

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

CONFERENCE

Twelfth Session (11th Ordinary)
Geneva, September 20 to 29, 1993

EXAMINATION OF THE REPORTS OF THE PERMANENT COMMITTEE
FOR DEVELOPMENT COOPERATION RELATED TO INDUSTRIAL PROPERTY
AND THE PERMANENT COMMITTEE FOR DEVELOPMENT COOPERATION RELATED TO
COPYRIGHT AND NEIGHBORING RIGHTS

Memorandum by the Director General

1. During the twenty-third series of meetings (held from September 21 to 29, 1992) of the Governing Bodies of WIPO and the Unions administered by WIPO, it was decided that an item entitled "Examination of the Reports of the Permanent Committees on Development Cooperation" would be included in the draft agenda of the WIPO Conference (see document AB/XXIII/6, paragraph 136).

2. The Permanent Committee for Development Cooperation Related to Industrial Property held its fifteenth session in Geneva from November 9 to 13, 1992, and the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights held its tenth session in Geneva from November 2 to 6, 1992. The reports of those sessions are given in Annexes I and II.

3. The lists of the participants and member States of the two Permanent Committees, which were annexed to the respective Committee's report, are not reproduced in the present document.

4. The WIPO Conference is invited to note the contents of the reports of the two Permanent Committees.

[Annexes follow]

WIPO



PC/IP/XV/8

ORIGINAL : English

DATE : November 13, 1992

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO PERMANENT PROGRAM FOR DEVELOPMENT COOPERATION RELATED TO INDUSTRIAL PROPERTY

PERMANENT COMMITTEE

Fifteenth Session

Geneva, November 9 to 13, 1992

REPORT

adopted by the Permanent Committee

INTRODUCTION

1. The WIPO Permanent Committee for Development Cooperation Related to Industrial Property (referred to hereinafter as "the Permanent Committee") held its fifteenth session in Geneva from November 9 to 13, 1992.
2. Seventy-three member States of the Permanent Committee, four non-member States, six intergovernmental organizations and seven international and national non-governmental organizations were represented. The list of the 126 participants is attached as Annex I of this Report.

OPENING OF THE SESSION

3. On behalf of the Director General of WIPO, Mr. Shahid Alikhan, Deputy Director General, opened the session and welcomed all delegations. He extended special greetings to the Islamic Republic of Iran and Madagascar, States which had become members of the Permanent Committee since its previous session, noting that the Permanent Committee now embraced 108 Member States (Annex II).

4. The Deputy Director General referred to the proposal made at the preceding session of the Permanent Committee, in July 1991, to increase the periodicity of its meetings. He drew the attention of delegations to document PC/IP/XV/7 containing the subsequent decision in this respect of the WIPO Coordination Committee at its meeting in Geneva in September 1992. He then invited the Permanent Committee to allocate time during its current session for designating the members of the Working Group established by the latter decision.

5. The Deputy Director General went on to say that the 15 month reporting period since the Permanent Committee's last session had been exceptionally full and active. Developing countries had continued to express substantial interest in, and demand for, the development cooperation services, advice and assistance of WIPO, and the International Bureau had made all efforts to respond in full.

6. Referring to the resources available to WIPO for development cooperation, he cautioned delegations that the negative trend in UNDP funding, noted by the Permanent Committee at previous sessions, had regrettably been confirmed, with particularly severe consequences for the regional programs managed by WIPO. Despite the concerted and consistent efforts of the International Bureau, at all levels, to prepare and submit well-designed proposals for UNDP financing, extra-budgetary funds available to WIPO from UNDP had not adequately matched expectations.

7. WIPO had increased by nearly 30 percent its own supplementary contributions to the development cooperation budget for 1992-93. However, the erosion of other multilateral funding for development cooperation activities in industrial property warranted the concern of the Permanent Committee; and the Deputy Director General urged delegations to take this serious matter up directly with their respective government departments dealing with UNDP matters.

ELECTION OF THE CHAIRMAN AND TWO VICE-CHAIRMEN

8. The Permanent Committee unanimously elected Mr. José O. Montealegre Escobar (Colombia) as Chairman, and Mrs. Ruth Christine Masika (Uganda) and Mr. Jean-Baptiste Mozziconacci (France) as Vice-Chairmen. Mr. Vladimir Yossifov (WIPO) acted as Secretary of the Committee.

ADOPTION OF THE AGENDA

9. The Permanent Committee adopted the agenda as contained in documents PC/IP/XV/1 Rev 1. and Rev. 2.

OTHER PROCEDURAL MATTERS

10. The delegation of the United Kingdom, speaking on behalf of the European Community (EC) and its Member States, made the following statement:

"I am speaking on behalf of the European Community and its Member States.

Annex I

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As we have already made clear on a number of occasions, the European Community and its Member States do not accept that the Federal Republic of Yugoslavia is the automatic continuation of the Socialist Federal Republic of Yugoslavia.

In this context, we take note of General Assembly Resolution 47/1, adopted on 22 September 1992, in which the Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and should therefore apply to join the United Nations, and shall not participate in the work of the General Assembly.

The European Community and its Member States have also noted the United Nations Legal Counsel's advice on the applicability of the General Assembly resolution to other United Nations bodies. We regard General Assembly resolution 47/1 as a model for action in the specialised agencies and other United Nations bodies in due course, as appropriate.

We do not accept that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) may validly represent Yugoslavia in this meeting. The presence of the representatives in question is without prejudice to any future action which the Community and its Member States may take."

11. The statement made by the delegation of the United Kingdom on behalf of the EC was supported by the delegations of Austria, Japan and Canada.

(i) The delegation of Austria stated that:

"The Austrian Government has repeatedly voiced its opinion in different international fora that there is no legal basis for an automatic continuation of the legal existence of the former Socialist Federal Republic of Yugoslavia by the so-called Federal Republic of Yugoslavia, which therefore cannot be considered to continue the Yugoslav membership of the former Yugoslavia in the United Nations. Austria therefore welcomed and fully supported the resolutions adopted by the Security Council on 19 September and General Assembly on 22 September which, inter alia, decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership of the United Nations and that the FRY should not participate in the work of the General Assembly. Consequently Austria also actively supported the decision taken at the XXIII. Session of the Governing Bodies of WIPO, on the 24. September 1992.

We therefore do not recognize the participation of the delegation of the FRY in this Committee as valid. We would also like to emphasize that the participation of a representative of the so-called Federal Republic of Yugoslavia (Serbia and Montenegro) in this meeting or any future meeting of this Committee does not constitute in any way a form of recognition by Austria or a prejudice to any future decision or action the Austrian Government, any body of WIPO or any other international organization may take in the future."

(ii) The delegation of Japan stated the following:

"As to the membership of the Federal Republic of Yugoslavia to the United Nations, the Government of Japan does not accept the automatic continuity of its membership in international organizations, including the World Intellectual Property Organization.

In this context, we take note of General Assembly Resolution 47/1, adopted on 22 September 1992.

The Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership if it wishes to become a member of the United Nations. The participation of Yugoslavia in this meeting of WIPO is without prejudice to the position and future decisions of the Japanese Government on this and related issues."

12. The delegation of the Federal Republic of Yugoslavia made the following statement:

"With reference to the statements just made, I state the following:

"There is no legal basis for questioning the legality of the participation of the Yugoslav delegation.

First, this action would not be in conformity with the official legal interpretation of the General Assembly Resolution 47/1 of September 22, 1992.

Second, the decision of the WIPO Governing Bodies taken at their 23rd session, which itself is not in conformity with international law, applies exclusively to the participation of the Federal Republic of Yugoslavia in the meetings of the said bodies as expressly stated in operative paragraph 2. and I quote: "Decide that the FR of Yugoslavia (Serbia and Montenegro) shall not participate in any meetings of the said Governing Bodies."

Third, no international convention in the field of intellectual property provides for the suspension of States from the Unions established on the basis of those conventions. The conventions provide for the right of States to adhere to the respective conventions in the interest of general promotion of civilization and desirable international cooperation.

Fourth, this Permanent Committee has no mandate even to discuss such a political issue.

Fifth, such a sanction, imposed against Yugoslavia (that is Serbia and Montenegro) is not only in contradiction with explicit norms of international law but represents a punishment for a country which was one of the initiators of cooperation among States as a founding member of the Paris Union in 1883 and which has for more than a hundred years been a loyal member of BIRPI and WIPO and, in no case, was in any dispute with other countries on matters concerning the implementation of international conventions it has ratified.

We do firmly believe that the members of this Committee have a long-standing interest in cooperating with Yugoslavia in all fields of intellectual property, including on issues of development cooperation related to industrial property.

I would like to take this opportunity to kindly ask the Secretariat to have this statement of mine take precedence over the statement as reproduced in the Report of the Fifth session of the Working Group on the Application of the Madrid Protocol of 1989 (doc.: GT/PM/V/6, para. 13) as there are some slight misinterpretations."

13. The meeting then resumed its substantive agenda related to development cooperation.

REVIEW AND EVALUATION OF ACTIVITIES UNDER THE PERMANENT PROGRAM SINCE THE LAST SESSION OF THE PERMANENT COMMITTEE (July 1-4, 1991)

14. Discussions were based on documents PC/IP/XV/3, 4 and 5.

15. Sixty-two delegations spoke under this agenda item, namely Algeria, Argentina, Benin, Brazil, Burkina Faso, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, the Democratic People's Republic of Korea, Egypt, El Salvador, France, Germany, Ghana, Guinea, Honduras, India, Indonesia, Japan, Jordan, Lesotho, Liberia, Libya, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, the Netherlands, Niger, Paraguay, Peru, the Philippines, Portugal, the Republic of Korea, Romania, Rwanda, Senegal, Sierra Leone, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syria, Togo, Uganda, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zambia and Zimbabwe. The representatives of the Commission of the European Communities (CEC), the Organization of African Unity (OAU), the European Patent Organisation (EPO), the International Federation of Inventors' Associations (IFIA), the Brazilian Association of Industrial Property (ABPI) and the Center for International Industrial Property Studies (CEIPI) also made statements.

16. Most, if not all, delegations which took the floor commended the International Bureau on the excellence of the documentation before the meeting which was found to be comprehensive, balanced and lucid. The delegations of Argentina, Burkina Faso, Chad, Chile, China, Congo, Cuba, the Democratic People's Republic of Korea, France, Germany, Ghana, India, Indonesia, Japan, Jordan, Malawi, Malaysia, Mauritania, Morocco, the Philippines, the Republic of Korea, Rwanda, Senegal, Sudan, Swaziland, Togo, Uruguay and Zimbabwe were among the many Permanent Committee members which expressed their satisfaction with this, as well as other preparatory work for the fifteenth session. The Brazilian delegation, associating itself with these remarks, said that having a more focused discussion of national or regional experiences and plans on the basis of cooperation received under the Permanent Program would be more useful. To that effect, it proposed that basic documents should be so prepared as to facilitate the comprehension by delegates of the implementation of cooperation activities, for which the WIPO Program and Budget could serve as a model. In this respect, the provision of qualitative, as well as quantitative information, would be of great assistance. In this respect it said that document PC/IP/XV/3, on "Review and Evaluation of Activities Under the Permanent Program" was a step in the right direction, for which the International Bureau should be commended.

17. An equally positive consensus materialized on the scope, substance and orientation of the WIPO development cooperation program during the period under review. WIPO's activities were variously judged to have been responsive to the efforts of developing countries, practical, well-managed and dynamic. Delegations commended the main fields of endeavor supported by the International Bureau, namely human resources development; strengthening of legal and administrative machinery; the promotion of invention and innovation in developing countries; patent information and documentation, including technological information services; technical cooperation among developing countries; and cooperation with the least developed countries (LDCs). The attainment of targets set for the program in this period was a source of satisfaction for the members of the Permanent Committee.

