is happening in several sectors in India from pharmaceuticals, automotive, energy, healthcare to media, governance and education. India is at the forefront in terms of IT and IT enabled services. India has received immense praise for service innovation in the past few years; at the same time it aspires to harness the power of product innovation to significantly contribute to increasing demand for Global IP Services.

8. India is working on leveraging the demographic dividend and bridge the innovation gap between the developing countries and the developed world. Real, sustainable economic development and growth in India will come from indigenous innovations, technologies, products and services.

9. Overall IP filings and, particularly domestic filings, in India has been consistently on the rise. For example, patent filings by residents have increased from 18% in 2005-06 to 28% in 2015-2016. EO can motivate and encourage domestic applicants for patents in India to file more and more international applications through PCT by providing interactive support, necessary guidance and access to resources. This will also result in enhancing WIPO's financial resources.

10. In Trademarks, filings have been going up over the years, and crossed the figure of 2,00,000 in the year 2013-14; in the year 2015-16, 2,83,060 applications have been filed – a huge 35% jump over the previous year. Domestic filings have been around 95% of total filings over the last few years. Large number of these Indian applicants, who remain confined to domestic protection, can be motivated to protect their trademarks internationally through WIPO mechanism of Madrid system that has shown encouraging results in India, if direct facilities and resources are available from the proposed EO of WIPO in India. The pendency in Trademark examination has already been brought down from the erstwhile 13 months to just 1 month already, much earlier than the target date of March 2017 which confirms the commitment of India to the cause of IP.

11. The pendency in Patent examination is targeted to be brought down from the present 5 to 7 years to 18 months of workload by March 2018. To achieve this, 459 new technically competent Patent Examiners in various fields of technology have been recruited on regular basis in addition to the existing 130. This exponential increase will bring the pendency down drastically. Also amendments in Patent Rules have been done to streamline process and to make them more user friendly. Refund of fees for examination upon withdrawal has been permitted. Timelines have been imposed to ensure speedy disposal, even as the number of admissible adjournments have been limited. The applications can be transferred electronically from any of the Patent Office branches to another.

12. India, through substantial reduction of fees for IPR filings by MSMEs & Startups, has already facilitated IPR protection for MSME & Startups sector which contributes in a big way for India's industrial progress by providing innovative products and services. Many departments of Government of India have initiated specific programmes to boost IPR promotion among MSMEs which would perfectly complement the WIPO objective set out for MSMEs, if EO is established in India.

13. To bring synergy between IP offices, the administration of Copyright Act, 1957 and Semiconductor Integrated Circuits Layout-Design Act, 2000 has been brought under the same umbrella organisation as

Patents, Trademarks, Designs and Geographical Indications. This shall enable an integrated approach and synergy between different IP offices and Acts.

14. Thus, in both the short and long terms, it would be a win-win situation for both India and WIPO by locating a new EO in India.

#### Needs of IP Users in India

15. Patent Applications: Number of Patent applications filed in India has increased from 17,466 in 2004 to 46,904 in 2016, a jump of 168%. India's ranking has also improved from 11 to 7 over the period of last 10 years in terms of filings. This upward trend is likely to continue as the disposal of applications increases. It may also be pertinent to mention that though over 70% of the applications are filed by foreign applicants, domestic filings have been on the increase.

16. Membership of PCT: The opportunities afforded by globalization and the digital revolution mean that many more Indian companies are aspiring to gain a foothold in global markets. WIPO's Patent Cooperation Treaty (PCT) offers them a cost-effective and efficient way to protect their cutting-edge technologies in about 151 countries.

17. India became a member of the PCT in 1998. In that year, just 14 international applications were filed by Indian inventors under the PCT; by 2014 that figure had risen 100 times to 1,428. To ensure that Indian companies benefit fully from India's membership of the PCT, the Patent Office of India is actively embracing and promoting the use of PCT-related services to expand access to a broader range of cost-effective services that simplify and streamline the process of protecting patents internationally.

18. International Search Authority: In October 2013, the Indian Patent Office became an International Searching Authority and International Preliminary Examining Authority (ISA/IPEA) under the PCT, joining 16 other countries in fulfilling that role. Indian companies now have easier access to local high-quality IP services in addition to those already available from other ISAs with acquiring ISA/IPEA status. With its own patent database and access to others around the globe, this offers top quality patent search and preliminary reports at extremely competitive prices. 1365 requests for ISR and 35 requests for IPEA have been received in ISA/IN till 31st March 2016. However, these requests have increased to 2126 ISR by end of 31<sup>st</sup> January 2017.

19. Madrid Protocol: With the accession of India to the Protocol Relating to the Madrid Agreement concerning the International Registration of Marks in July 2013, Indian companies also have access to a simple, cost-effective and user-friendly means of protecting their brands in global markets. The Madrid System has become a gateway to global markets for Indian applicants and also opens the door to foreign companies seeking to establish operations in the Indian market. Till 31st March 2016, 23,632 international applications designating India were received at the India's Trademarks Registry which is 17.6% increase over period of one year, and the number is likely to increase manifold in coming years.

#### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

##### **PURPOSE(S)<sup>2</sup>:**

20. The overall objective of India seeking to host an External office is to develop a balanced and effective international IP system that enables innovation and creativity for the benefit of India, WIPO as well as other relevant stakeholders. WIPO opening an External Office in India would also enhance the quality of service of WIPO, and also promote its unique role as a Global Service organization

21. An External Office in India would also reinforce WIPO's core functionality in following ways:

- (i) Promotion of, and support for, WIPO's Global Intellectual Property (IP) Systems,
- (ii) Effective delivery of technical assistance and capacity building activities,
- (iii) Promotion of WIPO's treaties, and
- (iv) Implementation of effective communication and outreach strategies.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>7</sup>):**

Proposed Functions of External Office in India:

22. Based on preliminary assessment, [India] envisages that the External Office in India could undertake the following functions:

- (i) One of the main functions of WIPO is to provide Global IP Services. Overwhelming proportion of the total financial resources of the WIPO comes from these services. Executing Technical Assistance for Developing Countries and Least Developed Countries is another key function of WIPO. WIPO derives around 96% of its revenue from fees for services rendered under its Global IP Systems Viz. Patent Cooperation Treaty, the Madrid System for Marks, the Hague System for designs, the WIPO Arbitration and Mediation Centre, etc. The PCT and Madrid contribute to about 77% and 16% of the total revenue of WIPO. As India is a member of both PCT and Madrid Systems, a WIPO office in India would build a conducive environment for creating more interest in these Systems, thus resulting in more IP filings and consequent increase in the income of WIPO.
- (ii) An essential part of the services that WIPO provides in respect of its Global IP Systems consists of information and assistance services to users of the Systems. For example, in 2015 the PCT Information Service within the PCT Legal Division of WIPO received 11,192 total inquiries (emails, calls and faxes), that is, an average of 932 inquiries per month or 45 per day. 47% of those inquiries in 2015 came in by phone, so approximately 438 per month. The origin of phone calls could be determined in 2015 for 91.7% of calls. Of the 5,458 calls received in 2015 for which [India] could determine their origin, 456 calls (8.35%) were from Asian countries. External Office in India can perform a vital service in supporting the Organization's Global IP Systems in the Asian time zones at a very affordable manner.
- (iii) A WIPO External Office would provide a valuable addition to WIPO's general customer response network. If a person calls the general number of WIPO before business hours in Geneva, the call could be automatically received and answered, in India.
- (iv) External Office in India would be able to provide technical support in relation to various technical assistance programs administered in the Global Infrastructure Sector of WIPO such as the establishment of Technology and Innovation Support Centers (TISCs) that make available patent information and other scientific and technical information to IP Offices, universities and research institutions throughout India and other developing countries. Providing intensive technical support through an External Office in India may be much more cost efficient through experts attached to the proposed External Office, rather than through the deployment of experts from the Headquarters.
- (v) The proposed EO could save substantial cost for WIPO for carrying out various Capacity Building activities such as organization of Conferences, Training seminars, WIPO Summer Schools, technical training for patent or trademark examiners, study visits and training at Indian Patent offices. This is bound to reduce budgetary requirements of WIPO, especially for travel and other logistical arrangements.

Objectives of the proposed External Office in India

23. Following are the objectives of the proposed EO in India:

- (i) Promote WIPO's Global Services such as the PCT and Madrid systems, and also coordinate with Government for accession to other Systems in the coming years;
- (ii) Provide efficient and timely services to users and applicants of the PCT, Madrid systems, global databases such as PATENTSCOPE, Global Brand Database, Global Design Database as well as the WIPO Arbitration and Mediation Center services;
- (iii) Collaborate with Department of Industrial Policy and Promotion (DIPP), Indian IP offices including that of Controller General of Patents, Designs, Trademarks and GIs as also Registrar of Copyrights, Indian Industries, Business houses, Industry Associations and Chambers of

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<sup>7</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

- Commerce to develop and promote WIPO's global partnership projects such as WIPO GREEN and WIPO RE:SEARCH;
- (iv) Coordinate with Department of Industrial Policy and Promotion and the Indian IP offices including that of Controller General of Patents, Designs, Trademarks and GIs as also Registrar of Copyrights, and assist WIPO HQ in undertaking activities for the development of the WIPO knowledge database "IP Advantage";
  - (v) Collaborate with Rajiv Gandhi National Institute of Intellectual Property Management (RGNIPM) to promote the activities of WIPO academy for the benefit of IP offices in the entire region, including Central Asia, for development of human resources and capacity building activities
  - (vi) Cooperate with the United Nations agencies present in India to organize outreach program activities as part of inter-agency cooperation;
  - (vii) Assist the HQ in coordinating with IP experts and policy makers from India in order to share India's experience in the use of IP systems for innovation through the participation of such experts in meetings; and
  - (viii) Support WIPO's Round-the-Clock service during the allotted time frame.

Linkage between WIPO Strategic Goals & Objectives of proposed EO in India:

WIPO Strategic Goals	Objectives of proposed EO in India
II Provision of Premier Global IP Services	Yes
III Facilitating the Use of IP for Development	Yes
VII Addressing IP in Relation to Global Policy Issues	Yes
VIII A Responsive Communications Interface between WIPO, its Member States and All Stakeholders	Yes
IV Coordination and Development of Global IP Infrastructure	Yes

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

24. The opening of a WIPO External Office (EO) in India would add value, efficiency and effectiveness to the program delivery in a coordinated manner. The proposed EO would complement the work undertaken at the WIPO's Headquarters in Geneva. This will be done keeping in mind that there is no duplication of work, and there is an optimization of WIPO resources. Such an office will be cost effective responding to the growing need for IP services in India; hence playing an important role in the overall economic development of the country and strengthening India's knowledge-based economy. The proposed office will form an integral part of WIPO's Results-Based Management (RBM) and regulatory framework.

25. India believes that establishment of a new External Office in India would add immense value to WIPO's current setup, by way of following advantages:

- (i) It will create a strong communications interface with the local stakeholders in India and the same cannot be created by occasional visits and missions. EO is likely to contribute towards intense cooperation between WIPO & Government of India to meet demands from users of WIPO services;
- (ii) It will help result in considerable savings on travel expenditure, as there would be less number of missions that the WIPO HQ teams need to make for undertaking various activities in India;
- (iii) The presence of EO in India will help in holding of more activities such as seminars and workshops, thus strengthening capacity-building and provision of technical assistance activities in India as well as Central Asia;

- (iv) WIPO's geographical coverage will become more comprehensive and global with enhancement of its global customer network by providing WIPO's services which WIPO HQ alone cannot achieve; and
- (v) EO in India would constitute an integral part of a WIPO global office network as a means of providing timely and efficient services to stakeholders both in India and outside.

26. Overall, the beneficiaries of WIPO Services in India will have higher degree of satisfaction and accomplishment of work, thus enhancing the image and reputation of WIPO as the premiere Global IP Service Provider.

27. The time difference between India and the WIPO HQ in Geneva is four-and-a-half hours in winter and three-and-a-half hours in summer. As a result, currently only few hours of the standard work day overlap between these two locations is possible. This has been placing a significant constraint on timely and efficient communications between WIPO HQ and Indian institutions. Presence of a WIPO EO in India would address this serious drawback in the engagement of WIPO with India.

28. Presently there is only one External Office in the Asia and the Pacific Region i.e. Singapore. The presence of this EO in Singapore has no direct benefit to India, as it caters at best to the ASEAN region only. As the demand for IP services in India is rising exponentially, the proposed EO in India would be well placed to fulfill the growing demand from India's IP regime, and also benefit the overall objectives of the WIPO.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>8</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

Financial Sustainability/ Budget Neutrality

29. Government of India has offered gratis suitable premises for the proposed office. It will also provide basic furniture and equipment, as [well as] appropriate security arrangements to operationalize the office. Once the decision to establish an EO in India is taken, privileges and immunities and other facilities similar to those accorded to other UN Specialized Agencies will also be considered.

