

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PROVISIONAL COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA

First Session
Geneva, February 20 to 24, 2006

PROPOSAL BY COLOMBIA

Document prepared by the Secretariat

1. In a communication dated January 31, 2006, the International Bureau received a proposal from Colombia for consideration by Member States at the Provisional Committee on Proposals Related to a WIPO Development Agenda, to be held in Geneva from February 20 to 24, 2006.
2. The said proposal is annexed to this document.
3. *The PCDA is invited to note the contents of the attached proposal from Colombia.*

[Annex follows]

ANNEX

From: Permanent Mission of Colombia to the United Nations Office and International Organizations in Geneva, Geneva, Switzerland

Ref. No.: MPC.88

Geneva, January 31, 2006

The Permanent Mission of Colombia to the United Nations Office and International Organizations in Geneva presents its compliments to the International Bureau of the World Intellectual Property Organization (WIPO), and has the honor to attach a proposal by Colombia to be presented at the meeting of the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA).

The proposal in question is entitled “**DEVELOPMENT OF AGREEMENTS BETWEEN WIPO AND PRIVATE ENTERPRISES, ALLOWING THE NATIONAL OFFICES OF DEVELOPING COUNTRIES TO ACCESS SPECIALIZED DATABASES FOR THE PURPOSES OF PATENT SEARCHES**”, and the International Bureau is especially requested to distribute the proposal to the Member States of WIPO as a working document within the framework of the PCDA.

The Permanent Mission of Colombia to the United Nations Office and International Organizations in Geneva takes this opportunity to reiterate to the World Intellectual Property Organization the assurances of its highest consideration.

(signed and stamped)

**PROPOSAL BY COLOMBIA TO THE MEETING OF THE PROVISIONAL
COMMITTEE ON PROPOSALS RELATED TO A WIPO DEVELOPMENT AGENDA**

*DEVELOPMENT OF AGREEMENTS BETWEEN WIPO AND PRIVATE
ENTERPRISES, ALLOWING THE NATIONAL OFFICES OF DEVELOPING
COUNTRIES TO ACCESS SPECIALIZED DATABASES FOR THE PURPOSES OF
PATENT SEARCHES*

INTRODUCTION

The limited resources available to the national offices of developing countries reduce the capacity of those offices to gain access to important working tools, such as the databases containing prior art, which constitute a resource serving as a form of support in the study of the novelty of patent applications.

An in-depth study of prior art is the basis for a strong patent title and therefore, insofar as WIPO, in the exercise of its development activities, grants access, by means of the national offices of developing countries, to the databases in question, the work done by patent examiners will be facilitated and, in turn, much stronger patents will be obtained.

JUSTIFICATION

Industrial property is an effective instrument for distinguishing the products marketed using a distinctive sign or which, in turn, protect by means of patents the intellectual creations resulting from the effort, inventiveness and human talent, able to be used in industry. Furthermore, it is the means of access and dissemination of technological information on the most recent knowledge, just as it is found in patent applications. This knowledge is a vital tool contributing to countries' social and economic development.

Industrial property seeks not only to benefit the creator of the property (inventors, scientists, entrepreneurs, etc.), by offering rights in their creations, but also the market, consumers and society in general.

An effective system of industrial property protection fosters an attractive climate for investment, producing benefits such as the introduction of new products, and effective and safe technologies and services; promotion of technology transfer; generation of sources of employment and improvement of the quality of the workforce. In addition, a solid system of protection through patents stimulates scientific research in fields of knowledge.

For the evaluation of patent applications, in particular the search and study of prior art, national offices' main tool is the national database and they have free access to databases produced by the different industrial property offices at a global level, which constitutes an essential resource in the processes for obtaining patents.

Although these databases contain a large volume of information which is very important for our studies, they have certain limitations which in turn do not enable the information necessary for granting protection in a form that is completely reliable to be obtained. An example of that would be the sectors of chemistry, pharmaceutical chemistry and biotechnology (very relevant sectors), in which consultations cannot be made using the International Union of Pure and Applied Chemistry (IUPAC) name, chemical structure, or by sequence of amino acids, something which would be of great importance when consulting the prior art. It may be considered moreover that search fields are insufficient, since they do not allow searches using the data produced by offices, which makes the full use of Boolean and all-purpose operators difficult.

AIM

To strengthen the mechanisms or instruments of the offices of developing countries for decision-making in the processing of patent applications, using a commercial database with the characteristics noted above. This will allow solid protection to be granted to system users and thus provide security in the use and exploitation of their inventions.

SCOPE

To establish an agreement through WIPO's good offices with private enterprises providing us with access to their databases for a limited period each month and at no cost to the national offices. The databases could, for example, be the commercial DERWENT WORLD PATENT INFORMATION database which resolves the previous shortcomings, STN International, Questel-Orbit and Thomson-Delphion.

IMPACT ON DEVELOPING COUNTRIES

Developing countries must provide legal certainty if they wish to attract investments and technologies avoiding the limitation of access to property that is not worth protecting. By means of patents, research and development are promoted through the guarantee of effective protection of such rights. Patents generate national innovation, research and development activities, and the creation of new products, but also constitute an interesting and rich source of technological information that has multiple advantages, a very important one of which is that they serve as an instrument for dissemination or disclosure of information.

MECHANISM FOR IMPLEMENTING THE PROPOSAL

WIPO will manage and implement agreements with private enterprises that allow access to their databases at no cost to the national offices.

[End of Annex and of document]