18. Numerous delegations stressed the importance they attached to UNDP-financed projects executed by WIPO in the field of industrial property and urged that such technical cooperation should continue, and grow. The four regional projects on industrial property in Africa, the Arab Countries, Asia and the Pacific, Latin America and the Caribbean were considered especially useful as means of reinforcing efforts at the national level. Following the delegation of Jordan, many speakers expressed great concern over the sharp reduction in financial support from UNDP for technical cooperation in the Fifth UNDP Programming Cycle. The delegations of Brazil, the Democratic People's Republic of Korea, Egypt, Ghana, India, Japan, Malawi, Malaysia, Morocco, the Philippines, Sierra Leone, Sri Lanka, Uruguay, Venezuela and Zimbabwe were among those which deplored this declining trend and called for new efforts to find lasting solutions.

19. Member States also noted that, for the period 1992-93, WIPO had increased contributions from its own resources by nearly 30 percent to offset the shortfall in extra-budgetary funds from UNDP, and expressed their appreciation for this measure.

20. The delegations of Brazil, Chile, Jordan, Paraguay, Philippines, Sudan, Uruguay, Yemen and Zimbabwe, while agreeing that UNDP funding was very important, felt that WIPO should not rely entirely on UNDP to maintain an acceptable level of development cooperation activities. WIPO should continue to prospect alternative sources of funding, including regional financial institutions as well as other donors and organizations and should consider making available more resources for the Permanent Program from its own sources of revenue. In this regard, the delegation of Chile noted the contacts established by WIPO and requested further information about the outcome of these contacts to date.

21. In addition, and keeping in mind the special difficulties of the least developed countries, the delegations of Jordan, Sudan and Yemen suggested that reserves available from the registration activities of WIPO should be utilized to cover programs in the most needy developing countries. This proposal was supported by the delegation of Malawi. The delegation of Jordan also proposed the establishment of a trust fund financed from income received under WIPO's registration activities, which could provide relief for LDC Member States with accumulated arrears in contribution payments. The special problems of the LDCs were also stressed by the delegations of Benin and Burundi as well as by the delegation of Rwanda which applauded the decision of the WIPO Governing Bodies in 1991 to approve two new contribution classes that, in effect, reduce the payments of the 26 LDC members of the Permanent Committee by either 50 percent or 75 percent, as the case may be. Rwanda further proposed that the WIPO Governing Bodies should review the modalities of possible annulment of arrears in contributions from LDCs.

22. The delegation of Romania affirmed that Central and Eastern European countries which were in a period of transition also required WIPO's assistance. During the period under examination, Romania had benefited from WIPO's advice and support in framing new national legislation, including its patent law and in organizing seminars on related topics. Having acceded recently to the Hague Agreement Concerning the International Deposit of Industrial Designs, its country also expected to join other treaties administered by WIPO. Funds to enable the Permanent Program to respond to the special needs of Central and Eastern European countries were also required.

23. The delegations of Canada, France, Germany, Japan, Netherlands, Spain, Sweden, Switzerland and the United Kingdom, expressing their full satisfaction with the activities of the Permanent Program, referred to their individual cooperation activities within its framework and stated that they would continue their contributions. Training, the exchange of professional experiences, including among members of the judiciary, study visits and the provision of patent documents and information in different languages, notably Spanish, were mentioned among opportunities thus provided.

24. The delegation of Japan, observing that the intellectual property system was a cornerstone of technological and economic development, and that the Permanent Committee had now grown to include 108 members, remarked on the efficiency of the WIPO Permanent Program in encouraging more countries to modernize their industrial property systems. Japan thus attached more significance than ever to its Trust Fund Arrangement with WIPO which currently provided about 500,000 Sfr. annually. With the decline in UNDP funding, Japan would continue to assist WIPO for development cooperation activities through this Arrangement. At the same time, rising demands and shrinking resources called for effective management of the Permanent Program and its priorities.

25. The Swedish delegation, commending the balanced and extensive character of the Permanent Program and its efficient management, confirmed that the Swedish Government had renewed the fourth phase of its Trust Fund Arrangement with WIPO covering the period 1992-1995. The Arrangement placed at WIPO's disposal about 400,000 Sfr. each year.

26. The representative of the Commission of European Communities informed the Committee as regards the interest in, and projects of, the European Communities concerning development cooperation activities in the field of industrial property. Thus the European Communities will finance a ten million Swiss franc project for the ASEAN countries, a part of which will be executed by WIPO and the European Patent Office. Furthermore, the European Communities will finance assistance in the field of industrial property to the countries of Central and Eastern Europe. He commended WIPO for the quality of its development cooperation activities and underlined the desire of the European Communities to continue its cooperation with WIPO under the Permanent Program.

Development of Human Resources

27. There was general agreement among all delegations that human resource development was a prerequisite for the establishment and effective functioning of modern industrial property systems. The Permanent Program had contributed significantly to this objective. Courses, seminars, workshops and study attachments arranged by WIPO at the national, subregional, regional and

international levels had been instrumental in building capacities in industrial property rights protection and management. Special courses had also helped to sensitize wider groups of end-users, including researchers, academics, industrialists, firms and the judiciary, to the role of industrial property in development. Roving seminars organized by WIPO had proved particularly useful in increasing awareness about the use of technological information in patent documents as well as about the practical use of the industrial property system by industrial enterprises and firms.

28. Many delegations, notably several from Latin America, echoed the delegation of Chile which said it looked forward in the future to more of these latter, broader-based training activities aimed at not only industrial property officials but other government officers and the private sector. Such training would form a vital complement to the basic training and specialized courses organized under the Permanent Program. In this context, the delegation of Chile indicated its Government's interest in organizing in 1993 a national seminar on trademark strategies for enterprises as well as a regional seminar on industrial property for officials of Ministries of Foreign Affairs. The Chilean delegation, supported by the delegations of Argentina and Uruguay, also suggested that WIPO might consider the possibility of organizing regional Latin American Congresses on industrial property and expressed its Government's readiness to host the first such Congress.

29. The delegation of Algeria also called for innovative approaches to human resources development, citing the need in many countries for exposing professors and administrators of industrial property to new developments including the economic orientation of industrial property rights. The staff of training institutes also needed to be aware of new training methods.

30. The delegation of Sri Lanka expressed the hope that UNDP funding would continue to be available for the WIPO Asia Regional Training Course on Intellectual Property for Developing Countries from Asia and the Pacific, which had been hosted by the Government of Sri Lanka for a number of years.

31. A number of other delegations mentioned the need to continue the provision of training and experience-sharing for judges, lawyers, users of patent information in industry and for policy-makers and legislators, as well as for professors of industrial property law.

32. The delegation of Brazil placed importance on the annual training seminars on industrial property and patent information for developing countries organized by WIPO and the National Institute of Industrial Property of Brazil (INPI) and called for more specialized training in fields related to technology acquisition such as licensing.

33. The Chinese delegation expressed its gratitude for the various training seminars and workshops organized for Chinese officials by WIPO in cooperation with certain industrialized countries and their national offices. It also cited, as an example of increasing national capacity, the decision of the Government to establish China's own Intellectual Property Training Center and the China Intellectual Property Training Fund for patent and trademark examiners, agents and administrators.

34. The delegation of India referred to the "roving seminars" being organized under the Permanent Program within the framework of the UNDP-funded and WIPO-executed country project on Modernization of Patent Information Services in Nagpur, India. It also referred to the training that the country was providing under the WIPO Permanent Program.

35. The delegations of Argentina, Ghana, Mauritania, Senegal and Venezuela emphasized that specialized training in industrial property administration (including patents and trademark operations) was essential for their national office personnel and a key priority, together with awareness-building, for their countries under the Permanent Program.

36. The delegations of China, India, Indonesia, the Philippines, the Republic of Korea and Sri Lanka noted with appreciation the important role played by WIPO-organized training in the establishment of their respective industrial property administrations. The delegation of the Republic of Korea referred to the assistance provided by WIPO in establishing and strengthening the International Intellectual Property Training Institute (IIPTI) of the Republic of Korea, and suggested that regular regional training courses should be organized with the help of WIPO as part of the Permanent Program.

37. The representative of the European Patent Organisation underlined the excellent cooperation between his organization and WIPO and assured delegates that this cooperation would be continued in future for the benefit of developing countries. Several training courses for developing country officials have been organized jointly with WIPO and EPO officials were used as experts in various WIPO missions and projects.

38. The observer from IFIA thanked the International Bureau for the training opportunities offered to officials of inventors' associations. At the same time, he expressed the gratitude of IFIA for the cooperation and facilities extended by the authorities of the Republic of Korea and the IIPTI in holding the first IFIA training course for officials of inventors' associations in Seoul in October 1992.

39. Several delegations emphasized that the teaching of intellectual property law in their own countries was important for the creation of core expertise, and suggested that this should be given further attention under the Permanent Program.

40. The delegation of Zimbabwe proposed that the Permanent Program in future should consider providing long-term training for specialists, administrators, trainers and university teachers in the field of industrial property. Such training, at masters' degree level or higher, would create a body of qualified specialists capable of formulating and improving legislation and strengthening industrial property institutions in their own countries. The delegation appreciated that the greater cost of such training was a factor to be overcome. Furthermore, the delegation noted that in general, long-term training in industrial property did not constitute a priority for national governments and for that reason it was difficult to obtain proper financing for such training. Zimbabwe felt however that, without extended training, a major objective of the Permanent Program, namely the establishment of a group of industrial property specialists within developing countries, could not be met. The delegation therefore asked other developing countries to consider foregoing some short-term fellowships to make this possible. It also called on the International Bureau to pursue in an appropriate manner the question of financing for long-term courses with the WIPO Budget Committee, donors and suitable organizations, including the possibility of financing such training from income derived from WIPO's registration activities.

41. The delegations of Burundi, Chile, Lesotho, Malawi, Niger, Swaziland, Syria, Uganda, Uruguay and Zambia supported the proposal for long-term training put forward by the delegation of Zimbabwe.

Strengthening Legal and Administrative Infrastructure

42. Many delegations acknowledged the importance of the Permanent Program in supporting the modernization of their industrial property legislations, in strengthening the efficiency and effectiveness of their industrial property administrations and in assisting their countries to accede to various WIPO-administered treaties.

43. The delegation of Algeria said that, with the help of WIPO, its country had revised its patent legislation which was in the final stages of adoption. Algeria was now considering acceding to the Patent Cooperation Treaty. The delegation also proposed several measures for orienting industrial property infrastructure more towards end-users. These included activities with the private sector and attention to the transfer of technology within, as well as between, countries.

44. The delegation of China said that its country had revised its patent law and was in the process of revising its trademark law. China now looked forward to acceding to the Patent Cooperation Treaty within the next year.

45. The delegation of India expressed appreciation to WIPO for the legal technical assistance it had provided. It referred with gratitude to the two visits paid to India recently by the Director General of WIPO, Dr. Arpad Bogoch, in the context of the country's efforts to modernize its legislation and intellectual property system. On his second visit only the previous week, Dr. Arpad Bogoch had received from the University of Delhi the Honorary Degree of Doctor of Laws, a mark of India's high appreciation for WIPO and its Director General.

46. The delegations of El Salvador and Honduras referred to the importance of the Declaration recently adopted by the Central American countries concerning their intention to accede to the Paris Convention. The delegation of Honduras also thanked WIPO for its assistance in the preparation of the country's draft industrial property law, which was currently before Congress and in the implementation of a country project aimed at strengthening of the industrial property office.