30. Resources and Cost Efficiency: A major benefit of establishing an EO in India would be the financial and in-kind contribution made by the Indian Government. The gratuitous provision of the premises will remove WIPO's long-term liability as far as premises are concerned. Then, India would facilitate and also work in tandem with WIPO to operationalize the office and use it to further the cause of IPRs in India and the entire region.

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<sup>8</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Iran (Islamic Republic of)**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

31. Due to the unique capacities for intellectual productions in [the Islamic Republic of Iran] and the impressive achievements of the Islamic Republic of Iran in the field of intellectual property at regional as well as international levels, to the extent that Iran is ranking first in recent years in the region. These achievements have been attained substantively due to the national emphasis on protection of the development of science, technology and intellectual productions in the 20 years Development Prospective Document (Horizon 2020), the Comprehensive Scientific Roadmap of the Country, the Rules of the 3rd, 4th, and 5th Five Years Economic Development Plans which led to quantitative and qualitative growth of students, researchers and universities.

32. In order to achieve these goals and the emphasis given in the mentioned documents to development and promotion of IP in [the Islamic Republic of Iran], the State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran (Intellectual Property Center) as the competent authority for the registration of industrial properties and the national focal point of the Islamic Republic of Iran at WIPO has notified publicly and privately the importance of IP, especially during the last 15 years.

33. In this regard, in addition to organizing joint programs and events with WIPO, it has organized more than 300 workshops and seminars around the country in cooperation with the Science and Technology Parks, Province Chambers of Commerce, universities and other relevant authorities and agencies.

34. In this regard, it must be added that for the scientific growth and development of the country and in order to benefit from intellectual productions, the Science and Technology Parks which have an important role in commercialization of the ideas, have had a very rapid growth so that [the Islamic Republic of Iran] have now almost in all provinces the Science and Technology Parks. The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran for raising awareness of intellectual property among the public and private, in addition to the national IP training, has had the international IP training, including the workshop for the examiners of the industrial property office of Afghanistan and

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

recently, has received a request from IP Office of Tajikistan concerning the training of the examiners of IP office of this country by Intellectual Property Center of the Islamic Republic of Iran.

35. Iran (Islamic Republic of) has had an excellent cooperation with the Economic Cooperation Organization (ECO) and hosted the third session of the coordinating committee of ECO on IP in Tehran this year. In this session, the Islamic Republic of Iran proposed the organization of the IP workshop in Persian and English for participants from all ECO Member States that was adopted in the session of the ECO Regional Planning Council.

36. Considering the above-mentioned activities and due to more than 90 years of experience of the Islamic Republic of Iran for the registration and protection of IP and the most prominent IP position that Iran stands in the region, the countries of the region have a positive approach to IP pool of expertise in the Islamic Republic of Iran.

37. However, due to the above-mentioned capacities and promotion and development of IP in the Islamic Republic of Iran and needs and applications for the national and international registration and protection of industrial properties during the recent years that have significantly increased, as indicated clearly in the statistics published by WIPO, the patents, trademarks and industrial designs applications have significantly increased in 2013 and 2014, and the Patent Office and Industrial Design Office of Iran is in the list of the top 20 offices of the Member States of WIPO because of the increasing rate of the applications and also in 2014, Iran ranked first in the region in this regard.

38. It is worth to be mentioned that the increase in applications has been due to the promotion of the public awareness of IP and creation and development of the culture of respect for IP in [the Islamic Republic of Iran] and also providing the strong legal infrastructures, including the up-to-date and comprehensive rules and regulations in the field of industrial property and adhering to the IP Conventions during the last 10 years, including the international registration systems, namely the Madrid Agreement and Protocol Concerning the International Registration of Marks (The Madrid System), the Lisbon System for the international Registration of Appellations of Origin ( the Lisbon System) and recently, The Patent Cooperation Treaty (the International Patent System).

39. Therefore, due to the increase in applications, needs based on the exploitation and commercialization of these properties have increased and it is obvious that the establishment of the WIPO External Office in the Islamic Republic of Iran, considering the description of its activities, could promote increasingly IP and ensure the advance of the goals of the World Intellectual Property Organization in Iran more than ever.

40. Iran (Islamic Republic of) is a founding member of the United Nations (UN), *Economic Cooperation Organisation* (ECO), *Non-Aligned Movement* (NAM), *Organisation of Islamic Cooperation* (OIC), and *Organization of the Petroleum Exporting Countries* (OPEC). Offices of international organizations represented in Tehran are as follows: UN, *United Nations Office on Drugs and Crime* (UNODC), *United Nations Population Fund* (UNFPA), ECO Cultural Institute, ECO Secretariat, *Food and Agriculture Organization* (FAO), Parliamentary Union of the OIC Member States Secretariat, *International Maritime Organization* (IMO), *Islamic Educational, Scientific and Cultural Organization* (ISESCO), *United Nations Industrial Development Organization* (UNIDO), UNIDO South-South Center, *United Nations Information Centres* (UNIC), *United Nations Development Programme* (UNDP), *United Nations Children's Fund* (UNICEF), UN-Habitat, *United Nations Educational, Scientific and Cultural Organization* (UNESCO), *United Nations Assistance Mission in Afghanistan* (UNAMA), *United Nations Assistance Mission for Iraq* (UNAMI), *World Food Programme*(WFP), *World Health Organization* (WHO), *United Nations High Commissioner for Refugees*( UNHCR), *United Nations Office for the Coordination of Humanitarian Affairs* (UNOCHA), Secretariat of the Asian Parliamentary Assembly, *International Committee of the Red Cross* (ICRC).

41. Given the privileged scientific position of Iran (Islamic Republic of) and since several Iranian universities have the Master of intellectual property rights; the establishment of WIPO External Office in Tehran can play a key role in advancing the goals of the World Intellectual Property Organization in Iran.

## **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

### **PURPOSE(S)<sup>2</sup>:**

*[See section on “Proposed scope of activities”]*

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

42. Proposed scope of activities of the WIPO Iran Office:
43. Local support services for WIPO'S Global IP Systems. One of the principal activities of this office after its establishment in the Islamic Republic of Iran is the close cooperation with the National Office (Intellectual Property Center) in helping the better and more effective enforcement of the systems of the World Intellectual Property Organization, including the Madrid, Lisbon and PCT systems of which the Islamic Republic of Iran is a Member, and also providing the registration services to applicants by the above-mentioned systems in cooperation with the International Bureau of WIPO;
44. The provision of technical support in relation to the various technical assistance programs administered in the Global Infrastructure Sector of the Organization;
45. General capacity building and other development cooperation activities.
46. The provision of technical assistance and advice to the owners of the intellectual properties in order to exploit the IP for the development of the country and also the transfer of technology. It must be mentioned that the Islamic Republic of Iran has some joint projects with WIPO, including the carpet project and the start of implementation of technology and innovation support centers (TISC) project;
47. Assisting in the commercialization of IP and facilitation of communication between industry and authorities of the intellectual productions;
48. Responding to the daily-increasing importance of innovation and creativity and the role to be played by IP in a knowledge-based economy in Iran.

### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on “Proposed scope of activities”]*

### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

49. Facilities available for the establishment of the WIPO External Office in the Islamic Republic of Iran:
  - (a) The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran which is, in accordance with the Article 52 of the Law on Registration of Patents, Trademarks and Industrial Designs, the competent authority for Industrial Property and the National Focal Point of the Islamic Republic of Iran at WIPO and the Unions of the relevant conventions, ensures provision of all the facilities for the establishment of the WIPO External Office in the Islamic Republic of Iran. There is a separate suitable building of 500 square meters just next to the seat of the Intellectual Property Center in Tehran that will be allocated to this purpose and could be expanded in later stage, if need will be.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: “The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ”.

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: “Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation”.

(b) Regarding the Administrative expenses of this Office, according to the Article 63 of the Law on Registration of Patents, Trademarks and Industrial Designs, it is possible to use 50 percent of the foreign exchange earnings from International Registrations Systems of Industrial Property for the promotion and equipment of the Office. The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran ensures provision of all the expenses and needs of the WIPO External Office in Iran, according to its legal authority, through using basic and other revenue sources.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>5</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

Oman

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>6</sup>:

1. The Sultanate of Oman wishes to host an External Office in order to contribute to the establishment of a solid basis for strengthened cooperation efforts towards the creation of a knowledge-based economy.

*National Innovation Strategy.*

2. The Government’s National Innovation Strategy is anchored in its vision to drive Oman among the world top 20 innovating countries by 2040. This will be achieved by establishing an efficient national innovation system for sustainable development, linking and streamlining national policies related to diversified economy, education, research and development, technology transfer, national infrastructure and entrepreneurship.

*Intellectual Property (IP).*

3. The National Innovation Strategy builds on fundamental elements which include intellectual property and commercialization of knowledge. It is centered around effective institutional communication and cooperation among various IP-related entities in Oman, namely the Ministry of Commerce and Industry, the Research Council (TRC), Ministry of Higher Education, Ministry of Education, Ministry of Agriculture and Fisheries, Ministry of Manpower, Ministry of Tourism, Ministry of Heritage and Culture, Sultan Qaboos University, Public Authority for SME Development (RIYADA), Public Authority for Craft Industries (PACI), Higher Judicial Institute, Directorate General of Customs, and Information Technology Authority, as well as private sector entities such as law firms, innovation and IP firms and the Small and Medium-sized Enterprise Fund (SMEF).

4. A comprehensive plan has been established for the IP and knowledge commercialization stream, comprising a vision for a knowledge society anchored in an effective IP system at individual, institutional and national level.

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<sup>5</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>6</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

5. This vision has strategic objectives with underpinning operational programs aimed at activating and enabling innovation:

- institution building for IP advice, services and policy development in Oman;
- increased number of ventures and SMEs based on added-value business models and tangible and intangible assets;
- enhanced legal authorities and institutions with knowledge, resources and capabilities to deal with IP issues;
- increased economic revenue through transfer of knowledge from research centers to markets;
- better understanding and awareness of the social contribution of IP-based creativity and innovation.

6. With a comprehensive legislative policy and a legally enforced IP system, Oman is party to: the WIPO Berne Convention, Paris Convention, Brussels Convention, PLT, TLT, WCT, WPPT, Nairobi Treaty, Budapest Treaty, Hague Agreement, Madrid Protocol and PCT. Oman is also party to other IP-related multilateral treaties, including the UPOV Convention, Convention on the Protection and Promotion of the Diversity of Cultural Expression, Convention for the Safeguarding of the Intangible Cultural Heritage, International Treaty on Plant Genetic Resources for Food and Agriculture (CGRFA), International Plant Protection Convention (IPPC), Agreement Establishing the World Trade Organization (WTO), TRIPS Agreement, Convention concerning the Protection of the World Cultural and Natural Heritage, as well as other IP-related multilateral, bilateral and regional treaties.

7. Firmly committed to fulfill its obligations under the various treaties, Oman has established Laws and Regulations which underpin and support its effective framework for innovation, investment and IPR protection. These include:

- Laws: Basic law of the Sultanate of Oman as amended by Royal Decree No. 99/2011; Royal Decree No. 49/2009 promulgating the Law on the Protection of Breeders' Rights in New Varieties of Plants; Royal Decree No. 67/2008 promulgating the Industrial Property Rights Law; Royal Decree No. 65/2008 promulgating the Law on Copyright and Related Rights; Royal Decree No. 81/2002 promulgating the Law on Consumer Protection; Royal Decree No. 29/2002 promulgating the Law on Civil and commercial procedure; Royal Decree No. 6/1980 promulgating the Law on the Protection of National Heritage; Omani Penal Code No. 7/1974.
- Regulations: Ministerial Decision No. 103/2015 issuing the Executive Regulation of the Law on the Protection of Breeders' Rights of New Plant Varieties; Decree No. 103/2008 of Ministry of Trade and Industry issuing the Executive Regulations of the Law on Copyright and Related Rights; Regulation No. 105/2008 under the Law on Industrial Property Rights.

#### *Enhanced Intellectual Property Department (IPD) Services.*

8. The Intellectual Property Department, at the Ministry of Commerce and Industry, is the authority responsible for the provision of IP-related services, including in respect of patents, industrial designs, trademarks, copyright and related rights. The Ministry of Commerce and Industry has enhanced and modernized IPD services through human resource development, especially in the field of patent and industrial design examination, international patent reception and trademark registration. In this regard, training of technical examiners is provided in cooperation with WIPO and other national patent offices. In addition, IPD also initiated the entry of patent bibliographic data using the WIPO IPAS system.

