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# Industrial Property and Copyright

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World Intellectual Property Organization

## Contents

### NOTIFICATIONS CONCERNING TREATIES ADMINISTERED BY WIPO

WIPO Convention. Accession: Nigeria .....	105
Paris Convention	
I. Accessions: Peru, Saint Kitts and Nevis .....	105
II. Declaration Extending the Effects of Ratification to Articles 1 to 12 of the Stockholm Act (1967): Iceland .....	105
Berne Convention. Accession: Saint Kitts and Nevis .....	105
Madrid Agreement (Marks). Madrid Protocol (1989). Ratification: Sweden .....	106
Nice Agreement. Accession: Iceland .....	106
Locarno Agreement. Accession: Iceland .....	106
Patent Cooperation Treaty (PCT). Accession: Iceland .....	106
Strasbourg Agreement. Accession: Canada .....	107
Budapest Treaty. Accession: Iceland .....	107

### NORMATIVE ACTIVITIES OF WIPO

Berne Union. Committee of Experts on a Possible Protocol to the Berne Convention. Fourth Session (Geneva, December 5 to 9, 1994) .....	107
Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms. Third Session (Geneva, December 12 to 16, 1994) .....	110
Permanent Committee on Industrial Property Information (PCIPI)	
PCIPI Ad hoc Working Group on Trademark Information (PCIPI/TI). Fourth Session (Geneva, November 7 to 11, 1994) .....	113
PCIPI Ad hoc Working Group on the Management of Industrial Property Information (PCIPI/MI). Fourteenth Session (Geneva, November 21 to 25, 1994) .....	113
PCIPI Executive Coordination Committee (PCIPI/EXEC). Fifteenth Session (Geneva, November 21 to 25, 1994) .....	114
PCIPI Working Group on Search Information (PCIPI/SI). Fourteenth Session (Geneva, November 30 to December 9, 1994) .....	114

### REGISTRATION SYSTEMS ADMINISTERED BY WIPO

Patent Cooperation Treaty (PCT)	
Meeting of International Authorities Under the PCT (PCT/MIA). Fifth Session (Geneva, November 28 to December 1, 1994) .....	115
Application of Rule 32 of the PCT Regulations (Successor States) in Georgia .....	115

[Continued overleaf]

WIPO 1995

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Training and Promotion Meetings With PCT Users .....	115
Computerization Activities .....	116
<b>Madrid Union</b>	
Training and Promotion Meetings With Users of the Madrid System .....	116
Computerization Activities .....	116
 <b>WIPO ARBITRATION CENTER</b>	
WIPO Mediation Rules (Effective from October 1, 1994) .....	117
WIPO Expedited Arbitration Rules (Effective from October 1, 1994) .....	121
Recommended Contract Clauses and Submission Agreements .....	122
 <b>ACTIVITIES OF WIPO SPECIALLY DESIGNED FOR DEVELOPING COUNTRIES</b>	
Africa .....	124
Arab Countries .....	125
Asia and the Pacific .....	126
Latin America and the Caribbean .....	128
Development Cooperation (in General) .....	130
WIPO Medals .....	130
 <b>ACTIVITIES OF WIPO SPECIALLY DESIGNED FOR COUNTRIES IN TRANSITION TO MARKET ECONOMY</b>	131
 <b>OTHER CONTACTS OF THE INTERNATIONAL BUREAU OF WIPO WITH GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS</b>	132
 <b>MISCELLANEOUS NEWS</b>	134
 <b>CALENDAR OF MEETINGS</b>	135

**INDUSTRIAL PROPERTY LAWS AND TREATIES**  
(INSERT)

Editor's Note

**ITALY**

Trademark Law (Royal Decree No. 929 of June 21, 1942, as last amended by Legislative Decree No. 480 of December 4, 1992)..... Text 3-001

**REGIONAL LAWS**

**European Communities**

Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark .....

Text 3-003

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**COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES**  
(INSERT)

Editor's Note

**EL SALVADOR**

Law on the Promotion and Protection of Intellectual Property (Decree No. 604 of July 15, 1993) ..... Text I-01



# Notifications Concerning Treaties Administered by WIPO

## WIPO Convention

### Accession

#### NIGERIA

The Government of Nigeria deposited, on January 9, 1995, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Nigeria, on April 9, 1995.

*WIPO Notification No. 179, of January 10, 1995.*

## Paris Convention

### I. Accessions

#### PERU

The Government of Peru deposited, on January 11, 1995, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

Peru has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to Peru, on April 11, 1995. On that date, Peru will become a member of the Paris Union.