47. The delegation of Venezuela spoke about the steps its Government was taking to accede to the Paris Convention and the Patent Cooperation Treaty. The delegation of Argentina mentioned the measures taken by the Government to adhere to the Nice Agreement. The delegation of Uruguay referred to his country's plans for acceding to the Patent Cooperation Treaty, the Madrid Agreement Concerning the International Registration of Marks and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

48. The delegation of Uganda said that new industrial property legislation had been enacted in its country and it looked forward to WIPO's assistance with the implementing regulations. The delegation also suggested a WIPO workshop to discuss the new law with lawyers and the general public.

49. The delegation of Swaziland thanked WIPO for its assistance with industrial property legislation. As a result, the country expected to implement its trademark law in 1993 when its patent law would also be enacted. WIPO's assistance during the transition period would be greatly appreciated.

50. The delegation of Chile said its country continued to evaluate its possible accession to the PCT and, in view of the ongoing reforms of the industrial property systems in several Latin American countries, suggested that a support program be established for the creation of independent industrial property institutes.

51. Many speakers expressed their desire that the Permanent Program continue to provide assistance for the revision or drafting of national and regional legislation, as well as the implementation and enforcement of laws once enacted. Several speakers also mentioned the importance of initiatives undertaken within the framework of the Permanent Program to assist in the streamlining of industrial property operations, including through automation, and requested further cooperation in this field.

Promotion of Inventive and Innovative Activity

52. Several delegations referred to the major role of inventive and innovative activity in the process of technology-driven economic development. They encouraged WIPO to continue promoting such activity in developing countries by supporting inventors' associations directly and by stimulating closer interaction between those associations and industrial property administrations, universities and the private sector.

53. The delegation of Libya referred to WIPO's participation in a Colloquium on Industrial Property which was held in Tripoli in conjunction with the Al-Fateh International Exhibition on Invention and Industrial Innovation in February 1992.

54. The delegations of Lesotho and Uganda expressed interest in receiving WIPO's support for a national workshop for the promotion of inventions and innovation in the coming year.

55. The delegation of the United Republic of Tanzania stressed that, for developing countries, the industrial property system was an important instrument of technology transfer and a stimulus to invention and innovation. For the system to work in this way, there had to be trained users. Thus WIPO should focus not only on the administrative apparatus of the industrial property system but also on the training of users, including users of CD-ROM technology and the technological information therein.

56. The president of the International Federation of Inventors' Associations (IFIA) referred to its long-standing cooperation with WIPO and its strong interest in the Permanent Program and to the usefulness of joint initiatives such as the Fifth WIPO-IFIA Symposium on Support to Inventors, held in Geneva in April 1992. He also thanked WIPO for publishing the Guide on Associations of Inventors in four languages. The IFIA representative cited his organization's success in helping Sri Lanka to establish an Inventors' Association and suggested that WIPO and IFIA could do the same in many other developing countries. He also mentioned that in the fall of 1993 IFIA was preparing an international conference, to be held in Tunis, for Mediterranean countries on the subject of inventive activity and the protection of the environment.

57. The delegation of the Organization of African Unity (OAU) confirmed the continuation in 1993 of the joint OAU-WIPO Gold Medal Award Scheme for the Best African Inventors.

Patent Information and Documentation

58. All delegations that spoke on this subject said that they attached the highest importance to WIPO's activities in the field of patent information and documentation, including the use of patent documents as a source of technological information. In particular, WIPO's efforts to promote the use of CD-ROM technology for the storage, retrieval and dissemination of patent information were widely appreciated.

59. The delegations of Argentina, Brazil, Chile, China, Congo, Cuba, the Democratic People's Republic of Korea, Ghana, India, Indonesia, Liberia, Malaysia, the Philippines, the Republic of Korea, Spain and Venezuela were among those which strongly advocated further cooperation in this field. Several speakers emphasized the benefits of utilizing CD-ROMs as a means of exchanging technological information among countries and encouraged the International Bureau to provide developing countries with more CD-ROM hardware, products, expertise and training under the Permanent Program.

60. Assistance should be extended not only to the industrial property administrations and patent information centers, but also directly to users in industry, R&D institutions, universities, research centers, etc. Such assistance, as the delegation of France stated, should also cover training in the handling of CD-ROM products.

61. The Cuban delegation made a specific proposal for establishing automated patent information services based on CD-ROM technologies by:

- (a) providing CD-ROM workstations and software to those developing countries which have not yet received them and encouraging interested countries to set up micro-computer networks in order to give various users access to CD-ROM-supported patent information;
- (b) obtaining subscriptions for developing countries to CD-ROM products containing patent information at preferential prices;
- (c) training specialists in the provision of patent information services; and
- (d) assisting developing countries to publish their own patent documentation on CD-ROMs, beginning, as in the case of the DOPALES-PRIMERAS project for Latin America, with the first pages and later incorporating the full texts of patent documents.

62. The delegation of Spain described several new developments under the project to establish the Ibero-American Patent Documentation Center, including CD-ROM products available for accessing patent documents of Latin American countries. He also mentioned the Center's cooperation program with WIPO and the EPO for providing workstations to eighteen countries of that region. The delegation of Paraguay and several other delegations from Latin America reaffirmed the great value they attached to such cooperation and expressed their gratitude to the Spanish Patent Office and WIPO.

Cooperation Among Developing Countries

63. Numerous delegations referred to regional and subregional cooperation arrangements which had become increasingly important to their countries' economic development and trade and which provided opportunities for harmonizing industrial property administrative procedures, exchanging patent information and pooling resources, including expertise.

64. The delegation of Chile stressed the assistance provided by WIPO within the program of cooperation among members of the so-called Southern Cone and in coordination with the Latin American Integration Association (ALADI). It expressed interest in reactivating the regular meetings of heads of industrial property offices in member countries which had greatly helped to harmonize office procedures.

65. The delegations of Argentina, Brazil, Paraguay and Uruguay referred to recent initiatives within MERCOSUR (Southern Common Market), including the establishment of a special Commission on Intellectual Property. Member countries, it was stated, intended to seek WIPO's cooperation with MERCOSUR shortly. The delegation of Brazil also encouraged WIPO to continue cooperation with the Latin American Economic System (SELA).

66. The delegation of the Philippines stressed the importance of tapping resources and expertise at the subregional level among groups of countries such as ASEAN (Association of South East Asian Nations). It also called for more studies at the regional level to examine the impact of industrial property rights protection on trade promotion, employment, market development and technological progress. In this respect, the delegation also referred to the successful Regional Consultation on Intellectual Property organized by UNDP and WIPO in Manila in October 1992 which endorsed a UNDP-funded regional program in the field of industrial property and trade.

67. The delegation of Rwanda said its country was in the process of finalizing its industrial property law and its application to join OAPI and suggested that WIPO and the OAU might look into the possibility of merging ARIPO and OAPI into a single, consolidated intellectual property institution for the African region.

68. The representative of the Organization of African Unity recalled the cooperation with WIPO in the field of harmonizing efforts in industrial property at the regional and subregional levels in Africa. Furthermore, he advocated the increased use of African experts in technical cooperation.

69. The International Bureau referred in detail to the statements made under this item of the agenda and took note of the suggestions made.

70. In conclusion, the Permanent Committee noted with satisfaction the activities carried out under the Permanent Program since its previous session, as described in documents PC/IP/XV/3, 4 and 5 and also took note of the statements made by various delegations as well as by the International Bureau.

MAIN ORIENTATIONS FOR THE PERMANENT PROGRAM IN 1993

71. The Permanent Committee reaffirmed the objectives of the Permanent Program as stated in paragraph 188 of document PC/IP/XV/3, namely:

- " (i) developing human resources ("training"),
- (ii) facilitating the creation or improvement of national or regional legislation and their enforcement,
- (iii) encouraging adherence to WIPO-administered treaties,
- (iv) facilitating the creation or improvement of governmental and other institutions for the administration and effective implementation of national or regional legislation ("institution-building"),

- (v) developing the teaching of industrial property law,
- (vi) developing the profession of industrial property lawyer and agent,
- (vii) facilitating the acquisition of foreign, locally protected technology through licensing contracts,
- (viii) facilitating the access to, and the use of, technological information contained in patent documents,
- (ix) encouraging domestic inventive activity."

72. All delegations which took the floor expressed their full support for the orientation of the program for 1993 and beyond as outlined in PC/IP/XV/3 (Part III). The relevant passages of that document are reproduced below:

" 189. The needs of developing countries in the above areas will continue to be addressed through, in particular, training programs, specialized advisory services, provision of documentation and equipment. In the context of constrained funding from UNDP for regional activities, greater emphasis is required on the allocation of UNDP funding at the national level and on the establishment of national/regional linkages in the field of industrial property. Technical cooperation among developing countries (TCDC) will continue to be promoted in the implementation of the activities undertaken under the Permanent Program.

190. Further emphasis will also be placed in 1993 on the development of industrial property law teaching; the automation of the operations of industrial property offices; facilitating the access of developing countries to the newer technological possibilities for the access, storage and retrieval of patent documentation; encouraging adherence to WIPO-administered treaties; and facilitating the participation of representatives from developing countries in certain meetings organized by WIPO.

191. As regards industrial property law teaching, activities are planned to be intensified with a view to establishing curricula for industrial property law teaching, with different degrees of specialization suited to the needs of the concerned countries, as well as to developing teaching materials adapted to specific national circumstances. It is also planned to offer increased training opportunities to law professors and other specialists from developing countries intending to teach national or international industrial property law. The period under review has witnessed the successful dissemination of manuals specifically designed for training, in the developing countries, on specialized aspects of industrial property. Further activity is planned to be undertaken in this area.

192. In the field of automation, it is expected that activities will continue with a view to assisting industrial property offices in the progressive shift from manual to automated administration procedures for the grant of industrial property titles. In this context, increased emphasis is planned to be placed on the use of computer hardware in industrial property offices of developing countries, particularly in connection with patent and trademark administration and search operations. The use by offices of software tailored to specific legislative and administrative requirements will also be facilitated and promoted.

193. In the patent information area, particular efforts will be made to facilitate the access, by developing countries, to the newest technologies for the storage and dissemination of patent documentation, as referred to in Parts I and II above.

194. Encouraging adherence to WIPO-administered treaties in the field of industrial property will continue to be one of the ways to assist developing countries towards the harmonization of their industrial property systems with international standards and practices.

195. Finally, at all levels and in all forms of activity, efforts to stimulate wider and more specific awareness of the role of industrial property in economic and technological development will continue."

73. Several delegations referred to the usefulness of establishing the Working Group of the Permanent Committee which would have its first meeting in 1993 (document PC/IP/XV/7).

74. A number of delegations made specific proposals building on the innovative features of the Permanent Program and relating to training in licensing, assistance to enterprises in accessing patent information, training for a broader base of national officials, automated patent systems and special studies. Several delegations proposed that training in industrial property should be organized for a wider group of officials and suggested further the preparation of special studies on topics of interest to developing countries such as figurative elements of marks, well-known marks, the protection of genetic processes by patents, comparative legislative studies and technological profiles based on patent information. Some delegations also advocated the publication of special studies aimed at explaining linkages between industrial property and economic development that would help to bring the industrial property system closer to users.

75. Several delegations endorsed the proposal made by the Cuban delegation concerning a four-point program to establish automated patent information services based on CD-ROM workstations, products, specialized training and support for the publication of developing country patent documents on CD-ROMs (see paragraph 61, above).