#### *Innovation Support Institutions*

##### The Research Council (TRC)

9. Established by Royal Decree 54/2005, the Research Council (TRC) marked a significant turning point in the knowledge-based development process of the country. TRC is responsible for the regulation and promotion of scientific research through technical and financial support. It aims at establishing an innovation environment which responds to both local needs and global trends, reinforces social ties and channels creativity and scientific excellence.

10. TRC also launched two initiatives:

- **Oman Centre For Animal & Plant Genetic Resources (OAPGRC).** Following His Majesty Sultan Qaboos bin Said's order to review Oman's opportunities in the protection of its globally

significant genetic resources, the OAPGRC was established in 2012. Its mission is to promote recognition, sustainable exploitation and valuation of genetic diversity inherent in Oman's animals, plants and microorganisms as a natural heritage resource. Its vision is to develop as a collaborative hub for all animal and plant genetic resources activities, to contribute to local research and capacity building activities in the field of genetic resources, and to promote global research and scientific and practical innovations.

- **Innovation Park Muscat (IPM).** It is one of the major initiatives by the Research Council (TRC) aimed at encouraging scientific research, innovation and activating collaboration between the academic, private and the diverse industry sectors of local and international communities. IPM seeks to provide and enable a healthy milieu for researchers, innovators and entrepreneurs by providing them with the services that help them to develop their soft skills and focus on scientific research. It also strives to build on their ability to utilize knowledge, develop products based on scientific research, and turn ideas into commercial products. This will promote and contribute to the efforts made by the government to diversify sources of national economy.

#### Industrial Innovation Center (IIC)

11. Launched in 2010, the Industrial Innovation Center (IIC) works towards sustainable solutions for disseminating an innovation culture in Oman's industries. Its mission is to develop and promote Omani industries and help the industrial sector develop products and increase its capacities to open new markets nationally and internationally. IIC also seeks to support industrial projects through links with different research centers, as an illustration of the benefits of collaboration with the research community in universities, research labs and science centers.

#### Public Authority for SMS Development (RIYADA)

12. Established by Royal Decree 36/2013, RIYADA is tasked with promoting small and medium-sized enterprises (SMEs) and strengthening their role in the development of national economy. To that end, RIYADA provides a comprehensive range of technical, training and advisory services. It seeks to reinforce a culture of entrepreneurship and self-employment among the younger generation and enhance competitiveness of existing businesses. RIYADA also helps businesses enhance their capacity to bring added value to national economy and contribute to economic diversification, support innovation and use modern technology.

#### *National Entrepreneurship Support Fund.*

#### Al Raffd Fund

13. Established by Royal Decree 6/2013, the Al Raffd's target groups include job-seeking young people, craftsmen working in the handicrafts industries as well as women in rural areas. The Fund develops and implements financing programs for start-ups with high potential and job openings, and ensures that entrepreneurs are able to develop their business and achieve financial and administrative autonomy. It also helps increase their competitiveness through product and service development in local and regional markets.

#### *Small and Medium-sized Enterprise Fund (SMEF)*

14. Capitalized at 250 million Omani Riyal, SMEF is a private sector SME support fund launched as a development and partnership initiative. It contributes to the development of SMEs, identification of new entrepreneurs, enterprises and opportunities for capital and loan investment. It has a four-point implementation strategy:

- **Entrepreneurial Campus.** Targeted at selected colleges and in coordination with the Ministry of Higher Education, this program's objective is to undertake activities for the creation of small startups in universities in order to promote a culture of entrepreneurship and creation of entrepreneurship societies/clubs, through workshops and training courses.

- SME Financing. Quick and flexible financing for new projects, subsidized interest rates for eligible SMEs, with capitals from 50,000 to 300,000 Oman Riyal, and a repayment period of up to 5 years.
- SME Nurturing. Monitoring, mentoring, accounting support, low cost software, and market competitiveness.
- SME Legitimization. Partnerships and investment opportunities, working with large companies in major projects, especially in the oil and gas sectors.

#### Oman Technology Fund (OTF)

15. Launched in October 2016 with a capital of 200 million USD, the Oman Technology Fund (OTF) specializes in startups. It seeks to make investments in emerging technology enterprises in Oman. Through its three investment funds (Early Stage, Accelerated Stage and Growth Stage), OTF's ambition is to act as a technology innovation hub for the region, attracting regional start-ups to relocate their operations to Oman.

#### Ibtikar Development Oman (IDO)

16. Ibtikar Development Oman (IDO) was established in 2016 by the State General Reserve Fund, Oman Oil Company SAOC, the Research Council, and Oman Telecommunications SAOG. IDO invests equity capital in world class technology companies, transfer of technology, use of Oman's natural and human capital. IDO seeks to contribute to modern technology transfer and development of the knowledge economy in Oman.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

17. By hosting the External Office, the Sultanate of Oman aims to develop a comprehensive and effective intellectual property (IP) system which supports the implementation and realization of the National Innovation Strategy vision and objectives.

18. A WIPO External Office in Oman would reinforce IP institution efforts towards the development of a National IP Strategy.

19. The WIPO External Office, through the Ministry of Commerce and Industry, would collaborate with innovation support institutions in Oman for the promotion of WIPO's services, effective implementation of technical assistance and capacity-building activities, enhance understanding of and respect for IP, and improve IP systems.

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>7</sup>):**

20. Activities of the External Office would focus on supporting the implementation of operational programs for the IP work-plan under the National Innovation Strategy.

21. National human resource development through a national IP training and education program for primary and secondary schools, academic and research institutions, and legal and judicial authorities.

22. A training and professional program for patent and trademark examiners and technical databases.

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<sup>7</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

23. Support for the elaboration and implementation of an IP Office system and creation of Technology and Innovation Support Centers (TISCs) to provide higher education institutions and scientific research centers with patent and non-patent information, as well as the deployment of a network for technology transfer.
24. Strengthening research and development activities in intellectual property.
25. Support for sustainable awareness and promotional programs and campaigns on the social and economic benefits of IP-based businesses and the risks related to piracy, counterfeiting and IPR infringement.
26. Support for the development of an effective IP service management based on best practices in IP Offices.

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

27. The External Office will contribute to the achievement of WIPO's strategic objectives owing to Oman's commitment to these objectives under its National Innovation Strategy.
28. The External Office would implement technical assistance programs in a conducive institutional framework leading to the development and modernization of new tools and models in the field of intellectual property.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>8</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

29. The Sultanate of Oman will provide office space, furniture, equipment as well as appropriate security arrangements. Oman will also facilitate cooperation with WIPO in terms of office operation and use to enhance and develop the IP system in Oman and the region.

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<sup>8</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>9</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Republic of Korea**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>10</sup>:

50. The Republic of Korea (“Korea”) is the optimal place to carry out activities that aim to meet the current demands of WIPO Premier Global IP Services users and to share Korea’s unique experiences in using IP to generate economic development. A WIPO Office in Korea will bring astonishing benefits for performance and strengthen the IP world by boosting a strong IP foundation and global business infrastructure.

51. All WIPO Member States have a responsibility to ensure that WIPO and its External Offices are able to deliver its programs in a most effective manner and produce excellent outcomes. It goes without saying that WIPO’s main goals are to develop a global IP system for the enhancement of innovation and creativity, and to enable developing countries to benefit from these global IP systems by building their IP capacity, thereby creating an IP innovation cycle. Considering the mission of WIPO, the location of WIPO External Offices should be decided based on where an innovation cycle works well. Needless to say, the location must be somewhere the users of proficient IP services are abundant and the knowhow in implementing developmental aspects is extensive. A WIPO Office in Korea will coordinate global outreach services to improve the aforementioned cycle.

#### Korea is an IP Powerhouse

52. Korea is a world leader of innovation and creativity when it comes to exploiting the intellectual property system. Currently, Korea has substantially more users of IP related services, including WIPO Premier Global IP Services, than most countries. This does not refer to the potential demand reflective of population and national development, instead, it’s the real-life current demand that exists in which WIPO and the IP communities have to answer to.

53. The number of PCT applications by Koreans was 14,626 in 2015, which was the 5th largest amount in the world. As a majority of developed countries are reaching a plateau in terms of PCT applications, Korea has continued to see a gradual increase. Specifically, in 2015, compared to the year

<sup>9</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>10</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

before, there was an increase of 11.5% in Korea, whereas there was a 1.7% increase for overall PCT applications. In addition, Korean, which is a PCT publication language, is the 5th commonly used language for PCT applications.

54. Patent applications by Koreans are consistently the 4th largest in the world, and in 2015, patent applications totaled 238,015. Concurrently, resident patent applications per 100 billion USD GDP (9,610 in 2015) and per million population (3,305 in 2015) are the 1st in the world respectively.

55. In the case of industrial design, application design counts by Koreans are the 2nd largest in the world. And, the number of Korea's resident application design count per 100 billion of USD GDP and per million population are also the 1st in the world. At the same time, the number of Hague international applications by Koreans is the 3rd largest in the world, with a total of 548 applications, and the number of design counts in Hague international application is the 4th largest, with a total of 1,282 designs in 2015.

56. When we look at research and development (R&D) for creating IP, Korea's expenditure on R&D as a percentage of GDP was 4.3% in 2014, which was the highest in the world.

#### Korea has contributed to IP World

57. In a short span, Korea has been able to utilize IP to successfully transform from an LDC to one of the world's most developed countries. This was only possible due to the help from the international community, and it is time to pay it forward by providing similar help to any country that wants to achieve sustainable development. We strive to do this by effectively transferring Korea's experience in using IP through one single channel.

58. As of 2015, Korea's official development assistance (ODA) annual budget was 1.9 billion USD, which is a number that has been constantly on a rapid rise since the early 2000s. Further, the annual average growth rate of the ODA budget over the past 5 years was the 1st in the world.

#### *WIPO Korea Funds-in-Trust*

59. Since 2004, Korea has contributed about 12.6 million USD to the WIPO Korea Funds-in-Trust and applied it to WIPO-Korea joint projects that strengthen the global IP system by promoting economic, social and cultural development. Thanks to the WIPO Korea Funds-in-Trust, the Korean Intellectual Property Office (KIPO) has held yearly appropriate technology (AT) competitions in a total of ten different countries since 2011, and provided IP educational courses, such as Workshops on Patent and Trademark Law & Examination, Workshops on Trademark Law & Examination as well as implemented IP automation systems.

#### *KIPO's Global IP Sharing Projects*

60. In terms of bilateral ODA, Korea has implemented a variety of Global IP-sharing Projects. First, KIPO has disseminated appropriate technologies and developed brands for some local products of developing countries to improve quality of life.

61. Second, subsequent to the development of Korea's IP automation system, KIPOnet, in Korea, the pendency period of examination has been reduced and users' convenience has increased. Based on this experience, Korea is spreading IP information systems and is providing IT consultations to 10 different countries in order to help developing countries modernize their IP administration.

62. Third, Korea has produced various global IP educational contents that are customized to people in various walks of life. These have seen much success, so much so that 'IP Panorama' is now available in 24 different languages and used all over the world, and 'Getting Creative with Pororo' has over 23 million views.

63. Fourth, Korea has operated various IP training courses every year. 13 training courses for about 230 people are provisionally scheduled for the year 2017. Additionally, Korea will jointly hold the Head of IP Office Conference with WIPO on April 12-14, 2017. This conference aims to enhance the IP capacity and leadership of the heads of IP offices in Asia by providing them with a learning platform and environment to share information and experiences, and also aims to encourage South-South collaboration and cooperation.

## **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

### **PURPOSE(S)<sup>2</sup>:**

*[See section on “Proposed scope of activities”].*

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>11</sup>):**

#### **WIPO Office in Korea as a Premier Global IP Service Provider**

64. A WIPO Office in Korea can provide customized services to all Premier Global IP Service users in Korea which will in turn increase PCT, Madrid and Hague applications. Around-the-clock, face-to-face services in multiple languages can ease the 8 hour time difference between Korea and WIPO’s Geneva headquarters and reduce language barriers.

65. There is an extremely high potential to increase PCT, Madrid and Hague applications in Korea. For example, only 6.3% of Korean domestic patent applications go abroad through the PCT system. So, if a WIPO Office in Korea can increase this percentage of PCT applications to about 10%, which is a percentage comparable to other countries such as USA and Japan, then it could lead to about a 14 million USD increase in revenue for WIPO.

#### **WIPO Office in Korea as a Hub for Development Projects**

66. A WIPO External Office in Korea can better support developing countries by providing larger scale development projects in a more effective manner. We can manage WIPO Korea Funds-in-Trust more effectively and undertake bigger development projects with long-term strategies. In the long run, a WIPO External Office in Korea will become a regional foundation for launching future development projects.