*Paris Notification No. 162, of January 11, 1995.*

#### SAINT KITTS AND NEVIS

The Government of Saint Kitts and Nevis deposited, on January 3, 1995, its instrument of accession to the Paris Convention for the Protection

of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

Saint Kitts and Nevis has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to Saint Kitts and Nevis, on April 9, 1995. On that date, Saint Kitts and Nevis will become a member of the Paris Union.

*Paris Notification No. 161, of January 9, 1995.*

## II. Declaration Extending the Effects of Ratification to Articles 1 to 12 of the Stockholm Act (1967)

#### ICELAND

The Government of Iceland deposited, on December 23, 1994, a declaration extending the effects of Iceland's ratification of the Paris Convention for the Protection of Industrial Property to Articles 1 to 12 of that Convention. These Articles will enter into force, with respect to Iceland, on April 9, 1995.

It is recalled that Iceland is bound by Articles 13 to 30 of the said Convention since December 28, 1984 (see Paris Notification No. 112).<sup>1</sup>

*Paris Notification No. 160, of January 9, 1995.*

## Berne Convention

### Accession

#### SAINT KITTS AND NEVIS

The Government of Saint Kitts and Nevis deposited, on January 3, 1995, its instrument of

<sup>1</sup> *Industrial Property*, 1984, p. 363.

accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979.

Saint Kitts and Nevis has not heretofore been a member of the International Union for the Protection of Literary and Artistic Works ("Berne Union"), founded by the Berne Convention.

The Berne Convention, as revised at Paris on July 24, 1971, and amended on September 28, 1979, will enter into force, with respect to Saint Kitts and Nevis, on April 9, 1995. On that date, Saint Kitts and Nevis will become a member of the Berne Union.

*Berne Notification No. 163, of January 9, 1995.*

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### **Madrid Agreement (Marks)**

#### **Madrid Protocol (1989)**

#### **Ratification**

#### **SWEDEN**

The Government of Sweden deposited, on December 30, 1994, its instrument of ratification of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989 ("Madrid Protocol (1989)").

The date of entry into force of the said Protocol will be notified when the required number of ratifications, acceptances, approvals, or accessions is reached in accordance with Article 14(4) of the said Protocol.

*Madrid (Marks) Notification No. 65, of January 11, 1995.*

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### **Nice Agreement**

#### **Accession**

#### **ICELAND**

The Government of Iceland deposited, on December 23, 1994, its instrument of accession to

the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and as amended on September 28, 1979.

The Nice Agreement as revised and amended will enter into force, with respect to Iceland, on April 9, 1995.

*Nice Notification No. 82, of January 9, 1995.*

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### **Locarno Agreement**

#### **Accession**

#### **ICELAND**

The Government of Iceland deposited, on December 23, 1994, its instrument of accession to the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to Iceland, on April 9, 1995.

*Locarno Notification No. 34, of January 9, 1995.*

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### **Patent Cooperation Treaty (PCT)**

#### **Accession**

#### **ICELAND**

The Government of Iceland deposited, on December 23, 1994, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Iceland, on March 23, 1995.

*PCT Notification No. 100, of January 9, 1995.*

## Strasbourg Agreement

### Accession

#### CANADA

The Government of Canada deposited, on January 11, 1995, its instrument of accession to the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to Canada, on January 11, 1996.

*Strasbourg Notification No. 40, of January 11, 1995.*

## Budapest Treaty

### Accession

#### ICELAND

The Government of Iceland deposited, on December 23, 1994, its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, and amended on September 26, 1980.

The said Treaty will enter into force, with respect to Iceland, on March 23, 1995.

*Budapest Notification No. 135, of January 9, 1995.*

## Normative Activities of WIPO

### Berne Union

#### Committee of Experts on a Possible Protocol to the Berne Convention

Fourth Session  
(Geneva, December 5 to 9, 1994)<sup>1</sup>

Experts from the following 55 States (members of the Berne Union) and one intergovernmental organization attended the meeting: Argentina, Australia,

Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic, Denmark, Ecuador, Egypt, Finland, France, Germany, Ghana, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Kenya, Luxembourg, Malta, Mexico, Morocco, Netherlands, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Senegal, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, European Commission (EC). Experts from the following six States (not members of the Berne

<sup>1</sup>For a note on the previous session and the preparatory document for this session, see *Copyright*, 1993, p. 179, and 1994, p. 214, respectively.