76. The Chairman of the Permanent Committee, speaking in his capacity as the delegate of Colombia, conveyed his warm appreciation to WIPO and UNDP for their consistent support to his country and its efforts to adapt to changing macroeconomic conditions. This unswerving support had helped to bring new impetus to the industrial property system in Colombia, and he was confident that the modernization process would be sustained. He expressed his deep appreciation to WIPO for its assistance to Colombia and at the same time his appreciation to the Secretariat for lightening his task as Chairman, remarking in particular on the excellent working relations quickly established with the Deputy Director General, the Director of the Regional Bureau for Latin America and the Secretary of the Committee.

77. Many delegations made specific proposals for activities within the framework of the Permanent Program. References are to be found, inter alia, in paragraphs 18, 20, 21, 27 to 41 inclusive, 48, 50, 51, 54, 55, 59 to 61 inclusive, 64 to 68 inclusive and 100 in the present report.

78. The International Bureau replied to the observations and proposals formulated by certain delegations as follows:

79. The Deputy Director General thanked all delegations for their compliments to the International Bureau, their contributions to the discussion and their unanimous endorsements of the main orientations of the Permanent Program for 1993.

80. The International Bureau confirmed to delegations it had clearly registered their serious concern about the erosion of funds available to WIPO from UNDP. It stated that WIPO would persist in its efforts to mobilize resources from UNDP as well as from other sources, citing the recent successful cases of the regional projects in Asia and the Pacific and Latin America and the Caribbean. The International Bureau informed about its recent contacts with the World Bank and the Inter-American Development Bank, clarifying that these institutions essentially provided loans which were not the grant assistance preferred by most recipient countries.

81. At the same time, the International Bureau reminded delegations that UNDP's policy orientation was now shifting towards national projects as opposed to regional projects. IPF resources had grown in many cases and were a major source of technical cooperation funds. Thus, it urged governments to make all efforts to allocate UNDP resources at the national level for national projects concerning industrial property development activities.

82. The International Bureau noted the interest expressed in continuing with meetings of Heads of industrial property offices of the Southern Cone Countries.

83. The International Bureau referred to the proposal of the Cuban delegation for establishing automated patent information services based on CD-ROM technologies, stating that the promotion of CD-ROMs was among the key activities of the Permanent Program. It noted as well the numerous thoughtful ideas put forward by the delegations, including proposals for training a broader base of industrial property users, notably the judiciary, and the publication of special studies.

84. The International Bureau noted the suggestion by several delegations to promote subregional cooperation. In that context, it recalled that WIPO was already engaged in promoting such cooperation, for example, with respect to the ASEAN Group through a European Communities-financed project.

85. The International Bureau referred to various suggestions for enhancing the user orientation of the industrial property system and stated that the orientation of seminars and workshops towards a wide group of users was a growing feature of the Permanent Program and remained a priority.

86. It was further noted that many delegates expressed a desire for practical on-the-job training at the national level. In this respect, the International Bureau stated that it would give careful consideration to each specific request in accordance with individual national requirements subject to the availability of financial means.

87. As regards the proposal for long-term training made by the delegation of Zimbabwe, the International Bureau stated that it realized that this was of concern to certain delegations and had taken note of the suggestion. However, it observed that the question was entirely one of the availability of funds. A one-year scholarship, for example, in an industrialized country, would cost as much as sponsoring well over a dozen trainees on shorter courses. Since

higher degrees generally took two years, the cost for each such scholarship would equal that of 30 training fellowships. In this context, it was also suggested that the delegation of Zimbabwe might, in response to the Director General's invitation to governments, write to WIPO with their proposals on the orientation of activities in the next biennium. The deadline for such suggestions was end November 1992.

88. The International Bureau noted the various requests for national and regional seminars, support for the promotion of inventive and innovative activities and assistance in institution-building.

89. The Deputy Director General expressed the particular gratitude of WIPO to the Funds-in-Trust donors, namely the Governments of France, Germany, Japan and Sweden, for their steady support to the Permanent Program, noting that such support was more crucial than ever before. He also thanked other contributing governments from industrialized and other countries, namely, Australia, Austria, Bulgaria, Canada, Czechoslovakia, Hungary, the Netherlands, Portugal, Spain, Switzerland and the United Kingdom. He went on to thank contributing governments from developing countries: Brazil, Egypt, India, Mexico, Republic of Korea, Sri Lanka and Zimbabwe.

90. He warmly acknowledged the generous aid of the following organizations: the Commission of the European Communities (CEC), the European Patent Office (EPO), the Center for International Industrial Property Studies (CEIPI). He also extended thanks for the cooperation received from the African Organization of Industrial Property (OAPI), the African Regional Industrial Property Organization (ARIPO), the Latin American Integration Association (ALADI) and the Latin American Economic System (SELA).

91. In conclusion, the Permanent Committee endorsed in full the orientations for the Permanent Program in 1993, as outlined in document PC/IP/XV/3 and reproduced above, and took note of the statements and proposals made by delegations as well as by the International Bureau.

SYMPOSIUM ON TEACHING IN THE FIELD OF INDUSTRIAL PROPERTY, INCLUDING TRAINING OF TRAINERS

92. As decided at its eleventh session (May 1987), the Permanent Committee devoted part of its fifteenth session (the afternoon of the second day of the session) to a Symposium on the Teaching of Industrial Property and the Training of Trainers. The program of the Symposium is given in document PC/IP/XV/SYM/Inf.1 which is attached to this report.

93. The presentations were made by Prof. Dr. M.A. Mannan, Dean, Faculty of Law and Principal, University Law College, Punjab University, Lahore, Pakistan; Prof. Yves Reboul, Deputy Director General, Center for International Industrial Property Studies (CEIPI), Strasbourg, France; and Mr. Bo Hallgren, Head, International Training Division, Swedish Patent and Registration Office, Stockholm, Sweden; in addition, Mr. Gust Ledakis, Assistant Director General of WIPO, informed the participants on WIPO's activities in the field of teaching and research in intellectual property and on its relations with ATRIP (the International Association for the Advancement of Teaching and Research in Intellectual Property) and educational and research institutions. The presentations were followed by a discussion and exchange of views.

DESIGNATION OF MEMBERS OF THE WORKING GROUP OF THE PERMANENT COMMITTEE FOR ITS MEETING IN 1993

94. Discussions were based on document PC/IP/XV/7.

95. The Permanent Committee unanimously designated the following countries as the members of the Working Group for its meeting in 1993: Algeria, Austria, Brazil, Canada, Chile, China, France, Hungary, Indonesia, Japan, Philippines, Romania, Spain, Switzerland and Zimbabwe (15).

PROPOSED TOPIC FOR THE SYMPOSIUM TO TAKE PLACE DURING THE SIXTEENTH SESSION OF THE PERMANENT COMMITTEE

96. Discussions were based on document PC/IP/XV/6.

97. Several delegations which took the floor on this issue underlined that both topics proposed in document PC/IP/XV/6 were relevant and important in view of the conditions prevailing in their respective countries. Some expressed doubts on whether both topics could be dealt with in the limited time allocated to the symposium (usually, one half day).

98. After an exchange of views, the Permanent Committee decided that the symposium at its next (sixteenth) session would deal with "the use of trademarks and appellations of origin in the promotion of exports from developing countries to international markets." In addition, the International Bureau was invited to organize, during that session of the Permanent Committee, a demonstration of latest achievements in the utilization of modern technologies (including CD-ROM technology) in the field of industrial property information and documentation, for which the relevant documents would be prepared.

99. Several delegations supported the desire expressed by the delegation of Argentina that the documents of the symposium be sent in advance to the participants in order to enable them to take a more active part in the discussions.

OTHER BUSINESS

100. The delegation of Chile, supported by the delegations of Argentina and Romania, proposed that during the meetings of the Permanent Committee the regional groups should have an opportunity to meet for half a day with the assistance, if they so desire, of members of the Secretariat to discuss matters of particular interest to the region concerned with respect to the development cooperation programs. The delegation of Chile also requested that the report of the Permanent Committee be sent as a separate document to the WIPO Conference.

ADOPTION OF THE REPORT AND CLOSING OF THE SESSION

101. This report was unanimously adopted by the Permanent Committee on November 13, 1992, after which the Chairman declared the session closed.

[Annex II follows]

WIPO



CP/DA/X/8

ORIGINAL: English/French

DATE: November 6, 1992

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO PERMANENT PROGRAM FOR DEVELOPMENT COOPERATION RELATED TO COPYRIGHT AND NEIGHBORING RIGHTS

PERMANENT COMMITTEE

Tenth Session
Geneva, November 2 to 6, 1992

REPORT

adopted by the Permanent Committee

Introduction

1. The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Committee") held its tenth session in Geneva from November 2 to 6, 1992.
2. Fifty-nine States, members of the Permanent Committee were represented at the session: Algeria, Argentina, Bangladesh, Belgium, Benin, Brazil, Burkina Faso, Central African Republic, Chile, China, Colombia, Côte d'Ivoire, Cuba, Czechoslovakia, Egypt, Finland, France, Gambia, Germany, Ghana, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Italy, Jamaica, Japan, Kenya, Lesotho, Malawi, Mali, Mauritius, Mexico, Morocco, Namibia, Netherlands, Niger, Pakistan, Paraguay, Peru, Philippines, Portugal, Senegal, Sierra Leone, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam and Zaire.

3. The following five States were represented by observers: Estonia, Kuwait, Oman, Republic of Korea and Venezuela.

4. Observers from three intergovernmental organizations, namely: Agency for Cultural and Technical Cooperation (AGECOP), General Agreement on Tariffs and Trade (GATT) and Organization of African Unity (OAU), and eleven international non-governmental organizations namely: International Advertising Association (IAA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Film Producers Associations (FIAPF), International Federation of Journalists (IFJ), International Federation of the Phonographic Industry (IFPI), International Literary and Artistic Association (ALAI), International Organization for Standardization (ISO), International Publishers Association (IPA) and International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU) also participated in the meeting.

5. The list of participants is annexed to this report.

Opening of the Session

6. The meeting was opened by Mr. Carlos Fernández Ballesteros (Director, Developing Countries Division, (Copyright)) on behalf of the Director General of WIPO.

7. The delegation of the United Kingdom made the following statement: "I am speaking on behalf of the European Community and its Member States. As we have already made clear on a number of occasions, the European Community and its Member States do not accept that the Federal Republic of Yugoslavia is the automatic continuation of the Socialist Federal Republic of Yugoslavia. In this context, we take note of General Assembly Resolution 47/1, adopted on September 22, 1992, in which the Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and should therefore apply to join the United Nations, and shall not participate in the work of the General Assembly. The European Community and its Member States have also noted the United Nations Legal Counsel's advice on the applicability of the General Assembly resolution to other United Nations bodies. We regard General Assembly resolution 47/1 as a model for action in the specialized agencies and other United Nations bodies in due course, as appropriate. We do not accept that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) may validly represent Yugoslavia in this meeting. The presence of the representatives in question is without prejudice to any future action which the Community and its Member States may take, here or elsewhere."

8. The delegation of the United States of America made the following statement: "The United States already made clear on numerous occasions, that the Socialist Federal Republic of Yugoslavia no longer exists. Furthermore the United States does not consider Serbia/Montenegro to be the continuation of, or sole successor to, the Socialist Federal Republic of Yugoslavia. In this context, we call your attention to UN General Assembly Resolution 47/1 adopted on September 22, 1992, which determined that Serbia/Montenegro could not continue automatically the membership of the Socialist Federal Republic of Yugoslavia in the General Assembly. In that resolution the General Assembly

decided that Serbia/Montenegro should apply for membership in the organization and should not participate in the work of that body. Under the circumstances, we would consider that the participation of the delegation in question in any meeting of WIPO would be without prejudice to future action which might be taken on this issue."