#### **WIPO Office in Korea Office as a Hub for Global IP Education**

67. A WIPO External Office in Korea can provide customized online and offline education courses, operated via proven teaching methods and qualified instructors, by using Korea’s extensive knowhow and experience. In particular, Korea has knowledge on how to integrate our advanced IT skills into useful IP education, and accumulated teaching knowhow through previous training programs. Korea plans to use a WIPO External Office as a gateway to boost the intake of IP education and ensure various people become educated so as to catalyze advancements to the global IP system. One possible idea for the future enhancement of the global IP system is, Korea hopes, to collect the diverse array of IP backgrounds of many countries and integrate it into one enlightening seminar.

## **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO’S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on “Proposed scope of activities”].*

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<sup>11</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: “The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO’s approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ”.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>12</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

68. In order to make a WIPO External Office operate successfully, support from the governments of hosting countries is essential. This means not only providing office space, equipment, internet, and security, but also practical resources such as manpower and budget. The Korean government will support financial sustainability of a WIPO Office in Korea through the use of WIPO's Korea Funds-in-Trust to ensure optimal performance. Furthermore, the WIPO Office will be located within a grand and aesthetically pleasing business infrastructure near the world-renowned Incheon International Airport.

69. An additional benefit will include the fact that the resulting revenue growth coming from an increase in the use of Global IP Premier Services will exceed the expense costs that are required for the operation of a WIPO External Office in Korea.

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<sup>12</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Romania**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP X

### IF ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

At the submission date [of the proposal], support letters for the proposal of the Government of Romania have been received from 7 countries in the region (Albania, Bosnia and Herzegovina, Georgia, TFYR of Macedonia, the Republic of Moldova, Montenegro and the Republic of Serbia).

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes X                      No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

70. Romania considers that the functioning of a sub-regional External Office in the Central European and Baltic States region will be beneficial both for WIPO and the Group’s Member States and will not prejudice in any way the rights and the conduct of relations by any other Member State in the region with WIPO HQ or the rights of any country with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ.

71. The countries in the sub-region are performing well economically, as they have recorded steady GDP growth over the last five years. Yet, such positive economic results are not fully mirrored when it comes to the number of IP applications. More efforts are needed to reverse any descending trend and further consolidate positive data with regard to IP applications.

72. The potential of the countries in the sub-region, in many areas relevant to the intellectual property field, is significant. They show a remarkable propensity to digital environment and Internet. According to Brainbench statistics, countries from the region are situated in the top 10 worldwide regarding skills in computer technical support, technical help desk, network technical support, computer electronics, telecommunications, LAN/WLAN communications, network design, ASP.NET, HTML, PHP, web development concepts and many others. They are also leaders in Europe and on top positions in the world in terms of Adult ICT literacy rate.

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<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

73. As regards Internet speed, the Internet Society official rankings list several countries from the CEBS region on top positions in the world (see *Table no. 3, based on November 2014 NetIndex Data; for more information, see: [http://www.internetsociety.org/map/global-internet-report/?gclid=COaytPj2\\_8oCFWLnwgodtpUNQA#download-speed-fixed](http://www.internetsociety.org/map/global-internet-report/?gclid=COaytPj2_8oCFWLnwgodtpUNQA#download-speed-fixed)*)

74. The great potential of the region as regards research and innovation is definitely demonstrated by the construction of the Extreme Light Infrastructure-Nuclear Power (ELI-NP) Research Centres<sup>3</sup>, being set in Măgurele town, near Bucharest and built on three pillars, including the world's most powerful laser, generating 10% of the sun's power on a square centimeter.

#### The ELI - nuclear physics facility

75. Two other facilities are dedicated to the study of secondary sources in the region, in Dolni Brezany, near Prague/Czech Republic, and to the attosecond pulses in Szeged/Hungary.

76. Therefore, from 2017 ELI-NP project will create in the region one of the most important laboratories in the world, to consistently investigate a very broad range of science domains, from new fields of fundamental physics, new nuclear physics and astrophysics topics, to applications in material science, life sciences and nuclear materials management.

77. Not the least, over the last years, the innovative work of representatives of specialists from the sub-region was acknowledged within prestigious trade fairs and international competitions worldwide. A considerable number of inventions received the gold medals and highest prizes and distinctions in international exhibitions of inventions.

78. The creative industries play an important role in the region [*refer to table "Economic Performance of Copyright-Based Industries of Countries from the Region" in the proposal*].

79. Based on the creativity, talent and skills of individuals and with a great potential in creating jobs and generating prosperity through the production and management of IP, these industries include advertising, architecture, art, handicraft, design, fashion, film, video, photography, music, visual arts, television and radio, publishing, software, video games and electronic publishing. Most of the studies in the field emphasize the faster growing potential of the creative industries than other sectors of the economy. Moreover, according to a recently published World Economic Forum study<sup>4</sup>, creativity will be on the third place in Top 10 skills by 2020, while in 2015 it was situated only on the tenth position.

80. SMEs represent a majority significant component of the private industry in the countries of the sub-region and they represent a potential powerhouse for economic growth. While during the first decade of transition they were more concerned with maintaining the value of their assets as compared to producing a profit, later on they started to become more dynamic, investing in growth and modernization. With rising GDP per capita and higher labor costs, the ability of the countries in the sub-region to attract foreign direct investment will inevitably decrease. Encouraging innovation among the SME sector, therefore, is particularly important in order to offset the loss of current advantages.

81. Counterfeiting and piracy still register disturbing rates in the region<sup>5</sup> [*refer to the two graphics "Global Trends in Unlicensed Software Use" in the proposal*]. There is recognition among countries of the region that "this poses significant threats to global trade, national economic growth, consumer health and safety and is a leading cause in the growth of organized crime and corruption (...) and that attacking the trade in counterfeit and pirated goods at the national, regional and global levels should be elevated as a top priority".

82. As the aspiration for more competitive economies can be fulfilled through research, development and innovation, as well as technology transfer, it is only natural for countries in sub-region to seek for

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<sup>3</sup> See: <http://www.eli-np.ro/>

<sup>4</sup> See: <http://www.weforum.org/agenda/2016/01/the-10-skills-you-need-to-thrive-in-the-fourth-industrial-revolution>

<sup>5</sup> See: <http://www.ccapcongress.net/archives/Regional/Files/Bucharest%20Declaration.pdf>.

*Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy - the "Bucharest Declaration" of 12 July 2006*

improving their overall IP performance. They also need to continue combating counterfeiting and piracy, as more respect for IP will lead to greater economic growth.

83. While the large majority of the countries in the sub-region have joined the WIPO Systems, in particular the PCT, Madrid and Lisbon Systems, the full potential of the IP Systems in the region has not yet been fully achieved.

84. In relation to WIPO, the countries in the sub-region have asked for support with respect to the following:

- the development of tailored, long-term, results-oriented national IP strategies and plans aligned with national economic and cultural goals;
- developing research and innovation and reaping the benefits of the IP system, with a special focus on SMEs;
- the further development of the creative industries;
- promoting excellence for CMOs in transparency, accountability and governance;
- improving the fight against counterfeiting and piracy;
- increasing awareness of WIPO services and activities among a broader audience in the countries;
- enhancing the interaction between WIPO and all IP stakeholders from the countries;
- establishment of a common, reliable and broadly utilized platform for sharing various experiences in the IP field, facilitating better knowledge, awareness, and coordination between different IP stakeholders.

## PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

### **PURPOSE(S)<sup>2</sup>:**

85. The External Office in Bucharest/Romania would act as a WIPO Service Center for the sub-region, similarly to the other five existing WIPO External Offices.

86. Its overall objective would be to bring the Organization closer to the member States and stakeholders in the sub-region, in order to stimulate the promotion of innovation and creativity for the economic, social and cultural development of the countries, through a balanced and effective international intellectual property system.

87. As an integral part of the Organization, the External Office is supposed to contribute to the achievement of the Expected Results and to the achievement of the WIPO Strategic Goals<sup>6</sup>, by working with the majority of Programs at Headquarters.

88. More specifically, it will contribute, in coordination with the Headquarters, to the following Strategic Goals and their relevant Expected Results:

#### *Strategic Goal I: Balanced Evolution of the International Normative Framework for IP*

- Tailored and balanced IP legislative, regulatory and policy frameworks (I.2.)

#### *Strategic Goal II: Provision of Premier Global IP Services*

- Wider and more effective use of the PCT system for filing international patent applications (II.1.)
- Wider and more effective use of the Hague system, including by developing countries and LDCs (II.4.)
- Wider and more effective use of the Madrid System, including by developing countries and LDCs (II.6.)

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<sup>6</sup> See: [http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget\\_2016\\_2017.pdf](http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2016_2017.pdf)

- International and domestic intellectual property disputes are increasingly prevented or resolved through WIPO mediation, arbitration and other alternative dispute resolution methods (II.8.)
- Wider and more effective use of the Lisbon system, including by developing countries and LDCs (II.10)

*Strategic Goal III: Facilitating the Use of IP for Development*

- National innovation and IP strategies and plans consistent with national development objectives (III.1.)
- Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition (III.2.)
- Strengthened cooperation mechanisms and programs tailored to the needs of developing countries, LDCs and countries with economies in transition (III.4.)
- Increased capacity of SMEs to successfully use IP to support innovation (III.6.)

*Strategic Goal IV: Coordination and Development of Global IP Infrastructure*

- Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity (IV.2.)
- Enhanced technical and knowledge infrastructure for IP Offices and other IP institutions leading to better services (cheaper, faster, higher quality) to their stakeholders and better outcome of IP administration (IV.4.)

*Strategic Goal V: World Reference Source for IP Information and Analysis*

- Wider and better use of WIPO IP statistical information (V.1.)
- Wider and better use of WIPO economic analysis in policy formulation (V.2.)

*Strategic Goal VI: International Cooperation on Building Respect for IP*

*Strategic Goal VIII: A Responsive Communications Interface between WIPO, its Member States and All Stakeholders*

- More effective communication to a broad public about intellectual property and WIPO's role (VIII.1.)
- Improved service orientation and responsiveness to inquiries (VIII.2.)
- Effective engagement with Member States (VIII.3.)
- Open, transparent and responsive interaction with non-governmental stakeholders (VIII.4.)

89. The External Office will also address the specificity of the region, namely the need to exploit the full potential of the IP system, and local priorities (use of IP by SMEs, enforcement of IP rights, developing new and innovative multi-stakeholder partnerships, topic-based cooperation in the region in order to support sustainable development and the implementation of the 2030 Development Agenda etc.).

90. It will also establish cooperation with various regional organizations (the European Union, the European Patent Office and the Office for the Harmonization in the Internal Market), the private sector, academia and NGOs, as well as with some other international organizations (e.g.: the INTERPOL, World Customs Organization).

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>7</sup>):**

91. Broadly speaking, in order to achieve the mandate presented above, the External Office would engage in the following type of activities: provide support services for WIPO's Global IP Systems; deliver capacity building activities in order to facilitate the use of IP for development; promote WIPO treaties, including the most recently adopted ones; provide more effective communications to a broad public, through a targeted outreach and closer relationships with stakeholders; support the creation of fora for exchange of experiences, lessons learned and best practices between countries in the sub-region.

92. Capacity building programs will be demand-driven and adapted to different country needs. Institutional capacity required to administer, manage and use intellectual property is to be consolidated through WIPO dedicated programmes.

93. Such collaboration will take place based on the specific requests of the national IP offices, in order to facilitate the implementation of national objectives in the IP field (elaboration of IP strategies, design of public awareness campaigns, etc.).

94. The international filing and protection systems of industrial property rights, as set up by WIPO, allow the applicants to take advantage of geographically extended protection. The External Office would provide training to stakeholders (SMEs, researchers in universities, etc.) in the use of the PCT, Madrid, Hague and Lisbon systems and WIPO's alternative dispute resolution services.

95. Moreover, an increased level of awareness by copyright owners of the need to establish a profitable copyright management climate can be achieved. As collective management organizations are often criticized, the External Office could assist them in implementing the TAG project, which can contribute to a better functioning of the legal creative market and provide benefits for both right holders and users.

96. Raising awareness, understanding and respect for IP activities will focus on:

- Public education, by using (among other means and ways) the large array of communication means such as the Internet, social media channels, TV spots, radio adverts, flyer distribution, etc.;
- Cooperation with public and private organizations to combat counterfeiting and piracy, engaging with the networks of Chambers of Commerce and Industry, with the Police and Gendarmerie forces, with Customs offices, attorneys, lawyers and judges (such activities could include, for example, the public destruction of pirated and counterfeit products);
- Assistance offered to national IP offices, such as for the elaboration of modern, attractive and complex packages designed for high-school and university curricula of IP courses;
- Coordination to undertake national and regional training programs for all relevant stakeholders;
- Exchange of information on enforcement issues between national authorities. The Office could act as a liaison point, supporting the establishment of a network for IP enforcement policy in the region, bringing together representatives of public and private organizations.
- Organization of special events to celebrate the World Intellectual Property Day on April 26th, each year.

