

WIPO



WO/CF/16/1
ORIGINAL: English
DATE: July 24, 1998

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

WIPO CONFERENCE

Sixteenth Session (3rd Extraordinary) Geneva, September 7 to 15, 1998

PERMANENT COMMITTEES ON DEVELOPMENT COOPERATION

Memorandum of the Secretariat

1. The Resolution Establishing the WIPO Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property, including the Organizational Rules of the said Program, was adopted by the WIPO Conference at its second session in November 1973 (document WO/CF/II/4). The Legal-Technical Program was subsequently enlarged and its title was changed to the WIPO Permanent Program for Development Cooperation Related to Industrial Property. A Permanent Committee for Development Cooperation Related to Industrial Property (PC/IP) was established to keep the Program under review (document AB/VII/23).
2. The Resolution Establishing the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights, as well as the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (PC/CR) was adopted by the WIPO Conference at its third ordinary session in 1976 (document AB/VII/23).
3. At the time of its establishment, the PC/IP had a membership of 49 States. Its present membership is 122 States. The PC/CR, with a membership of 21 at the time of its creation, now has 112 members.
4. The purpose of the PC/IP is to create a mechanism to help developing countries acquire technology related to industrial property, and to develop their legislation and institutions in the

field of industrial property (see document PI/95/Rev.3). The PC/CR was established to create a similar mechanism in the field of copyright and neighboring rights that would “assist the planning and implementation of development cooperation activities in those fields” (see document AB/VII/7). In practice, the PC/IP and the PC/CR meet to review and evaluate the activities of WIPO under the Permanent Programs. The PC/IP and the PC/CR meet “at least once every two years” (Article 4 of the Organizational Rules).¹

5. In the 1998-99 Program and Budget, the Director General proposed a review of the structure and functions of the PC/IP and PC/CR and their respective Working Groups and, in particular, an examination of their possible merger into a single body.

6. The need for review is a function of the changing framework for international cooperation, and the evolving structure of WIPO’s programs and activities. Given that the machinery for amendment of the administrative provisions of WIPO-administered treaties needs to be activated (see document A/33/3), and in light of the general trend toward simplifying and rationalizing the governance structure of WIPO, the WIPO Conference may wish to consider merging the PC/IP and the PC/CR into a single body.

The possible merger of the PC/IP and the PC/CR into a single body

7. A merger of the PC/IP and the PC/CR would be in line with the proposal, in the 1998-99 Program and Budget, to facilitate “the participation of developing countries representatives in a WIPO Permanent Committee on Intellectual Property Development (PCIPD)” (see document A/32/2, Main Program 06). The advantages of merging the PC/IP and the PC/CR into one body are:

- (i) the Organization would have a single Permanent Program for Cooperation for Development which would be managed by the PCIPD;
- (ii) the PC/IP and the PC/CR are both identical in terms of eligibility for membership (“...all States Members of WIPO which have informed the Director General of WIPO of their desire to be members of the Permanent Committee.”). Merging them into one body would thus avoid duplication of membership in the area of cooperation for development;
- (iii) the respective programs and budgets of the PC/IP and the PC/CR both form part of the legal-technical assistance program of WIPO (see Article 3 of document DA/35/Rev.2 and Article 3 of document PI/95/Rev.3). From a policy point of view, it is increasingly difficult to maintain a strict division between matters which pertain only to industrial property and those which relate only to copyright. An expanding number of issues cover both industrial property and copyright. This tendency is reflected in the internal organizational structure of the Secretariat, in which the bureaus covering various developing regions are responsible for both industrial property and copyright.

¹ In practice, however, their meetings have been somewhat irregular. The PC/CR, for example, has had 12 sessions to date. It met in 1977, 1978, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1992, 1994 and 1997. The Working Group of the PC/CR met in 1993 and in 1995.

8. If the Member States consider it appropriate to merge the PC/IP and the PC/CR, it would be necessary to draft a new set of rules for the newly-created single PCIPD. It is recalled that Article 7 of the Organizational Rules of the PC/IP as well as of the PC/CR provide for amendment of those Organizational Rules by the WIPO Conference or the WIPO Coordination Committee.

9. The WIPO Conference is invited to request the Director General to initiate the procedures for merging the PC/IP and the PC/CR into a single body, possibly named the “Permanent Committee on Intellectual Property Development (PCIPD).”

[End of document]