Election of Officers

9. On the proposal of the delegation of Argentina, supported by the delegations of Côte d'Ivoire, Cuba, Guinea and India, the Permanent Committee unanimously elected the following officers: Mr. Shen Rengan (China), Chairman, and Messrs. Henry Olsson (Sweden) and Ahmed Amine Dabo (Senegal), Vice-Chairmen. The second part of the discussion of documents CP/DA/X/2 and 3, as reflected in paragraphs 56 to 83, below, was chaired by Mr. Henry Olsson, and the discussions of documents CP/DA/X/4, 5 and 7, as reflected in paragraphs 84 to 99, below, was chaired by Mr. Ahmed Amine Dabo, as acting Chairman, due to health problems and temporary absence of the Chairman. Mr. Carlos Fernández Ballesteros (Director, Developing Countries Division (Copyright)) acted as Secretary.

Adoption of the Agenda

10. The provisional agenda contained in document CP/DA/X/1 Rev. was adopted by the Permanent Committee.

Survey on the First 15 Years of the Permanent Program Development Cooperation and Related Activities in 1991 and 1992; Development Cooperation Activities Under the Permanent Program, 1993

11. Discussions were based on documents CP/DA/X/2 and 3. All the delegations that took the floor praised the high quality of the documents prepared by the International Bureau and the complete information that they contained, in particular document CP/DA/X/2 which surveyed all the activities undertaken by the International Bureau over the past 15 years since the establishment of the Permanent Program for Development Cooperation related to Copyright and Neighboring Rights.

12. Delegations of 48 countries and observers from two intergovernmental organizations and six international non-governmental organizations took the floor on these items.

13. The delegations which took the floor expressed their appreciation of, and indicated their full support for, WIPO's cooperation activities concerning development of human resources in the field of copyright and neighboring rights in developing countries.

14. Several delegations offered to continue their cooperation in the program of development of human resources and to receive trainees in copyright and neighboring rights and thus to contribute to WIPO's training program, which they felt had made an important contribution in the dissemination of information concerning, and proper understanding of, copyright and neighboring rights, and their role in development.

15. A number of delegations thanked the countries and organizations that had received trainees in the field of copyright and neighboring rights during 1991 and 1992, as well as those that had helped in the organization of training courses and also in providing lectures for such courses.

16. Several delegations expressed great satisfaction with the considerable work being done by WIPO in providing advice and assistance to developing countries in the preparation and updating of their copyright legislation, as well as in the setting up of national copyright institutions or strengthening such institutions where they existed.

17. In noting the activities envisaged in the future in this context, a number of delegations emphasized the need for WIPO to continue and strengthen its cooperation with developing countries in the establishment of an efficiently working infrastructure for implementation of laws on copyright and neighboring rights, and they considered that the considerable activity undertaken since the establishment of the Permanent Program was an encouragement to continue such program in the future.

18. Several delegations noted with great appreciation the national, regional and sub-regional workshops, congresses, seminars, training courses and other similar meetings on copyright and neighboring rights organized or sponsored by WIPO during the 1991-1992 period, as well as those planned for 1993 as described in document CP/DA/X/3.

19. Several delegations stressed the importance of those meetings in order to create awareness of the significance of copyright and neighboring rights in the social and economic development of developing countries, and emphasized the need for strengthening collective administration organizations where they existed, with assistance in providing computer equipment and on-the-spot training of the staff concerned.

20. Certain delegations emphasized the necessity, in view of widespread commercial piracy of works protected by copyright, of continuing and strengthening WIPO's activities, at international and national levels, in order to combat such piracy.

21. Several delegations referred to paragraph 171 of document CP/DA/X/3 concerning the installation of the COSIS standard software for small and medium size authors' societies of developing countries. They said that the issue of computerization of the operation of collective administration organizations was of great importance and that the International Bureau should continue making available the necessary software for authors' societies of developing countries, subject to budgetary availability.

22. Several delegations expressed their wish that development cooperation activities also extend to such State officials as the officials of customs authorities, police, judiciary, ministries of foreign affairs and ministries of foreign trade, taking into account the new developments in the field of intellectual property rights and their importance in international trade relations and the need for the officials to better understand the problems involved.

23. In this context, some delegations referred to economic integration processes, such as those which were taking place within MERCOSUR or in the Caribbean region, and suggested that, in the framework of WIPO's development cooperation program, assistance be granted to the developing countries concerned to facilitate the harmonization and development of their copyright and neighboring rights systems, e.g., in the form of devoting studies and seminars on the problems related to the copyright and neighboring rights aspects of the establishment of unified markets.

24. A number of delegations made certain specific suggestions for further activities, committed their assistance to the implementation of such activities and/or gave certain other relevant information as follows.

25. The delegation of Sweden expressed the entire satisfaction of its Government with regard to the way cooperation activities have been conducted over the past 15 years. It said that its authorities planned to continue the cooperation it had undertaken in the past with the International Bureau in organizing copyright courses in Stockholm, and that it would do so, in the future, possibly on a yearly basis. It noted the usefulness of WIPO model laws and said that such model laws should be accompanied by notes to facilitate their understanding. It also noted the usefulness of copyright congresses, such as those organized in Latin American countries, the importance of which was two-fold: to provide information about current copyright developments and to be the subject of extensive media coverage contributing to a better understanding of copyright and neighboring rights. It said that efficient enforcement of copyright was of vital importance, inter alia, as it was crucial for the confidence of foreign investors in copyright and high technology industries. As regards the activities carried out in 1991 and 1992 as well as future development cooperation activities for 1993, the delegation was of the view that WIPO, using limited financial resources in the most useful way, had found the appropriate balance between various elements and between different regions. Referring to paragraph 253 (ii), (v) and (vi) of document CP/DA/X/3, it welcomed the organization of specialized courses and, in particular, the training of officials responsible for the enforcement of intellectual property laws, including simulated trials for members of the judiciary. It pointed out the importance of assistance in teaching on intellectual property law; that subject matter was included in the lectures given at the WIPO/Sweden training course which had taken place last summer in Stockholm. Use could also be made of the experience of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) in preparing teaching materials on intellectual property. Also, experience had shown that there was a considerable need, in particular in developing countries, for information about intellectual property laws, practice and doctrine. The International Bureau possessed, in its Library and other units, a great amount of such information and it would be useful to broaden the access to this information source and also to assist development countries in the establishment and/or development of intellectual property libraries and similar institutions.

26. The delegation of Cuba expressed its great appreciation for the support given by the International Bureau, starting with the official visit of the Director General of WIPO in 1989, to assist its country both in the updating of the national copyright legislation and in the establishment of a collective administration organization. The subsequent mission of a WIPO official

together with a consultant specialized in collective administration of copyright had played a decisive role in the development of copyright in Cuba. The delegation welcomed the proposals of the International Bureau for the development cooperation activities to be undertaken in 1993. It suggested that, in connection with the objectives mentioned in paragraph 253 of document CP/DA/X/3, the establishment of proper libraries specializing in copyright and the development of existing documentation centers in providing background material should also be envisaged.

27. The delegation of Morocco expressed its appreciation of the various activities of WIPO in the field of development cooperation related to copyright and neighboring rights over the last 15 years. It said that a closer follow-up of the trainees' careers would be useful and that the practice of organizing study trips for trainees also in developing countries should be continued. It welcomed the organization of national seminars and said that its country would organize in November 1992 a symposium on intellectual property law under the auspices of the Faculty of Law, Economics and Social Affairs in Rabat.

28. The delegation of Mexico expressed its appreciation for the work of the International Bureau, and also its satisfaction of the fact that it was adequately reflected in the working documents how Mexico had supported, and benefited from, the WIPO Permanent Program for Development Cooperation. It confirmed the readiness of its country to collaborate in future work. With regard to activities scheduled for 1993, it expressed particular interest in those which related to training in the field of computerized administrative systems in copyright offices.

29. The delegation of Guinea expressed its satisfaction with the constructive cooperation between WIPO and the International Confederation of Societies of Authors and Composers (CISAC) in assisting developing countries. It stated that, in view of the increased number of its members, the Guinean Bureau of Authors' Rights (BGDA) would be interested in the installation of the COSIS standard software. It also stated that the invitation of speakers and consultants from developing countries to training courses and other development cooperation programs was a positive approach, and suggested that journalists could also be invited to participate in training courses.

30. The delegation of Chile mentioned the organization of a training course in Viña del Mar in April 1992, followed by the Seventh International Congress on the Protection of Copyright and Neighboring Rights, both held in cooperation with WIPO. The Congress, attended by 600 participants, was very successful and largely contributed to heightening public awareness of copyright and neighboring rights. The delegation also mentioned that, in September 1992, the National Congress had approved certain amendments to the Intellectual Property Law which would facilitate the creation of collective administration societies, something that had long been desired by Chilean authors and performers. With regard to the congresses organized by WIPO in various countries of the region, it stressed the need that they continue to be held every year, adding that the system of panel discussions on specific subjects should be introduced, particularly in connection with new intellectual property trends. It mentioned that it might perhaps be necessary, to that end, to engage speakers who belonged to other copyright-associated disciplines. It mentioned further that the excellent initiative taken in Central America, namely that of holding a seminar for judges, could be extended to the rest of Latin America. On future activities, it said that on the whole it shared the orientations presented by the International Bureau for 1993. It likewise recalled that, at the recent Governing Bodies meetings, the delegation of Chile had made the suggestion

that one should start reflecting on WIPO's next 25 years in the light of recent economic and business trends and the globalization of exchanges. The proposals on that point were reflected in paragraph 22, above. Also on the subject of the Governing Bodies meetings, it said that, because the decision had been taken to proceed with negotiations on a possible protocol to the Berne Convention, to which another negotiating process would be added on the rights of performers and producers of phonograms, support should be given to the substantive participation of developing countries in the meetings in question, by means of reports and background documents.

31. The delegation of China expressed its gratitude for the assistance received from the International Bureau which had contributed to great achievements in the field of copyright and neighboring rights in its country. It recalled the adoption of the Copyright Law on September 7, 1990, which had entered into force with its implementing Regulation on June 1, 1991, and the adherence of its country to the Berne Convention which had become effective on October 15, 1992. It also recalled the setting up of the Chinese Copyright Agency and the Musical Copyright Society of China (MCSC). It mentioned the numerous fellowships awarded to nationals of its country which had given the opportunity to 625 Chinese trainees to attend copyright courses in China, in foreign countries and at WIPO headquarters. The delegation expressed its thanks to those countries which had contributed to that training program and its hope for the continuation of that fruitful cooperation in the future.

32. The delegation of Hungary recalled that its country, and particularly the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS), had contributed to WIPO's cooperation program since 1979 through the organization of general introductory training courses in every third year, the bilingual character of which had been found very useful. It said that ARTISJUS was ready to continue organizing such courses on a regular basis and to receive every year two trainees for two weeks each for practical training. It noted that the documents prepared by the International Bureau were very instructive and demonstrated the manifold activities and results obtained by the Permanent Program. In that respect, it said that the effectiveness of the copyright development cooperation program could be highlighted in a document containing data for each developing country concerning the various forms of assistance received as well as concerning achievements in respect of legislative developments, adherence to international copyright and neighboring rights conventions and establishment of national collective administration infrastructure. As regards future programs, the delegation pointed out the specific situation and the increased need for assistance in various Central and Eastern European countries; it was of the view that that deserved specific attention in WIPO's cooperation program. It suggested that the delimitation of works from expressions of folklore and the important role of performers, which had a different dimension in developing countries from the one in industrialized countries, would constitute interesting subjects to be discussed at symposia to be organized in the framework of future sessions of the Permanent Committee. It referred to the results of the GATT Uruguay Round negotiations concerning trade related aspects of intellectual property which might constitute similar problems in developing countries with civil law ("authors' rights") approach as in continental European countries with the same approach, as well as to the problem raised by the application or non-application of national treatment with regard to some specific rights, and to the problem of retroactivity of the Berne Convention which had emerged, e.g., in the United States of America. The delegation expressed the view that such problems could be dealt with in training programs in parallel with questions related to the impact of new technologies on copyright.