97. The External Office would be called upon to encourage and provide assistance in the ratification and accession process of WIPO treaties and conventions by countries in the region, including the most recent WIPO treaties in the field of copyright and industrial property (namely the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Blind Persons, Visually Impaired or Print Disabled, as well as the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications). Since most of the countries in the region have not yet ratified the latest international legal documents, raising awareness, understanding and knowledge on the granted rights and the related obligations would be beneficial to the decision-makers.

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<sup>7</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

98. The External Office would carry out activities aimed at filling any information gaps and promoting a better understanding and knowledge as regards IP, in general, and WIPO's services, in particular. Moreover, the proximity to the users would allow direct benefits via supplying fast, complete answers, fully adapted to the regional realities and to their inquiries.

99. The External Office would assist countries in the region to make effective use of the IP system in the context of their specific economic circumstances, as well as the promotion of their national plans of actions according to the 2030 Development Agenda. In more concrete terms, it could:

- Help the national authorities to address, from the IP perspective, the challenges that countries in the region are facing, such as climate change, food security, public health and the protection of biodiversity;
- Assist relevant authorities (e.g. ministries of research) in designing policies supporting research and innovation;
- Grant support for SMEs, research institutions and universities in order to obtain and protect IP rights and on IP evaluation and commercialization, including by creating and disseminating tailored information products;
- Offer consultancy in establishing new Technology and Innovation Support Centers (TISCs) in the region.

100. In a permanently changing environment, due to the fast-paced development of new technologies and business models, new policies may be needed to cope with latest developments. The External Office could share best practices in order to assist countries in developing new policies.

101. The External Office could assist national IP offices and other institutions (relevant ministries) in increasing the use of the WIPO statistical information, data basis and economic analysis in policy formulation.

102. The External Office could work with the WIPO Academy and other organizations and institutions in the region (the European Union, EPO, EUIPO, etc.) in order to provide training to practitioners in the IP field.

103. The Office could create its own portfolio of contacts, including all stakeholders in the IP field, and encourage public-private partnerships, in order to stimulate cooperation in the field of protection, promotion and respect of IP.

104. Activities mentioned above may be undertaken through a variety of events: conferences, seminars, round tables at national and sub-regional, events providing constructive platforms for dialogue and exchange of relevant information; training sessions; public campaigns; IP contests; exhibitions; study visits; book releases; dissemination of promotional materials; public destruction of counterfeited and pirated products, etc.

105. Many of these activities can use modern means of communication, with broad range of exposure and impact, such as the Internet.

106. An ample advertising of WIPO will raise the level of awareness of all interested parties and of civil society in terms of its noble purposes, activities and services offered in the region.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

107. The added-value of the WIPO External Office would consist in the proximity to the beneficiary/recipient of assistance (government, organizations, companies or individuals), which would stimulate their involvement upstream in the drafting of policies and would allow for a better responsiveness to their specific needs.

108. Romania is confident that the External Office in Bucharest will bring added value both to the Organization and to the countries in sub-region.

109. The Office will contribute to a better promotion of WIPO, as an international organization specialized in the IP field, as well as of its values and services. It will also enhance the Organization's

responsiveness to the specific needs of the region, which may be conducive to more trust in the IP system.

110. For the countries in the region, in general terms, the added value of a sub-regional External Office would consist in the proximity to the beneficiary/recipient of assistance (government, organizations, firms or individuals), which would stimulate their involvement upstream in the drafting of policies and would allow for better IP results.

111. In concrete terms, the foreseen benefits of the WIPO Bucharest/Romania Office are the following: a clear political message about the commitment of the CEBS member states to the further development of their intellectual property system; a more dynamic IP filing activity and a better return in the field; an enhanced coordination in fighting against counterfeiting and piracy (which will have a positive impact on the economic, social and cultural data); a more accurate assessment of the impact of IP policies and evolution of the IP system in the sub-region; a more enhanced cooperation of countries in the sub-region.

112. The External Office will also ensure cost effectiveness, both for WIPO and countries in the sub-region, as a more dynamic IP activity in the region will be achieved through less costs than if the same level and dimension of activities had been provided by the Headquarters.

113. Moreover, there will be savings in travel costs for the participants from the region in various events to be organized by the Bucharest Office (many countries from the region still do not have direct flights from capitals to Geneva and would be geographically located nearer to the Office's headquarters).

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>8</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

114. Romania considers that the establishment of the WIPO External Office for the sub-region will not impose any additional financial burden on Member States, other than the approved budget allocation.

115. According to estimates, the costs related to the operation of the Office will not hamper the financial and budgetary sustainability of the WIPO External Offices network. The Government of Romania offers the necessary space for the [External Office] at no rental cost.

116. The Office will benefit from the whole support of the State Office for Inventions and Trademarks and the Romanian Copyright Office in the carrying out of its activities. In this respect, as an *in-kind* contribution, OSIM will be ready to make available its network of 17 regional centers, distributed across the country (see the map below).

117. The network of regional IP Centers is in place since 1999 and it is currently located in 5 universities, 8 local Chambers of Commerce, 2 SMEs owners' associations and one inventors' association. The main purpose of these centers is to promote the values of industrial property among their stakeholders.

118. By request, OSIM can provide specialized logistic assistance to the IP attorneys and to the inventors' associations.

119. The centers act as intermediary links between OSIM and the local communities, the academic environment, the business environment, high-schools, inventors, local institutions.

120. In addition, the Romanian institutional partners of the Office will make efforts, at the national level, to raise extra-funding for different activities from the private sector, non-governmental entities or other stakeholders. Requests for financial support could also be submitted to the European Commission.

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<sup>8</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

121. The relocation costs for WIPO staff to Bucharest, the rental fees for staff accommodation, the living cost in the capital city and the flight fares from/to Geneva (and to/from other capitals of the region) are affordable.

Headquarters. Privileges

122. The External Office will be located in downtown Bucharest, in the National Library of Romania building, benefiting from a generous space (240 square meters), with state of the art facilities. Photos of the building and of the space made available to the External Office are herewith attached (see Annex 1).

123. The Office location provides opportunities to collaborate. It is situated within the administrative quadrant (Government, Parliament), close to the business district (Chamber of Commerce and Industry of Romania, the Court of International Commercial Arbitration, Banking institutions) and is reachable from the capital international airport in around 45 minutes.

124. The WIPO External Office shall, in respect of its Premises, be accorded all the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the United Nations, adopted in New York on 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies adopted in New York on 21 November 1947 (ANNEX XV).

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**Saudi Arabia**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### **RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:**

125. Thanks to its prime strategic location, diverse natural resources and a prosperous economic, industrial and commercial activity, Saudi Arabia has the ambition to provide optimal protection for intellectual property rights (IPRs). Inspired by its vision for the future, the ‘VISION 2030’, Saudi Arabia seeks to offer a more secure and attractive commercial environment for global businesses. The country’s future aspiration is to become one of the leading economies in non-oil sectors and achieve transition into the knowledge economy.

126. National Transformation Program 2020. Realizing and consolidating its quantum leap into the knowledge economy is one of the major objectives sought by the government of Saudi Arabia through its National Transformation Program 2020. This will include developing and modernizing laws and regulations on intellectual property right (IPR) protection for organizations and individuals, providing a conducive environment for investment and promoting the creation of innovation-based industries. This, in turn, will facilitate the transfer of technology to Saudi Arabia while ensuring IPR protection.

127. Under the National Transformation Program 2020, the Saudi Intellectual Property Commission will be established to strengthen the role of Saudi Arabia in IPR protection and modernize IP-related legislation. The Commission will also enable users to register and maintain their IP rights and offer them prosecution measures against right infringement. The Commission will also have an awareness role to promote and encourage creativity and innovation through quality IP programs, exhibitions and fora in various IP fields. Cooperation will also be strengthened with IP stakeholders and users, including the General Authority for Small and Medium Enterprises, King Abdulaziz City for Science and Technology (KACST), the Social Development Bank (SDB), the Saudi Arabian General Investment Authority (SAGIA), universities and scientific research centers, as well as members of the public at large.

128. On the international level, owing to the increasingly prominent role of Saudi Arabia in the global economy and the resulting trade relations between governments on one hand, and on the hand between commercial partnerships between Saudi and foreign companies abroad, Saudi Arabia is keen on protecting its rights (while committed to safeguard others’ rights) by playing an active role in relevant

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

international treaties, in particular treaties and agreements under the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO).

129. Saudi Arabia has substantially distinguished itself in the world of intellectual property rights. In 2016, Saudi Arabia ranked 49th globally, second among Arab countries and fourth in the Islamic world, just after Malaysia, the United Arab Emirates and Turkey. It surpassed some well-ranked countries such as Brazil and India, improving gradually its rank from 54th in 2011 to 38th in 2014. However, it stepped back to 43rd position last year. Furthermore, Saudi Arabia ranked 5th in the Middle East and North Africa.

130. According to the International IP Index, "The Roots of Innovation 2017", Saudi Arabia achieved the top rank in the Arab world and ranked 21st globally. The said index is based on six pillars: patents, trademarks, copyright, trade secrets, access to markets and ratification of international treaties.

131. Saudi Arabia's specific strengths:

- Strong patent environment enabling patent filing online
- Patent filing for biopharmaceuticals through the link system under 2013 mechanism
- Customs may confiscate suspected trademark counterfeiting goods.

132. Saudi Arabia strives towards increasing public awareness about IP and stimulating innovation and creation. This is done by undertaking diverse activities and programs, including:

- Seminars, meetings and workshops to increase awareness of and building respect for IP.
- Global Innovation Index (GII) monitoring to raise the level of innovation in Saudi Arabia through:
  - Establishing a National Working Group to monitor GI with a view to raise the level of innovation in Saudi Arabia hence achieve the National Transformation Program 2020 according to Vision 2030.
  - Coordinating with WIPO on indicators related to Saudi Arabia.
- Amending and developing systems, policies and legislation in support of innovation and creativity in Saudi Arabia, in line with latest development in the field of IP.
- Creation of the Public Body for SMEs, a specialized agency to foster innovation development environment.
- A Saudi IP Body to be soon created in order to integrate all IP fields under the same umbrella.
- Launch of the Custodian of the Two Holy Mosques award for inventions and talents contributing to the development of science, technology and innovation in Saudi Arabia, and award-related products in support of the transition to a knowledge-based society; and encourage and honor inventors and outstanding talents in the fields of science, technology and intellectual production; and promote creativity and innovation and motivate talents and capacities.
- Launch, in 2017, of the Badir Program for Technology Incubators, a comprehensive national program aimed at accelerating the growth of start-ups in Saudi Arabia.
- Launch of a program, Support Innovative, Scientific and Technological Ideas, which provides research grants for practical innovative ideas that solve problems relating to development and production; the Program provides financial support for the development innovations.
- Launch of Careers Program, designed to provide financial support for young entrepreneurs; the Program comprises, among other projects, Invention Process Project, which aims at lending money to young inventors wishing to create their own start-ups or SMEs, and Localize Communications Project, which provides financial loans to support micro-enterprises in the trade and maintenance of telecommunication equipment and related accessories, in addition to four other projects designed to support individual entrepreneurship and small enterprise.

#### Treaties and Other Activities Administered by WIPO

133. Saudi Arabia has signed WIPO Convention in 1982 and became an active Member State, participating to various events and substantive meetings, including the Assemblies attended by high officials. As WIPO Member State, Saudi Arabia is bound by several treaties administered by WIPO or WTO: Paris Convention, 2004; Berne Convention, 2004; Patent Law Treaty (PLT), 2013; and TRIPS Agreement, 2005. Saudi Arabia is also a WTO member. In application of WIPO-administered treaties by

which Saudi Arabia is bound, a number of national acts for the protection of national and foreign rights, namely:

- Main IP Legislation: 1. Law of Patents, Layout-Designs of Integrated Circuits, Plant Varieties, and Industrial Designs; 2. Copyright Law; 3. Law on Trademarks; 4. Commercial Names Law; 5. Geographical Indication Act (pending)
- IP-Related Legislation: 1. Basic Law of Governance; 2. Council of Ministers Statute; 3. Shura Council Law; 4. Company Law; 5. Law of Arbitration; 6. Penal Law on Dissemination and Disclosure of Classified Information and Documents; 7. Anti-Commercial Fraud Law; 8. Law of Judiciary; 9. Law of the Board of Grievances; 10. Anti-Cyber-crime Law; 11. Electronic Transactions Protection Law; 12. Unified Law for Anti-Dumping and Compensatory and Preventive Measures for Countries of the Cooperation Council for the Arab States of the Gulf; 13. Law of Sale by Installment; 14. Competition Law; 15. Anti-Concealment Law; 16. Law on Pharmaceutical Installations and Products; 17. Law of Commercial Data; 18. Law on Trade in Agricultural Fertilizers; 19. Law of Criminal Procedure; 20. Law of Press Establishments; 21. Telecom Act; 22. Law of Printed Materials and Publication; 23. The Law of Procedure Before Shari'ah Courts; 24. Commercial Register Law; 25. Deposit Law; 26. Law of Regions; 27. Law of King Fahd National Library; 28. Procedural Rules before the Board of Grievances; 29. Law of the Flag of Saudi Arabia of Saudi Arabia; 30. Law of Commercial Courts; 31. Commercial Agencies Law.

### IP Rights Enforcement

134. Saudi Arabia has made significant progress in safeguarding IP rights: a Permanent Committee of Intellectual Property Rights was created, consisting of a number of government agencies and reporting to the Ministry of Commerce and Investment. Furthermore, a number of departments were created for the implementation of IP legislation and for the control, investigation and enforcement of IP rights. Judiciary staff were trained on dispute settlements.

#### *Ministry of Commerce and Investment*

135. The Ministry is the backbone for the protection of IP rights; as such, it oversees the above-mentioned Permanent Committee and includes in its organizational structure the General Administration of Trademarks (GAT) which is responsible for the implementation of the Law on Trademarks and administering of processes such as, reception, examination as to form and substance and registration of trademark and commercial name applications.

136. Furthermore:

- GAT provides e-services for registration and renewal;
- Organizes workshops and awareness-building campaigns;
- GAT staff consist of 21 officers, one holding a master's degree, eight bachelor degrees and 12 high school or less.

137. GAT Main Activities and Initiatives in 2016: New e-service for trademark renewal; Implementation of the GCC Trademark Act; Increase in administrative staff.

138. GAT Initiatives in 2017: Full automation of GAT services; New services for customers, namely registration of representatives and grievance and appeal service.

#### *Ministry of Culture and Information*

139. The Ministry is responsible for a major branch of intellectual property and oversees the General Administration of Copyright (GAC) which is charged with the task of implementing the Copyright Law. For that purpose, the following specialized Administrations were created: 1. Administration for the Protection of Literary Works; 2. Administration for the Protection of Artistic Works; 3. Administration for the Protection of Computer Works; 4. Administration for Censorship and Inspection; 5. Administration for International Organizations, Public Relations and Training.

140. Ever since Saudi Arabia joined WTO, GAC has been working on the implementation of obligations provided for by the Copyright Law, the Berne Convention and TRIPS Agreement. Government agencies are encouraged to use only original works, particularly computer programs.

141. Inspection campaigns were launched in all commercial establishments that use computer programs for their activities, to verify whether the original computer programs were used; sanctions were applied in case of violations and injunctions have been issued requiring that original programs be used.

142. GAC participates in security campaigns for prosecuting offenders. A large number of piracy dens were identified throughout Saudi Arabia. Offences included making illegal copies of intellectual works of all sorts, such as computer programs, films, audio works, and illegal code decryption of satellite TV channels.

143. GAC makes sure to be all the time present in markets; field inspectors control commercial and information activities for irregularities.

144. GAC Key achievements:

- Examination pendency of infringements reduced and two committees established in Riyadh and Jeddah to bring down the pendency rate to two months from the date of control.
- Both committees instructed to set a yearly-progressive fine since IP awareness has now become an integral part of business practices.
- Deterring sanctions initiated by referring to the Board of Grievances (BoG) cases where fines would exceed SAR 100,000 or incur imprisonment unless overturned by BoG.
- Steps taken to ensure stores selling satellite equipment and channel decryption cards are properly regulated. Within the next few months, it is expected to close down all such stores which are either not accredited by the Ministry of Culture and Information (MCI) or infringing relevant laws and regulations.
- Regular information on infringements and sanctions disseminated and visual contents on the disposal of illegally reproduced or counterfeited works published.

145. GAC Initiatives in 2016/17:

- Space dedicated to the GAC on the MCI website enabling right holders to file, monitor progress and result of their complaints. The website is currently undergoing changes to meet GAC needs and allow for further interaction with right holders.
- Human resources reinforced to double field inspections of businesses reported by right holders for illegal exploitation of IP works.
- Work papers presented in national seminars and workshops.

#### *King Abdulaziz City for Science and Technology (KACST)*

146. King Abdulaziz City for Science and Technology (KACST) is an innovation cornerstone of Saudi Arabia, comprising the Saudi Patent Office (SPO) whose main features include:

- Responsibility for the implementation of the Law on Inventions, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs.
- Responsibility for receiving, examining and granting patents for inventions and plant varieties, and certificates for layout designs of integrated circuits and industrial designs in Saudi Arabia.
- Fully operating under e-procedures.
- Delivery of general and specialized courses and workshops in areas of expertise.
- Facilitating partnerships between universities and TISCs to foster innovation and technology transfer.
- Composed of 136 staff members, 122 men and 14 women, holding the following degrees: PHD (1); Master's degree (27); Master's degree in intellectual property (3); Bachelor (68); diploma or below (37).
- 157 employees benefitted from 11 distance learning courses during 2015/16 delivered by WIPO Academy.
- Eight participants enrolled in summer school programs.

147. SPO key achievements and initiatives: 1. Twitter @Kacst\_SPO; 2. E-filing and management system; 3. Smart devices application; 4. Handbook for patents and industrial designs examination; 5. Translation of Locarno classification; 6. Guides on administrative procedures; 7. Development of SPO visibility (logo and website); and 8. ISO 9001:2008 certification obtained.

148. Ongoing Initiatives:

- Proposing licensing regulations for patent agents and lawyers in cooperation with the Ministry of Justice and the Saudi Bar Association (in line with relevant legislation and regulations).
- Delivering training programs on IP management for SMEs.
- Developing IP policies for research institutions.
- Enhancing access to patent information to foster innovation and creativity.
- Designing IP training for trainers programs.
- Establishing a platform for exchanging examination reports with patent offices.
- Drafting up-to-date manuals on patent and industrial design examination.
- Developing a translation engine (Arabic-English) for patents.

149. Main Cooperation Activities Between SPO and WIPO in 2017/18: 1. Joint master's programs with WIPO Academy, universities and national IP offices; 2. Startup academies project; 3. Preparation of teaching materials on IP; 4. Developing patent agents' licenses; 5. WIPO-WEF Inventor Assistance Program; 6. WIPO GREEN; 7. WIPO Re:Search.

150. Cooperation Agreements Between SPO and Other Offices: (i) MoU on cooperation between SPO (KACST) and the European Patent Office (EPO) - in the final stages to conclusion; (ii) Cooperation program between the Office Marocain de la Propriété Industrielle et Commerciale (OMPIC) and SPO (KACST); and (iii) MoU between the State Intellectual Property Office of China (SIPO) and SPO (KACST) in Saudi Arabia of Saudi Arabia.

*Ministry of Finance*

151. The Department of Customs (DoC) is the representative body of the Ministry of Finance mandated to safeguard intellectual property rights (IPRs) by preventing fake or counterfeited goods from entering Saudi Arabia. To that end, DoC has reinforced its IP operations with 30 customs agents, dispatching about 3 agents to each entry point to Saudi Arabia. Those agents have been trained on fraud, counterfeiting and IPRs protection.

152. DoC Activities and Initiatives:

- Delivered general and specialized workshops in its areas of expertise, benefitting 468 agents.
- Held a biennial conference on IPRs which brought together relevant stakeholders.
- Organized a biennial high-level forum on IPRs gathering relevant experts from countries in the region.
- Laureate of a World Customs Organization (WCO) award for excellence in IPRs protection.

*Board of Grievances (BoG)*

153. The Board of Grievances (BoG) is a judiciary body mandated to review individuals' grievances against administrative decisions and adjudicate IP-related commercial and penal disputes. However, in 2016, such penal competence was transferred to the penal courts of public judiciary; with the BoG remaining competent for commercial disputes until relevant courts are established within the public judiciary. In addition, the BoG has launched judicial blogs to regroup all IP-related commercial and penal judicial precedents as well as administrative rulings where actions were brought against a public body subsequent to a refusal or cancellation of registration amongst other things. Judicial blogs are available at <http://www.bog.gov.sa/ScientificContent/JudicialBlogs/Pages/default.aspx>

154. Finally, the BoG strives to strengthen its judiciary capacities in enforcing various IP legislation, guided by Saudi Arabia's National Transformation Program by 2020 by establishing the Saudi Intellectual Property Authority.

155. Saudi Arabia has achieved substantial progress on consolidating intellectual property topics under a unified financially and administratively-independent body expected to be followed by a unified strategy prepared in cooperation with WIPO.

156. Saudi Arabia enjoys a global economic and political weight. It is among the leading and most important members of most international organizations, including:

- G20;
- United Nations;

- League of Arab States;
- Cooperation Council for the Arab States of the Gulf (GCC) (host country). The GCC has a Regional Patent Office serving its six Member States;
- Non-Aligned Movement;
- Muslim World League (host country);
- Organization of Islamic Cooperation (host country);
- International Monetary Fund;
- World Intellectual Property Organization;
- World Trade Organization;
- Organization of the Petroleum Exporting Countries (OPEC);
- United Nations Educational, Scientific and Cultural Organization;
- World Customs Organization;
- International Maritime Organization;
- World Tourism Organization;
- International Atomic Energy Agency; and
- World Health Organization.

157. Saudi Arabia is not inscribed on any international lists or subject to any restrictions due to non-respect of intellectual property rights. For instance, Saudi Arabia of Saudi Arabia is not on the USTR 301 Watch list. Furthermore, it has ranked second for two successive years in cross-border seizures of fake and counterfeited goods according to the World Customs Organization (WCO).

#### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

##### **PURPOSE(S)<sup>2</sup>:**

*[See section on “Proposed scope of activities’.]*

##### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

158. Saudi Arabia is currently exploring a number of strategies for moving towards a knowledge-based economy conducive to development. In that spirit, a number of universities was established during the last few years in all governorates as well as a number of economic and industrial cities and tech hubs. This new economy and knowledge-based dynamic drove universities and large companies such as Aramco and SABIC to set units in specialized intellectual property, fostering and protecting innovation and creativity. Opening an external office would build on these efforts and reinforce direct cooperation and coordination between WIPO and such institutions.

159. In addition, Saudi Arabia has developed a national development strategy (Saudi Vision 2030) as a turning point in its efforts to make the country one of the top non-oil economic powers in the world. A WIPO external office would contribute to achieving that vision by:

- Strengthening capacities of SMEs;
- Ensuring a conducive learning environment for innovation and creativity;
- Establishing valuable tech startups;
- Promoting foreign investment; and
- Reinforcing IP-relevance and leveraging mechanisms.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO’S PROGRAM DELIVERY<sup>2</sup>:**

160. Saudi Arabia hosts a number of important Gulf and Islamic organizations, namely the Secretariat General of the Cooperation Council for the Arab States of the Gulf (GCC), the Organization of Islamic Cooperation (OIC), the Islamic Development Bank (IDB) and the GCC Patent Office (GCCPO). Opening

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: “The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO’s approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ”.

an external office in Saudi Arabia would reinforce and facilitate cooperation and communication with these organizations.

161. Saudi Arabia is a member of G20; an external office would contribute to further cooperation with WIPO by raising and discussing IP-related issues such as the transition to knowledge-based economies or transfer of technology on both international and regional levels through the G20 and Arab group respectively.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** *(such as for example office space, coverage of utility costs and/or cost of security, etc):*

*[No indication of proposed contribution provided]*

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: “Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation”.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Turkey**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

*[The proposal contains a reference that] the foreseen EO in Turkey will have a regional dimension. [It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

162. In 2008 the Turkish Government announced an action plan that IPR Protection is one of the main concerns for the economic development of Turkey. That declaration triggered a new development of the IPR system.

163. National policy documents such as the *Specialized Commission Reports* and the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> *Five Year Development Plans* comprise since 1995 statements concerning the need for setting-up training and education in IP programs not only in the university law faculties, but also in other related departments such as economics, management, engineering, arts and social sciences.

164. These policy documents emphasize mainly the need for more professional and academic staff in the field of IP, as well as the relatively low level of public awareness for IP matters and propose to be taken appropriate measures.