33. The delegation of Niger said that a new Copyright Law was under preparation in its country. It expressed the hope that WIPO would provide assistance in that respect as well as in organizing a national training course for the purpose of increasing awareness about the need to protect copyright.

34. The delegation of Burkina Faso thanked WIPO for the assistance given to its country, in particular in respect of the installation of the COSIS standard software in the Burkinabé Bureau of Authors' Rights (BBDA) in August 1992, and for the training programs from which its country had benefited since 1978. It recalled that WIPO training activities had led its country to adopt a new law in 1983 and to establish BBDA in 1987. The delegation noted with satisfaction the increasing number of collective administration societies in developing countries since the establishment of the Permanent Program in 1976, and welcomed WIPO's efforts to modernize existing authors' societies of developing countries. It stressed the role played by WIPO and CISAC in cooperation with the Swiss Society for Authors' Rights in Musical Works (SUISA) in the development of collective administration in its country. It said that its country would be ready to host a seminar in 1993 for participants from other African countries to study the functioning of the COSIS standard software and its implications concerning the collection and distribution of authors' rights. The delegation also expressed its appreciation for WIPO's publications in the field of copyright and neighboring rights and asked the International Bureau to continue its policy of wide distribution of those publications.

35. The delegation of India stressed the need to study and take into account the specific problems of the various developing countries for WIPO's development cooperation program. It welcomed the computerization system elaborated for small and medium size authors' societies of developing countries as an important and necessary step of the modernization of collective administration organizations. The delegation said that the Parliament of its country was discussing important amendments to the Copyright Law and that the information provided by WIPO had been of particular importance in that context. It asked for further assistance in the establishment of an appropriate collective administration infrastructure and in the organization of a national workshop to increase the awareness of copyright and neighboring rights. The delegation also said that teaching of copyright at universities as well as teaching on a wider scale to bring awareness of copyright to lawyers and judges would contribute to a better understanding of problems arising in developing countries with regard to implementation of copyright laws. It supported the continuation of the practice of inviting lecturers and consultants from developing countries to participate in training courses and similar programs. The delegation also stressed that, in view of resources constraint, it would be more appropriate for WIPO to organize seminars, training programs and conferences in areas/countries where the need for implementation and enforcement of copyright laws was most acutely felt. With media publicity of such conferences, seminars and training programs, wider and deeper awareness could be created. It also said that, in order to ensure adequate flow of resources for effectively tackling the problems of infringement of copyright laws, it was essential to ensure that the multilateral funding agencies like the World Bank and UNDP got committed to the idea of effective enforcement in the background of ever increasing globalisation of trade and commerce. WIPO, as the specialized agency in that field, must take the lead, and bring the multilateral agencies together on the same platform for the expression of their commitment to the cause of effective enforcement of copyright laws.

36. The delegation of Senegal pointed out the importance its country had always given to copyright protection and to collective administration of copyright, being one of the first African countries having established an authors' society. It expressed its great appreciation for the increasing development of computerization of authors' societies realized due to the joint efforts of WIPO and CISAC. In that context, it noted with satisfaction the organization of training courses intended for the staff of authors' societies of developing countries. Referring to 1992 activities, the delegation thanked the International Bureau for its support in the organization of the First Regional Conference of Ministers in Charge of Copyright in West Africa on the Eradication of Piracy of Musical, Literary and Artistic Works, held in Dakar in March 1992. The Conference of Ministers had adopted the "Dakar Appeal" against piracy which had been later endorsed in a resolution of the Organization of African Unity (OAU) at its General Assembly in July 1992. A similar resolution would be presented to the General Assembly of the United Nations in New York.

37. The delegation of Colombia said that its country had benefited from WIPO's training programs for its copyright officials since 1980. With regard to future training courses, it suggested that they should be devoted not only to theoretical aspects but also to practical aspects of copyright, with exchanges of experience and documents on the provisions in other countries, in order to facilitate the comparative study of copyright law. In respect of the teaching of copyright, the delegation also suggested that university students should take part in courses, seminars and practical workshops, and also that assistance should be given in the training of copyright teachers and the development of copyright departments. It likewise expressed its support for programs that would be put in hand for the training of lawyers and judges, which was an effective means of ensuring the proper exercise of copyright and neighboring rights in the future. In pursuance of what had been agreed in the course of the Director General's visit in April 1992, it recalled the proposal that a meeting and a seminar be held with the heads of copyright registries. It laid stress on the need for concerted action for the creation of copyright library that would complement the success achieved with the computerization of the copyright office in Bogota. It also advocated the holding of regional seminars, as it had had at the previous session of the Permanent Committee.

38. The delegation of Zaire noted that the figures mentioned in Annex I of document CP/DA/X/2 demonstrated the great number of development cooperation activities undertaken by WIPO in the field of copyright in spite of the relatively limited resources that had been available. It expressed its support for the "training of trainers" and for the setting up and reinforcement of collective administration organizations, particularly by means of widespread implementation of the COSIS computer software, as well as measures being taken in order to fight piracy. It suggested that national training courses and seminars, which could facilitate the training of a greater number of participants, be given priority. The delegation said that its country would be ready to contribute actively, with WIPO's assistance, to the proposed program that its Government had sent to WIPO for 1994-95. It suggested that WIPO establish permanent representations in developing countries in order to intensify contacts and increase information on its activities.

39. The delegation of Egypt referred to the recent amendments to the copyright legislation of its country and to the important measures taken in order to fight piracy more efficiently. It added that its government was considering the further updating of the Copyright Law to meet all the

challenges of new technologies, which would also facilitate its country's accession to further conventions and treaties administered by WIPO. It said that its Government would seek assistance from WIPO in this field.

40. The delegation of Argentina referred to the future activities under the Permanent Program and said that congresses similar to the First Ibero-American Congress on Copyright and Neighboring Rights held in Madrid in October 1991 should be organized in the future. It pointed out that the method applied at the Congress, that, in addition to the plenary sessions, there were also working groups on some specific subjects, should be continued. As regards regional and national seminars, it said that, although there was a need for extending copyright knowledge to new fields and to new groups of persons, attention should also be devoted to train certain officials more thoroughly. The delegation made statements and suggestions as reflected in paragraphs 22 and 23, above. It also stressed that the new aspects of development cooperation should not replace the traditional aspects but should be implemented in a complementary way.

41. The delegation of Côte d'Ivoire observed that the training program as proposed by the International Bureau constituted a "grand highway" to promotion and defense of copyright and neighboring rights. It considered that WIPO might contribute to the setting up of a large scale teaching program by proposing, for example, the institution of intellectual property chairs at universities and by a much broader distribution of its publications. It referred to the holding of a copyright and neighboring rights seminar in Abidjan in August 1992, that had been organized jointly by its government and WIPO, and expressed its satisfaction. It mentioned the need for awarding postgraduate fellowships to students wishing to specialize in copyright, as also to State officials and judges. The delegation expressed the wish that the installation of the COSIS standard software at the Ivorian Bureau of Authors' Rights (BURIDA) should be envisaged since BURIDA had so far entrusted the distribution of copyright royalties to a French society, SACEM, which was not an economic solution. The delegation supported the suggestion made by the delegation of Burkina Faso that a meeting be held on the implementation of the COSIS standard software. It further emphasized the difficulties encountered in the effective and efficient implementation of domestic laws in the developing countries.

42. The delegation of Indonesia underlined the importance of training and development of human resources and stressed the necessity of continuing joint activities of WIPO and its Government in this field.

43. The delegation of Jamaica stressed that copyright had too long constituted a somewhat unknown subject although it was of considerable importance from an economic and cultural point of view in the developing countries. The work done by WIPO over the last 15 years constituted a big step forward in remedying that lack of knowledge. It stated that its country had enjoyed help from WIPO in drafting a new Copyright Law that had been approved by its Government and was currently before the Parliament. It mentioned the matters raised within the Caribbean Community where the member countries were endeavoring to harmonize their laws and it made statements and suggestions as reflected in paragraphs 22 and 23, above. In addition, the delegation stressed the need to train lawyers specialized in copyright by awarding fellowships to either postgraduate students or to persons seconded from the universities. It referred to new trends reflected in the GATT

Uruguay Round negotiations concerning trade related aspects of intellectual property and to the new phenomenon that intellectual property was given a higher profile in bilateral agreements, and it said that WIPO should take into account such new trends in the framework of the development cooperation activities.

44. The delegation of Mauritius observed that the documents prepared by the International Bureau gave a full overview of the scope of cooperation since the creation of the Permanent Program. It pointed out that its country had benefited from training under that program and that the training had greatly contributed both to the drafting of a new Copyright Law and to the creation of MASA, the Mauritius Society of Authors. It thanked WIPO, CISAC and SUIA for their repeated help and mentioned that the COSIS standard software would be installed at MASA in December 1992. It offered to receive trainees at MASA from developing countries as had recently been done in the case of a trainee from Malawi.

45. The delegation of Paraguay expressed its gratitude for the various activities conducted in its country by WIPO since 1983, which had grown in scope since 1991 after the accession of its country to the Berne Convention. It referred to the efforts undertaken in training experts belonging to both the private and public sectors as also the creation of a Chair of Intellectual Property at the Law Faculty of the National University of Asunción. It explained that a draft Copyright Law to fully revise domestic legislation was to be submitted in the near future to the National Congress. That draft took into account the recommendations made by WIPO, particularly with regard to setting up public and private institutions to ensure respect for copyright. The delegation also stated that its country was thinking of setting up a public body with responsibility for intellectual property and whose tasks would concern the updating of domestic legislation, promoting respect for international commitments in that field, dissemination and information, relations with the international organizations, keeping the register of literary, artistic and scientific works, and settling disputes concerning copyright. The delegation expressed the wish that WIPO should provide assistance to its country in carrying out that vast program. It made statements and suggestions as reflected in paragraphs 22 and 23, above. It also mentioned that the tenth WIPO/SUIA course was to be held in Asunción in March 1993, followed by the Eighth International Congress on the Protection of Copyright and Neighboring Rights, organized jointly by WIPO and the Supreme Court of Justice and the Ministry of Foreign Affairs of its country.

46. The delegation of Lesotho said that, since 1986, its country had benefited from WIPO's cooperation program and, in 1989, a seminar had led to updating of the copyright legislation which permitted the country's accession to the Berne and Rome Conventions. It indicated that its country would continue to seek technical advice from the International Bureau and that its Government envisaged holding a national seminar in 1993 with the assistance of WIPO in order to contribute to an awareness campaign for the promotion of enforcement of copyright.

47. The delegation of Bangladesh said that its Government was considering the possibility of acceding to the Berne Convention. It also said that there was a need for its country to develop modern machinery and technology for efficient management of problems with limited resources and that its Government laid great stress on the modernization of intellectual property law. For that purpose, it asked WIPO's assistance, mainly in training people responsible for implementing the legislation.

48. The delegation of Mali addressed its thanks to the International Bureau for the training courses in which trainees from its country had participated. It expressed the wish that the International Bureau expand its efforts in the fight against piracy, particularly by sending experts to developing countries. It explained that its country suffered from a 70% rate of piracy which considerably compromised the operation of the Copyright Law. It supported the idea of extending the training program to judges and the personnel of customs, police, ministries of commerce and of foreign affairs, who were likely to be confronted with copyright problems.