165. There are several coordination and supervisory bodies of the Government that deal in one or another way with intellectual property rights and with IP education.

166. The Coordination Board for Improvement of the Investment Environment has been continuously concerned with securing the appropriate climate for both domestic & international investors. This Coordination Board has been dealing with IPR related issues directly, as well as in its related technical IP committee. With the involvement of the private sector, NGOs and the most influential businessmen and tradesmen in Turkey, specific actions with timetables, performance indicators and responsible government bodies' action plans have been prepared. These action plans have been evaluated by the

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<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

Steering Committee, which is composed also of NGOs and private sector representatives, before being sent to the Board of Ministers.

167. One of the Technical Committees of the Coordination Board for Improvement of the Investment Environment is the IP Committee. Each Technical Committee has its own action plan within the general statements and objectives of the Board. The 2010 Action Plan of the IP Committee provided for an action aimed at IP education in universities and proposed IP courses to be obligatory in the relevant departments.

168. In 2009 the Cabinet adopted a Ministerial Decision to establish the Turkish Design Council. A draft paper on Strategy was prepared and its discussion began in a Council meeting and will be finalized in the near future.

169. The Intellectual and Industrial Property Rights Coordination Board was established with a circular of the Prime Minister. Its objective is, *inter alia*, to coordinate the relevant governmental bodies in order to increase the effective enforcement and implementation of IPRs.

170. Undersecretaries of Ministry of Industry and Trade and Ministry of Culture and Tourism head the Council of the Board. The Council of the Board is composed of not only representatives of the government entities, but also of representatives of the private sector, including the Turkish Union of Chambers and Commodity Exchanges, which is the highest body representing the private sector.

171. In 2015, a comprehensive Intellectual Property Strategy Paper and an Action Plan was adopted, which foresees four priority development areas concerning capacity increase, IP commercialization, awareness and legislative development. These objectives are to be met under 51 actions. Simultaneously, a more specific paper on Geographical Indications Strategy and Action Plan was adopted in 2015, foreseeing development of an effectively functioning registration system through increased capacity and legislative enhancement.

172. Turkey has a constantly growing economy for the last decade. The average annual real GDP growth rate is 4.9% between 2002-2013. This has been one of the best figures attained in the world.

173. Turkey has well established institutions, government agencies and universities. It has more than 160 universities with at least one in each city. Many governmental and private research institutions have been operating in various cities of Turkey. The link between universities and the industry have been strengthened through various tools.

174. Being an EU candidate country and the process for becoming a full member has been a constant motivation to update and better its legislation, implementation thereof, including IP related ones.

175. In this general framework, the Turkish Patent Institute has an important role to play in undertaking work related to industrial property. In such a fast growing economy with increasing volume of trade, industrial property rights and their applications have had a huge impact on the competitiveness and innovation. Beyond proper application of the relevant laws in industrial property rights, the spread of knowledge among the relevant circles are critically important. In this regard, TPI has put its utmost effort in every possible way to enhance the IP knowledge domestically and internationally to the extent possible particularly with the countries in Central Asia, the Middle East and Balkans.

176. Turkey is a bridge between west and east. It is one of the most active countries in this region and beyond not only in terms of its trade volume, but also in terms of its cultural and social interactions with its neighbours. IP is no exception to that, not only with the EU countries, but also with Central Asian countries through the Economic Cooperation Organization (ECO), and the members of the Organization of Islamic Conference (OIC) as well as Balkan and Black Sea countries via Organization for the Black Sea Economic Cooperation (BSEC) with which it has close ties and relations. Both in ECO and the OIC, Turkey has brought forward IP related agenda items for the first time and has proposed project proposals related to IP to maintain and strengthen the cooperation between ECO and OIC Member States. For that, various conferences were held in Turkey, the first one in Turkey and other countries. Given its location, it has close contacts with the countries in Central Asia, Balkan and the Middle East also through its memberships of international organizations such as ECO, BSEC and OIC to which the countries from the region are also members.

## PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

### **PURPOSE(S)<sup>2</sup>:**

*[See section on “Proposed scope of activities”].*

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

177. It is strongly believed that establishment of an EO in Turkey would provide many benefits within its mandate and also complement WIPO's and TPI's efforts of firstly on the dissemination of the IP knowledge, raising awareness, respect for IP and further enhancement of innovation and creativity by promoting effective use of IP services.

178. The foreseen EO in Turkey will supplement the activities of the TPI, as well. The very first mandate of the EO will be to ensure the raising of knowledge on IP matters with all its aspects and delivery of programs in cooperation with the TPI. Currently TPI has been running programs mainly for the dissemination of knowledge such as regular training, Hezarfen project, University valley project and Technology Transfer Platform. The EO's contributions would be adding value with its experience and international perspective to all already running programs and for the newly created ones.

179. Turkey is one of the frequent users of the Madrid, Hague and the PCT Systems and it is expected that regular trainings on these Global Systems sometimes with tailored approach adapted to the needs of the business community by the EO would further increase the use of Global IP systems in Turkey.

180. In addition to supporting and promoting WIPO's Global Intellectual Property Systems, delivering technical assistance and capacity building activities and awareness enhancing activities, it is envisaged that the IP related educational activities would be given more importance by the EO in Turkey. The level of educational activities and endeavours related to the IP subjects in Turkey, even though has been increasing in recent years, not in a level commensurate with desired level. The very same situation is true for the countries in the region, either. Thus, for example, the intensification of cooperation with the WIPO Academy in this regard would be immensely vital and would prove to be helpful in the very structuring phase of the EO in Turkey.

181. The main part of the work undertaken by the EO in Turkey would be complementary to the program delivered by the WIPO Academy in many respects and would not duplicate the already initiated programs/services such as WIPO Distance Learning Courses and launching a master program on IP Law at a selected university in Turkey. First and foremost, since it will be more capable of determining and identifying the specific needs and requisites having the advantage of being in the field where the actual needs arises, the EO would work like an interface mostly between the WIPO Academy and the beneficiaries would be served in a more efficient and effective way without any duplication with the WIPO's related programs. The EO, being in constant contact with the domestic actors such as universities, Technology Transfer Offices and other relevant educational institutions in Turkey, would possess deeper knowledge on the priorities and needs of the stakeholders. This would secure to be able to respond to the needs in a more comprehensive and effective manner without any duplication. Being in the field and working with the stakeholders directly would inevitably be more cost effective for many reasons. No doubt, it will be much more effective and cost efficient to reach the targets identified in the programs with their performance indicators in WIPO's Program and Budget if the priorities and needs are identified locally by the EO.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: “The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ”.

## VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:

182. Turkey has been benefiting from the programs and assistance offered by WIPO. There has been no difficulty in establishing connection with the WIPO personnel. The activities carried out in cooperation with WIPO through the programs have resulted in success and satisfaction. However, there is always room for improvement of the programs designed and delivered by WIPO. The programs usually designed by the relevant divisions in WIPO such as Arab Bureau, some European Countries and Asian countries. When designing the programs including tools for delivery such as workshops, training modules, and assistance delivery, the very essence needs of the countries could not be entirely addressed or estimated given the fact that many countries are the potential beneficiaries and a central approach to contain all of their priorities and needs of each different country prove to be difficult. In the current situation where there is only limited number of EOs for certain countries, this challenge could only be solved effectively with intense communication between WIPO personnel in the relevant division and by traveling to the field/country where the delivery of the program is projected. These challenges could be overcome in a cost efficient and effective way through an EO in the country where the programs to be delivered and implemented.

## INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):

183. Once the Member States and WIPO decide on the mandate of the EO in Turkey in consideration of the advantages it provides, the required human resources, financial resources, physical infrastructure and the location (either Ankara or Istanbul) where the EO can best fulfil its mandate would be jointly decided with the WIPO's services.

184. Turkey's location as well as *[its]* logistic and financial support to the offices of international organisations based in Turkey has constituted an incentive for those institutions to prefer Turkey for their headquarters and/or regional bureaus. In this respect, it goes without saying that, if so decided, the WIPO External Office would also benefit from this support.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>5</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**United Arab Emirates**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>6</sup>:

185. The United Arab Emirates (UAE) is strategically located at the crossroads of Asia, Africa and Europe, on the border of the Arab Gulf and the Gulf of Oman. With a population of 9.3 million, the country is recognised worldwide for its innovation, creativity and open economy. The UAE was ranked 26th out of 190 countries in the 2017 Doing Business Report, 16th out of 138 countries in the 2016-17 Global Competitiveness Index and 41st in the Global Innovation Index 2016.

186. The UAE’s [position] gives it market access to more than two billion people within four-hours’ flying time and provides an ideal gateway to emerging world economies in MENA, Africa and Asia. Abu Dhabi offers non-stop connections to 104 airports across 55 countries. Dubai, which is one hour away by road from Abu Dhabi, is home to the world’s most active international airport with more than 100 airlines. From its hub in Dubai, Emirates alone operates 3,000 flights a week across its network of 140 destinations in 70 countries across six continents.

187. The UAE hosts the headquarters of United Nations International Renewable Energy Agency, and offices for numerous other international organisations, including the United Nations Development Programme (UNDP), the Food and Agriculture Organisation (FAO), the United Nations Environment Programme (UNEP), the United Nations Children’s Fund (UNICEF), the International Finance Corporation (IFC) and the World Bank. Furthermore, major international events are held in the UAE, such as the Global Innovation Summit, the World Government Summit, the SME World Summit, the Social Media Summit, the World Future Energy Summit and the Annual Investment Meeting.

188. The UAE is part of the League of Arab States and one of six member states in the Gulf Cooperation Council (GCC), which includes Bahrain, Kuwait, Oman, Qatar, and the Saudi Arabia. GCC countries have implemented a number of policy reforms to support the development of more innovative and diversified economies. Four out of six GCC states are now ranked among the top 40 in the Global Competitiveness Index.

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<sup>5</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>6</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

189. Building on its numerous achievements in the area of innovation and intellectual property, the UAE is now highly motivated to launch a WIPO office that would have a high development impact. The UAE's achievements in the area of innovation and intellectual property rights can be summarised around four pillars: strategy, policy & institutions, processes and results.

### Strategy

190. According to the UAE's Vision 2021 the country aims to be among the most innovative nations in the world where "Innovation, research, science and technology will form the pillars of a knowledge-based, highly productive and competitive economy, driven by entrepreneurs in a business-friendly environment where public and private sectors form effective partnerships."

191. The UAE Innovation strategy is composed of three core pillars:

- Innovation-enabling environment
- Innovation champions
- Innovation priority sectors.

192. Each of these pillars rests on a solid legislative and institutional foundation to support intellectual property rights (in particular the pillar which promotes an innovation enabled environment).

193. Since joining WIPO, the UAE has adhered to a number of IP-related treaties, including 8 WIPO treaties:

- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled
- WIPO Performances and Phonograms Treaty
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
- Berne Convention for the Protection of Literary and Artistic Works
- WIPO Copyright Treaty
- Patent Cooperation Treaty
- Paris Convention for the Protection of Industrial Property
- Convention Establishing the World Intellectual Property Organization

194. The UAE was the third country that ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh VIP Treaty) on 15 October 2014, which entered into force on the 30 September 2016. In addition, the UAE recently acceded to the Beijing Treaty on Audiovisual Performances which aims to strengthen the economic rights of film actors and other performers as well as enable performers to share proceeds with producers for revenues generated internationally by audiovisual productions. The treaty will also contribute to safeguarding the rights of performers against the unauthorized use of their performances in audiovisual media, such as television, film and video.

Furthermore, the UAE has adhered to an additional 23 IP-related multilateral treaties, including the Agreement on Trade-Related Aspects of Intellectual Property rights (TRIPS Agreement), on April 10, 1996. The regional Economic Agreement between the GCC states adopted by the UAE on January 1st 2003 also includes IP related statutes.

### Policies and Institutions

195. Following the best practices from WIPO and its members, the UAE has implemented a number of new measures to support intellectual property rights. For instance in 2016 a patent fund was established in order to help process up to 200 patent applications from young innovative and industrial companies, business competitions, and academic patentable research projects.

196. The UAE is also currently implementing a Patent Processing Agency to streamline patent processing time, decrease backlog, reduce cost and increase demand for patents.

197. As part of the efforts to accelerate the application process, The Ministry of Economy has also further allowed for a 90 day grace period for applicants to submit translated documents and Public Notary approvals. A new IP law is currently in the process of being drafted, taking into account feedback from a selection of Universities, businesses and relevant institutions.

198. The Ministry of Economy have been closely engaged with WIPO regarding the automation project with the Trademarks department materialized in the deployment of WIPO Industrial Property Automation System (IPAS) in February 2012. The Trademarks department in UAE has been using the system since then for the electronic administration of Trademarks applications of UAE. The IPAS deployment in UAE is considered one of the successful projects we have in the region with the feedback that we have probed from the users and applicants especially on the accuracy, speed and quality of service following system deployment.

#### Processes

199. Armed with improved policies and institutions, UAE's policy makers have been designing and implementing better innovation and IP processes, such as streamlining patent procedures to limit patent registration delays to 180 days, implementing a two-track patenting system to further accelerate patents for industrial products and introducing trademark related smart services. What is more, the UAE is currently investing in state-of-the-art IT infrastructure and automation. The government introduced 13 trademark related smart services in 2016 and a host of measures to support the financing of patents and trademarks. It is also boosting access to information by providing a comprehensive list of IP lawyers and grant or funding opportunities.

#### Results

200. As a result of these efforts related to strategy, policy, institutions and processes, registration of patents, trademarks and industrial designs increased to more than 20,000 in 2015. Moreover, as already mentioned, the UAE was ranked 41 out of 128 countries in the 2016 Global Innovation Index (GII). The UAE has leveraged publications such as the GI to define actions plans for improvement in a number of areas related to policy, institutions and processes.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

201. The UAE proposes to establish a WIPO office that will offer WIPO services and expertise, including unique intellectual property capacity building opportunities, to Gulf Cooperation Council (GCC) states and developing countries in the Middle East and Asia. The UAE's strategic location, at the heart of the Asian and African continents, will make it an ideal destination for its WIPO partners in these regions. Ultimately, the UAE WIPO office will raise awareness about intellectual property rights and WIPO's services, strengthen the legislative and institutional environment for intellectual property, and build greater capacity to manage IPRs in the public sector, private sector and civil society.

202. There are a number of advantages to opening a WIPO office in the UAE. The WIPO office will:
- Strengthen the development impact of WIPO by offering a unique intellectual property capacity building service to WIPO members in the Middle East and Asia.
  - Leverage the UAE's strategic geographic location, at the crossroads of Asia, Africa and Europe, and highly connected international airports.
  - Raise awareness and understanding about intellectual property rights and WIPO's services.
  - Assist target countries to deepen their application WIPO treaties already adopted and expand their adoption of additional WIPO treaties.
  - Support the development of existing initiatives, such as the new UAE IP examination office announced in November 2016.
  - Enhance access to WIPO research, statistics and publications.

203. The UAE is willing to commit the necessary budget to have a high visibility office that is fully operational. The net result will be an increase in the registration of patents and trademarks in target countries as well as a strengthening of WIPO's image as the "go to" international institution for support services to protect intellectual property, resolve disputes, form international IP policy, train policy makers, access data and knowledge as well as promote international cooperation and development.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>7</sup>):**

204. Consistent with WIPO's mission, the objectives of the office would be structured around 3 core pillars: strategic convergence, policy and process enhancement, improved awareness and capacity.

Strategic convergence

*1) Boost the development impact of WIPO and the UAE on WIPO member countries in the Middle East and Asia*

205. In order to boost development impact through innovation and creativity, the UAE WIPO office will extend its services not only to its neighbours from the Gulf Cooperation Council (GCC), but also to other developing countries in the Middle East and Asia. These countries will enjoy full access to the IP expertise and capacity building offered by the UAE WIPO office.

*2) Support the UAE's National Innovation Strategy (NIS) to foster an innovation enabling environment, namely by strengthening the regulatory and institutional framework*

206. While the UAE's IP legislation currently covers the main pillars of IPR protection, it still has areas for improvement, some of which have been highlighted through exchanges with relevant stakeholders in universities, judiciary, business and other institutions. The UAE WIPO office will contribute additional expertise in updating the UAE's IP legislation and help ensure that it reflects the main concerns of key stakeholders while striking a balance with the UAE's strategic objectives and WIPO best practices in this field.

207. Moreover, the UAE is currently preparing the design and implementation of a new Patent Centre that will greatly benefit from synergies and expertise provided by an Abu Dhabi WIPO office.

*3) Deepen and expand the application of WIPO treaties already adopted*

208. The UAE and other target countries covered by the scope of the proposed WIPO office have great potential to further leverage WIPO treaties already adopted. For instance, by deepening and expanding the application of the eight WIPO treaties it has already ratified, UAE stakeholders will develop greater awareness of patent registration options and deliver stronger patent registration results. This objective will be achieved through a more effective communication of the services provided by existing WIPO treaties and tailored coaching in how to best access these services.

*4) Accelerate the adherence to WIPO treaties not yet adopted by the UAE*

209. In addition, the UAE and the other target countries for the WIPO office have still not adopted a number of WIPO treaties that could be relevant to enhancing their innovation and creativity. Examples of treaties that have not yet been adopted by the UAE include the Madrid System, the Hague International Design System and the Budapest International Microorganism System. The UAE WIPO office will help target countries better understand the rationale to adopt these treaties, how to do so, and provide guidance in getting the most out of the related WIPO services.

Policy & Process Enhancement

*5) Streamlining of patent and trademark procedures*

210. Countries under the scope of the UAE WIPO office will benefit from expert advice on ways to streamline their patent and trademark procedures, taking inspiration from the strengths, weaknesses and adaptability of existing models adopted by WIPO members. The UAE has already taken a number of

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<sup>7</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

initiatives to accelerate procedures related to intellectual property rights, as outlined in its National Innovation Strategy. With the expert support of a local WIPO office, further improvements will be made in patent registration and other IP procedures, taking to account the lessons learned from other WIPO members. The end objective is to establish the most efficient and effective patent registration procedures in line with leading international standards.

*6) Facilitate dispute resolution*

211. The WIPO office will also provide information, advice and support in helping partner countries to resolve IPR disputes at both the national and international level, through mediation, arbitration and expert determination. When relevant and applicable, it will encourage and guide stakeholders to fully leverage the services of the WIPO Arbitration and Mediation Center which offers “timely and cost-efficient alternative dispute resolution (ADR) options.”

*7) Encourage public–private dialogue on IPR related matters to improve policy*

212. Building on existing UAE and partner government initiatives to consult the private sector and universities on ways to improve the protection of IPRs, including IPR legislation, the registration process and enforcement, the WIPO office will promote and coordinate more systematic public-private consultations on IPR related matters. An annual event will be organised to take stock of progress made on IPR legislation and enforcement and identify measures for further improvement.

Improved Awareness and Capacity

*8) Raise awareness, understanding and respect for intellectual property rights and the role of WIPO*

213. By establishing an expert WIPO office in a prestigious location of Abu Dhabi, the UAE will be sending a strong message about the importance of intellectual property rights, of WIPO and its extensive commitment in promoting and enforcing IPRs. Furthermore, the UAE WIPO office will be responsible for organising IP communication campaigns, leveraging all different forms of media platforms, including social media. The office will further organise a series of activities in conjunction with the annual UAE Innovation Week held during the month of November, to highlight IP achievements and display the rich palette of services at the disposal of government, businesses, universities and other relevant institutions.

*9) Build IPR capacity in collaboration with the WIPO Institute*

214. The proposed capacity building seminars targeted at government officials from the UAE and partner countries, will cover areas such as intellectual property law and institutions, IPR processes, best practices in IPR knowledge management, public-private dialogue, and getting the most out of WIPO treaties and other services. Capacity building sessions will be organised on a quarterly basis and be systematically evaluated by participants in order to continuously improve their relevance and timeliness.

*10) Facilitate communication and exchange of best practices in IPR*

215. The UAE is already an active in promoting knowledge exchange on innovation and intellectual property rights, namely in forums such as the UAE Innovation week held in November every year. Building on this UAE experience, communication and knowledge exchange between the UAE and partner countries will be further expanded by dedicating a session to best practice sharing between partner countries during the UAE Innovation Week and capturing the most compelling IPR best practices on the office’s website.

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO’S PROGRAM DELIVERY<sup>2</sup>:**

[See sections on “Purpose” and “Proposed scope of activities”].

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>8</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

216. The UAE proposes to host the WIPO office in the Ministry of Economy, a high profile and convenient location. Located in the Liwa Tower, Exhibition Area, the Ministry of Economy is a 15 minute drive from the airport and adjacent to the attractive Embassy area. In order to encourage maximum synergies, the WIPO office will be adjacent to the Department for Intellectual Property and the newly formed Intellectual Property Centre.

217. A total of 250 m2 will be dedicated to the WIPO Office, including a fully equipped working space, with office furniture, printers, telephones and any other relevant equipment not provided by WIPO.

218. In addition, to further boost impact and visibility, the UAE proposes to start a secondment programme between the Ministry of Economy and the new WIPO office. The Ministry of Economy will second two staff members on a rotating annual basis to support the WIPO team. Other secondments may also be accepted from interested partner countries. Through their daily interactions with WIPO experts, seconded staff will strengthen their knowledge and expertise in the area of intellectual property.

219. The total estimated annual budget dedicated to the new WIPO office by the UAE Ministry of Economy will be 1,314,000 AED or 355,000 USD.

*Breakdown of UAE WIPO Office Budget*

<b>Budget Breakdown</b>	<b>AED Monthly</b>	<b>USD Monthly</b>	<b>AED Annual</b>	<b>USD Annual</b>
Rental of fully equipped office space for 6 staff (250 m2)*	30 000	8 100	360 000	97 200
Electricity	1 000	270	12 000	3 240
Telephone and internet	4 000	1 080	48 000	12 960
Consumables (paper, ink, etc)	2 000	540	24 000	6 480
Miscellaneous	2 500	675	30 000	8 100
Training budget	30 000	8 100	360 000	97 200
<b>Sub total for office</b>	<b>69 500</b>	<b>18 765</b>	<b>834 000</b>	<b>225 180</b>
Secondment of 2 staff from the Ministry of Economy	40 000	10 800	480 000	129 600
<b>Total budget</b>	<b>109 500</b>	<b>29 565</b>	<b>1 314 000</b>	<b>354 780</b>

\* Includes desks, chairs, telephones & any other relevant equipment not provided by WIPO.

Exchange rate 1 AED 0,27

220. Over a five-year period, the estimated budget allocated by the UAE to the WIPO office is approximately 6.9 million AED or 1.86 million USD. WIPO members can be assured of the financial sustainability of this offer, which has the full support and commitment of the UAE government.

<sup>8</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

WIPO Office Budget Breakdown over Five Years

Pillars	WIPO Mission / Objectives	UAE WIPO Office Objectives	Budget 2018-19*	Budget 2020-21	Budget 2022-23
<b>1. Strategic convergence</b>	<ul style="list-style-type: none"> <li>Lead the development of a balanced and effective international intellectual property (IP) system that enables innovation and creativity for the benefit of all</li> </ul>	<ul style="list-style-type: none"> <li>Boost development impact</li> <li>Support the UAE's NIS to foster an innovation enabling environment</li> <li>Deepen and expand application of WIPO treaties already adopted</li> <li>Accelerate the adherence to WIPO treaties not yet adopted</li> </ul>	107,325	171,720	171,720
<b>2. Policy &amp; Process Enhancement</b>	<ul style="list-style-type: none"> <li>Form international IP Policy</li> <li>Resolve IP disputes</li> </ul>	<ul style="list-style-type: none"> <li>Streamlining of patent and trademark procedures</li> <li>Facilitate dispute resolution</li> <li>Encourage public-private dialogue on IPR related matters to improve policy</li> </ul>	107,325	171,720	171,720
<b>3. Improved Capacity &amp; Awareness</b>	<ul style="list-style-type: none"> <li>Train policy makers</li> <li>Promote international cooperation &amp; development</li> <li>Access IP data &amp; knowledge</li> </ul>	<ul style="list-style-type: none"> <li>Raise awareness, understanding &amp; respect for IPRs &amp; the role of WIPO</li> <li>Build IPR capacity in collaboration with the WIPO the WIPO Institute</li> <li>Facilitate communication and exchange of best practices</li> </ul>	228,825	366,120	366,120
<b>Total (USD)</b>			443,475	709,560	709,560

▲  
Independent evaluation of 11 WIPO regional offices

Note (\*): Budget spread over 15 months assuming WIPO office agreement is signed in October 2018.

[End of Annex and of document]

## Program and Budget Committee

**Twenty-Sixth Session**  
**Geneva, July 10 to 14, 2017**

OPENING OF NEW WIPO EXTERNAL OFFICES DURING THE 2018/19 BIENNIUM

*Corrigendum*

Page 42 of the Annex to document WO/PBC/26/7 should read as follows:

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**United Arab Emirates**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP X

**IF ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

*[Bahrain, Jordan, Kuwait]*

This Corrigendum supersedes document WO/PBC/26/7/Corr.

[End of document]