49. The delegation of Kenya said that its country was among the numerous developing countries which benefited from WIPO's assistance under the Permanent Program. It referred to the advice given by the International Bureau on the compatibility of the national legislation of its country with the Berne Convention. It indicated that its Government had agreed to accede to the Convention and the Ministry of Foreign Affairs had been directed to take relevant steps to that effect. The delegation referred to the seminar recently organized in cooperation with WIPO in Nairobi which had been attended by officials from government departments, university students and the representatives of the judiciary, as well as of literary and artistic circles, and it expressed its hope to continue holding similar training seminars in the future, particularly on the questions of the enforcement of copyright.

50. The delegation of Switzerland emphasized the active part played by SUISA in the development and introduction of the COSIS standard software. It shared the view expressed by other delegations on the need to continue with training, which was an essential means of making copyright known in developing countries, and also on the need to improve the protection of the rights of authors, notably by developing collective administration organizations and intensifying the fight against piracy. It encouraged the International Bureau to continue its activities in that direction.

51. The delegation of the United States of America expressed its support for WIPO's development cooperation activities. It indicated that the United States Congress had created the International Copyright Institute within the U.S. Copyright Office. The Institute had offered and would continue offering training programs, some of them jointly organized with WIPO, for officials from developing countries, and it would also provide a forum for representatives from countries making the transition from centrally planned economies to market economies. The Institute could also be utilized in resolving bilateral copyright problems and in encouraging development of effective intellectual property laws and enforcement overseas. The delegation mentioned that the envisaged training programs of the Institute would focus on recommendations relating to enforcement, writing "model laws" and instructions on philosophy and policy involved in the recommendations for legislation or amendments to laws. The delegation also mentioned the major achievements and training programs organized by the Institute since its establishment in 1988, particularly those which had been organized jointly with WIPO.

52. The delegation of the United Kingdom congratulated WIPO on its extensive and successful development program in the field of copyright and referred to the training courses organized by WIPO in cooperation with the British Copyright Council. It expressed support for the ideas outlined in document CP/DA/X/3 concerning future activities. It stressed the importance of analyzing the results and effects of the various activities so that the experience could be used to make the program more effective, as well as the

need for the application of certain methods that might contribute to extending the impact of the various activities, such as "the training of trainers," particularly representatives of universities, customs authorities, police and similar institutions, and using the experience of certain developing countries in other developing countries.

53. The delegation of Japan expressed its full support for the various development cooperation activities to be undertaken by WIPO. It stressed that the training of experts was a necessary step in order to improve the copyright system and to promote adherence to the Berne and Rome Conventions, in particular in Asia and the Pacific region. It said that its country was ready to contribute to programs in this field and it mentioned that the Agency for Cultural Affairs of its country was considering a voluntary contribution to the WIPO development cooperation program in the field of copyright and neighboring rights for the purpose of holding seminars and training courses, to allow fellowships and to provide for expert missions in Asia and the Pacific region.

54. The delegation of Benin said that its country was one of those that had benefited from the assistance of WIPO in the framework of the Permanent Program activities, and expressed its gratitude to the International Bureau. It also thanked CISAC for its assistance. As for the plan of action for the future, it pointed out that Benin hoped to be able to take advantage of the various parts of that plan. It then suggested a copyright awareness campaign addressed to the public at large, which could be carried out in the form of promotional broadcasts on radio and television or posters in several languages. By means of such a media campaign, it would be possible to alert public opinion better to the problems of copyright. The delegation also mentioned the need for WIPO to celebrate an International Copyright Day every year. That would help serve the interests of copyright in the world as a whole and specifically in developing countries. In the same context, it expressed the wish that the main international video news bureaux and other press agencies might be enlisted to help give more widespread publicity to the ideals and activities of WIPO in the copyright field.

55. The delegation of the United Republic of Tanzania referred to the problems of fighting piracy and to problems related to unauthorized uses of protected works in developing countries. It was of the view that action should go beyond the elaboration of national legislation and should also concern enforcement of law. It supported the idea of training all categories of persons engaged in copyright activities. It also suggested long-term training for experts from developing countries. It noted that WIPO's technical cooperation in this field should be focused on the promotion and enhancement of indigenous works in order to increase the developing countries' overall share of copyright and neighboring rights materials.

56. The delegation of Spain referred to the First Ibero-American Congress on Copyright and Neighboring Rights which was organized by WIPO in cooperation with its Government and the Interamerican Copyright Institute (IIDA) which had taken place in Madrid in October 1991, and to the Meeting of Heads of Copyright Offices and Authors' Societies of Latin America which also had taken place in Madrid in that period. It said that the organization of the Eighth Congress on the Protection of Copyright and Neighboring Rights in Paraguay next year was an opportunity to further strengthen cooperation among the countries concerned. The delegation indicated that its country intended to organize, in cooperation with WIPO, an introductory copyright course in Spain in 1994.

57. The delegation of Peru expressed its thanks to WIPO and to donor countries for the legal and technical assistance its country had received. It supported the proposed program for 1993. It particularly referred to training for personnel in charge with computerization in collective administration societies and for judges dealing with intellectual property matters, as well as the inclusion of intellectual property in the teaching programs of universities of developing countries.

58. The delegation of the Republic of Korea said that its country organized, in cooperation with WIPO, a training course on copyright and neighboring rights for the Asian and Pacific region in Seoul in September 1989, and an Asian regional training course on intellectual property and licensing in Daeduk in 1991. It thanked WIPO for the assistance granted to its country and said that it supported the plans of the Permanent Program for 1993. It referred to the need for updating the copyright legislation of its country and stated that, from that viewpoint, its country followed with great attention WIPO's norm-setting activities, particularly the preparation of a possible protocol to the Berne Convention and of a possible instrument on the rights of performers and producers of phonograms.

59. The delegation of Uruguay thanked the International Bureau for the assistance from which its country had benefited particularly in the field of updating its copyright legislation. It considered the First Ibero-American Congress on Copyright and Neighboring Rights held in Madrid as a first step to be followed by other similar congresses. The delegation furthermore made statements and suggestions as reflected in paragraphs 22 and 23, above.

60. The delegation of Sierra Leone referred to the protection of copyright as provided for in the legislation of its country and described the various conditions of effective enforcement of copyright.

61. The delegation of Pakistan said that its country had benefited from WIPO's development cooperation activities during the last 15 years. It was of the view that the increased cooperation in human resources development could be realized by short and long term training of professors, by "the training of trainers" and by holding seminars for government officials and the public in general. The delegation expressed the wish and readiness of its Government to organize national copyright seminars, preferably as soon as in 1993, in cooperation with WIPO. It also stressed that the International Bureau, when deciding on the allocation of available resources for the different activities in the field of development cooperation, should take into account the extent and urgency of the needs of the various developing countries.

62. The delegation of Germany said that the survey on the first 15 years of the Permanent Program and the document on WIPO's activities in 1991 and in 1992 reflected the high quality of WIPO's work in developing countries, its successful efforts in promoting the development of human resources and national and regional legislation, and in establishing collective administration organizations. It mentioned that its country had organized and financed training courses in cooperation with WIPO and intended to continue granting support in that field.

63. The delegation of Portugal noted that the interest shown by developing countries in copyright and neighboring rights was largely reflected in the Permanent Program activities. It said that its country would hold, with WIPO's assistance, a regional seminar for Portuguese speaking countries in

Lisbon in the first quarter of 1993. It also said that its Government was considering the organization of the Second Ibero-American Congress on Copyright and Neighboring Rights, in cooperation with WIPO, in Lisbon.

64. The delegation of the Philippines expressed its gratitude to WIPO and to donor countries for their assistance. It supported WIPO's ideas of granting technical assistance to developing countries to further improve their infrastructure for the effective implementation of copyright and neighboring rights as reflected in WIPO's program outlined for 1993. The delegation said that special importance should be attached to teaching of law and training of copyright lawyers.

65. The delegation of Guinea-Bissau mentioned that its country was taking an active interest in matters concerning the protection of authors' and performers' rights. It said that its country lacked experts on the subject, and that any technical or financial assistance in organizing specialized training would be welcome. In that connection, it expressed a desire for WIPO assistance in such training, in the revision of its national legislation and in the creation of a collective copyright administration organization.

66. The delegation of Brazil said that, in the case of its country, cooperation activities undertaken by WIPO had played an important role in training personnel and in modernizing national institutions dealing with copyright and neighboring rights. It underlined that developing countries had to adapt themselves to recent changes in technology, and particularly referred to the need for granting copyright protection to the products of technological change, such as software and data bases, and to the need for expanding the scope of protection in terms of new rights, such as rental rights. The delegation was of the view that the Permanent Program should develop cooperation activities in fostering discussions and studies, at national and regional levels, regarding those new legal and technological developments, from the viewpoint of developing countries. It suggested that emphasis should be placed on involving different sectors such as researchers, scientists, universities, business communities, and government departments responsible for enforcement of copyright and for industrial, technological and trade policies and it made statements and suggestions as reflected in paragraphs 22 and 23, above. The delegation also said that its country was looking forward to continuing its participation in WIPO's training programs and would be ready to organize seminars in 1993 on subjects ranging from collective administration of rights to the impact of new technologies on copyright. A more focused discussion of national or regional experiences on the basis of the cooperation received through WIPO's program would be useful. To this end, it suggested that, for future meetings, the documents be established in a manner to show the implementation of the cooperation activities following the structure of the relevant items of the WIPO Program and Budget.

67. The delegation of the Central African Republic thanked WIPO and CISAC for their assistance in the revision of its country's copyright legislation. It said that it fully approved the content of the Permanent Program. It also expressed the wish that the International Bureau organize a seminar in its country in order to generate awareness in educational circles and also among copyright lawyers.

68. The delegation of Guatemala referred to the organization of WIPO/SUISA seminars for Central American countries in which officials of its country participated. It also referred to the Fourth International Congress on the Protection of Copyright and Neighboring Rights which took place in Guatemala

City in 1989, as well as to the mission undertaken by a WIPO consultant from Costa Rica who advised its Government in the preparation of new copyright legislation. The delegation expressed its thanks to the International Bureau for its assistance.

69. The delegation of Uganda also thanked WIPO for the assistance given to its country, in particular in organizing in Kampala in December 1991 a regional seminar on copyright. It said that the authorities of its country were dealing with the revision of the Copyright Law so as to render the accession to the Berne Convention possible. It stated that its Government would ask for WIPO's legal assistance in that respect.

70. The delegation of Finland expressed its full support for WIPO's development cooperation activities. It underlined that its country had 25 years' experience in the field of collective administration of copyright and neighboring rights and some ten years' experience also in new areas such as reprography, private copying and cable distribution. It said that its country was ready to continue participating actively in WIPO's development cooperation program.

71. The delegation of Honduras commended the International Bureau for having organized the Regional Seminar on Copyright and Neighboring Rights for Central American Countries in San José in October 1992, and expressed the wish that a similar seminar be organized again in other countries of the Central American region. It also thanked WIPO for its assistance for the elaboration of the copyright legislation of its country.

72. The delegation of France pointed out that it supported the program of development cooperation activities, and that its country was willing, as in the past, to continue to contribute to the WIPO program for the benefit of developing countries.

73. The observer from the Organization of African Unity (OAU) expressed pleasure at the excellent collaboration between his Organization and WIPO, which was characterized by regular contact and action of many kinds, specifically in the form of the organization of regional seminars and the grant of fellowships to OAU officials, enabling them to acquaint themselves with copyright. He expressed the wish that such cooperation continue in the future, and emphasized training as being a matter of priority.

74. The observer from the Agency for Cultural and Technical Co-operation (AGECOP) thanked WIPO for its invitation to attend the meeting of the Permanent Committee. She mentioned the holding of the African Performing Arts Fair, to be organized by the AGE COP in Abidjan in March 1993, the purpose of which, among other things, was to promote the status of the rights of performers. She suggested that WIPO should subscribe to the project and take advantage of such a vast forum to conduct a promotional campaign on copyright and neighboring rights.

75. The observer from the International Confederation of Societies of Authors and Composers (CISAC) mentioned the links between WIPO and CISAC which had been strengthened since the creation of the Permanent Program. He also spoke of the considerable amount of normative work done by WIPO and noted its scale, as practically two-thirds of the ninety-three countries party to the Berne Convention were developing countries. He welcomed the excellent cooperation existing between WIPO and CISAC, the most telling example of which was the development and introduction of the COSIS standard software at the Burkinabé

Bureau of Authors' Rights and at the Mauritius Society of Authors. He said to the delegations of Guinea and Côte d'Ivoire that their copyright societies would be receiving the software, and that it was a question of planning. He approved the suggestions made by the delegation of Hungary, and was favorably disposed towards that made by the delegation of Benin concerning a promotional campaign to alert the public at large to copyright problems. He suggested the preparation of information manuals or videocassettes by WIPO, and that the excellent material devised for WIPO training courses and seminars be made available to the States and bodies concerned. He informed the Permanent Committee that the meeting of African authors' societies would be held in Accra in December 1992.

76. The observer from the International Association for the Protection of Industrial Property (AIPPI) pointed out the importance of a "border transgression" between industrial property and copyright, in particular in education, legal training and research. He supported WIPO's program addressed in particular to the issues of development of teaching of copyright and neighboring rights for lawyers. In this context, he stressed the need for research institutes and similar bodies. He underlined that industry in the media field and in other domains worked with the whole spectrum of intellectual property rights in order to protect its investments and ensure its means of promoting cultural development at national and international level. He pointed out that there were sectors where understanding the language of industrial property was vital for copyright lawyers, such as in the field of computer-related creations, design legislation and folklore protection. As President of ATRIP, he expressed thanks to WIPO for having made possible the participation of scholars from developing countries in the activities of ATRIP.

77. The observer from the International Federation of Film Producers Associations (FIAPF) expressed his Federation's support for the development cooperation activities undertaken by WIPO. He stressed that the difficulties encountered by developing countries were associated not only with an absence of appropriate legislation but also with a lack of respect for and implementation of established principles. He reaffirmed his Federation's willingness to assist WIPO in its development cooperation work.

78. The observer from the International Publishers Association (IPA) suggested that the means of fighting piracy and the practical aspects of licensing and contractual techniques should be priorities in WIPO's training programs.

79. The observer from the International Federation of Journalists (FIJ) said that there was a need to establish an appropriate balance for the participation of governmental officials responsible for implementing copyright laws and various categories of authors, such as journalists, in seminars and training courses.

80. The observer from the International Federation of the Phonographic Industry (IFPI) expressed the appreciation of his Federation for the extent and the quality and the practical impact of the work done by WIPO. He supported the idea of devoting even more attention to the problems of implementation and enforcement of laws. He suggested that people from private sectors involved in the exercise and administration of copyright and neighboring rights, and particularly experts in licensing, be invited as speakers at training courses.

81. The representative of the International Bureau thanked the delegations and observers for their remarks and suggestions and particularly thanked the delegations of those countries that had hosted training courses, seminars or other similar programs and/or received individual trainees. He noted that all the delegations and observers that had participated in the discussions had expressed satisfaction and appreciation concerning WIPO's development cooperation activities having undertaken in the field of copyright and neighboring rights since the establishment of the Permanent Committee. He also noted that the various delegations and observers supported the program for future activities, particularly in 1993, as outlined in Part Two of document CP/DA/X/3, and only raised some additional ideas concerning possible new aspects of those activities, such as extending the training programs to certain new categories of officials and contributing to the harmonization efforts of groups of developing countries that were party to regional integration agreements or projects. The International Bureau would take into account the new ideas, as well as the various--sometimes competing--priorities stressed, and the various specific requests presented during the discussions, in future activities under the Permanent Program to the extent allowed by the available resources. When deciding on specific activities, the International Bureau would also consider the actual extent and urgency of need for assistance of the different developing countries and would give preference to solutions and activities that could serve as many objectives outlined in the document and/or during the discussions, and as efficiently, as possible. He gave two examples: first, he said that the involvement of certain new categories of officials in training programs could take place in the framework of training courses and seminars organized for the more "traditional" categories of officials interested in copyright and neighboring rights where the level and the structure of the programs concerned so allowed, and, second, he referred to the idea raised in the discussions that WIPO might have to establish "permanent representations" in developing countries and said that, although there was really a need for institutions in developing countries through which WIPO could maintain regular contact with the countries concerned in promoting the objectives of the Permanent Program, the best and most efficient way to take care of that need was to establish appropriate collective administration organizations and/or other desirable institutions dealing with copyright and neighboring rights, where they did not exist, or to further improve and strengthen the operation of existing institutions, and use them as permanent contacts.

82. In conclusion, the Chairman stated that the Permanent Committee had noted with satisfaction the contents of document CP/DA/X/2 and of Part One of document CP/DA/X/3, on development cooperation activities during the first 15 years of the Permanent Program and in 1991 and 1992, respectively, and had approved the activities of the International Bureau as indicated in those documents. As far as future activities, particularly in 1993, were concerned, the Permanent Committee had expressed its support for, and satisfaction with, the contents of Part Two of document CP/DA/X/3, and the Secretariat had noted, as summarized and answered by its representatives, the various statements made by the delegations about possible new aspects of activities and proposed shifts of emphasis, which would be taken into account, as far as possible, in the implementation of the program for 1993 and in the preparation of programs for the future.

83. The Permanent Committee noted the statement made by the Chairman.

Status of Adherence to the Berne Convention, the Neighboring Rights Conventions and the Film Register Treaty

84. Discussions were based on document CP/DA/X/4.

85. The delegation of Argentina referred to the measures under consideration in its country in order to adhere to the Paris Act of the Berne Convention. It pointed out that its country had acceded to the Rome Convention in March 1992, and had ratified the Film Register Treaty in July 1992.

86. The delegation of Burkina Faso noted that, of the nine States that had acceded to the Berne Convention in 1991 and 1992, four were African States. That was an illustration of WIPO's awareness-enhancing work on the African continent. It expressed the wish that similar awareness action continue in 1993. It mentioned that its country was currently the only African country having ratified the International Film Register Treaty. It considered that the Treaty ensured the legal security of business transactions involving audiovisual works, which young cinema industries greatly needed in order to expand. It further expressed the wish that developing countries, especially African countries, consider the advantages that they could derive from the Treaty, notably with respect to fighting effectively against piracy. It mentioned that the Pan-African Festival of Cinema and Television (FESPACO) would be held in Ouagadougou in February-March 1993, and that, in the course of that event, its country's Minister of Culture wished to promote the Film Register Treaty by organizing a symposium devoted to it. Such a gathering would have quite considerable impact, as the African International Cinema and Audiovisual Fair would be taking place at the same time. The delegation expressed the wish that WIPO take part in that event.

87. The delegation of Colombia indicated that on October 14, 1992, the National Congress of its country had approved a draft law on the protection of producers of phonograms against illicit reproduction of their phonograms. It also indicated that the Film Register Treaty had been approved by the Senate and would probably be examined by the Chamber of Deputies before the end of this year.

88. The delegation of India said that its country was considering the ratification of the Film Register Treaty. It added that a bill to amend copyright legislation, which was presently being discussed by the Parliament, would also enable its country to adhere to the Rome Convention.

89. The delegation of China stated that the Standing Committee of the 7th National People's Congress of its country, was holding its 28th session in Beijing and that the bill of China's adherence to the Phonograms Convention was being examined at that session.

90. The delegation of Jamaica said that a new copyright law would soon be submitted to the Parliament of its country including recommendations to adhere to the Berne Convention. It also said that its country would consider adhering to the Phonograms Convention.

91. The delegation of Benin mentioned that its country was party to the Berne Convention. In that connection it referred to the means of fighting against the piracy of musical works and of programme-carrying signals, and to the fact that its country was not yet party to the Phonograms and Satellites Conventions.

92. The delegation of Morocco said that its country was currently going through the procedure of accession to the Phonograms Convention.

93. The delegation of Senegal said that appropriate steps had been taken in its country for accession to the Phonograms Convention and to the Film Register Treaty, in order that piracy might be better combated in its country.

Proposed Topic for the Symposium to Take Place During the Eleventh Session of the Permanent Committee

94. Discussions were based on document CP/DA/X/5.

95. All the delegations that took the floor on this issue expressed their agreement to discuss the role of the protection of performers and producers of phonograms in the promotion of creativity in developing countries, at the symposium to be held during the next session of the Permanent Committee.

96. The delegation of India raised the idea of possible regional symposia on this subject. The results of the discussions at such symposia could be used at the symposium of the Permanent Committee.

97. The delegation of Chile asked that the documents of the symposium be sent in advance in order to permit a more active participation of delegations in the debate. It suggested that the symposium take place for a half day to give more time to other matters to be dealt with by the Permanent Committee, and that the panelists of the symposium include outside specialists.

Designation of the Members of the Working Group of the Permanent Committee for 1993

98. Discussions were based on document CP/DA/X/7.

99. The Permanent Committee designated the following members of the Working Group: Argentina, Canada, China, Czechoslovakia, France, Guinea, Hungary, India, Japan, Kenya, Pakistan, Paraguay, Spain, Switzerland and the United States of America (15).

Symposium on Effective Enforcement of Copyright and Neighboring Rights

100. As decided by the Permanent Committee at its ninth session (April 1991), the Permanent Committee held a symposium on effective enforcement of copyright and neighboring rights.

101. A presentation was made by Mr. Henry Olsson, Legal Counsel, Ministry of Justice, Sweden (document CP/DA/X/SYM/2) and was followed by a discussion led by a panel consisting of Mr. Ahmed Amine Dabo (Director General, Senegalese Copyright Office (BSDA), Dakar, Senegal), Mr. Estebán de la Puente García (Vice-Director General of Intellectual Property, General Technical Secretariat, Ministry of Culture, Madrid, Spain), Mr. Péter Gyertyánfy (Director General, Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS), Hungary), Mr. Shen Rengan (Deputy Director General, National Copyright Administration of China (NCAC), Beijing, China), and Mrs. Hilda Retondo (National Director, National Directorate of Copyright, Buenos Aires, Argentina). Mr. Carlos Fernández Ballesteros (Director, Developing Countries Division (Copyright), WIPO), acted as moderator.

102. In the discussion, delegations of 11 States and observers from two non-governmental organizations made statements.

103. At the end of the discussion, it was stressed that an efficient enforcement system should include, at least, the following main elements, namely (a) appropriate and clear provisions in the law granting precisely defined rights and containing appropriate penal and civil sanctions as well as provisions on conservatory measures, including injunctions, giving possibilities to take sufficiently quick action particularly in case of piracy, (b) adherence to the relevant international conventions to ensure protection for foreign works and productions protected by neighboring rights, (c) appropriate enforcement mechanisms guaranteeing reliable, quick and uncomplicated procedures, (d) training and information for the sectors concerned, and creation of awareness among the general public about the rationale for, and mechanisms of, the relevant legal institutions, (e) transparency, inter alia, to ensure the predictability of enforcement procedures.

Adoption of the Report and Closing of the Session

104. The Permanent Committee unanimously adopted this report after which the Chairman declared the session closed.

[End of annexes and of document]