Union) participated in an observer capacity: Algeria, Armenia, Belarus, Qatar, Republic of Korea, Russian Federation. Representatives of the following four intergovernmental organizations participated in an observer capacity: United Nations Conference on Trade and Development (UNCTAD), United Nations Educational, Scientific and Cultural Organization (UNESCO), League of Arab States (LAS), Organization of African Unity (OAU).

Observers from the following 44 non-governmental organizations also participated in the meeting: Agency for the Protection of Programs (APP), American Bar Association (ABA), American Film Marketing Association (AFMA), American Intellectual Property Law Association (AIPLA), Business Software Alliance (BSA), Chartered Institute of Patent Agents (CIPA), Electronic Industries Association (EIA), European Association of Manufacturers of Business Machines and Information Technology Industry (EUROBIT), European Broadcasting Union (EBU), European Bureau of Library, Information and Documentation Associations (EBLIDA), European Committee for Interoperable Systems (ECIS), European Council of American Chambers of Commerce (ECACC), Information Industry Association (IIA), Information Technology Industry Council (ITI, formerly CBEMA), Intellectual Property Owners, Inc. (IPO), International Affiliation of Writers' Guilds (IAWG), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Industrial Property (AIPPI), International Association of Audio-Visual Writers and Directors (AIDAA), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Chamber of Commerce (ICC), International Confederation of Music Publishers (ICMP), International Confederation of Societies of Authors and Composers (CISAC), International Council of Societies of Industrial Design (ICSID), International Council on Archives (ICA), International Federation of Actors (FIA), International Federation of Film Producers Associations (FIAPF), International Federation of Library Associations and Institutions (IFLA), International Federation of Musicians (FIM), International Federation of Newspaper Publishers (FIEJ), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Group of Scientific, Technical and Medical Publishers (STM), International Hotel Association (IHA), International Intellectual Property Alliance (IIPA), International League of Competition Law (LIDC), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Secretariat for Arts, Mass Media and Entertainment Trade Unions/International Federation of Audiovisual Workers (ISETU/FISTAV), International Video

Federation (IVF), International Writers Guild (IWG), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), National Music Publishers' Association, Inc. (NMPA), Software Publishers Association (SPA).

Following the opening of the meeting, a short general discussion took place in which government delegations gave information concerning new developments or changes in policy. In general, the delegations expressed a need to update international norms for the protection of copyright in the light of technological developments, particularly digital technology and the emerging "global information infrastructure." They also focused on certain "traditional" problems solutions for which had eluded national legislators and international norm-setting bodies for some time. Following these general statements, the Committee discussed the proposals contained in a memorandum prepared by the International Bureau (document BCP/CE/IV/2) in respect of the following subjects: computer programs; data bases; distribution right, including the rights of rental and importation; non-voluntary licenses for the sound recording of musical works; non-voluntary licenses for primary broadcasting and satellite communication; duration of the protection of photographic works; communication to the public by satellite broadcasting; and enforcement of rights.

*Computer programs.* The Committee agreed that the possible protocol should contain provisions concerning the protection of computer programs. Discussion focused on the so-called "three-party proposal" made at a previous session of the Committee, which called for a declaratory statement, to be in harmony with the relevant provisions of the then GATT Agreement on Trade-Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods (TRIPS Agreement), that (1) computer programs, whether in source or object code, are literary works under Article 2 of the Berne Convention; (2) the protection given by that Convention is understood to apply to the expression of a program and not to ideas, procedures, methods of operation or mathematical concepts; and (3) limitations or exceptions to exclusive rights should be confined to certain special cases which do not conflict with normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.

A majority of the Committee accepted the essence of this proposal. The view was expressed that item (1) of the proposal should state that computer programs are *protected as* literary works, not that programs *are* literary works. Also, there was sufficient support of item (1) as an interpretative, declaratory nature. A few delegations also said that item (2) should indicate that it expressed a general principle of copyright not limited to computer programs.

Concerning item (3) on limitations on rights, a majority was of the view that the protocol should not include more detailed provisions than what was expressed in the item, but a minority view supported more detailed rules, for example, to allow decompilation of computer programs for the purposes of research, study and testing.

*Data bases.* There was a broad consensus that the protocol should include provisions stating that collections of data or other material, including data bases which, by reason of the selection or arrangement of their contents constitute intellectual creations, were protected by copyright, and that such protection neither extended to the data or material itself nor prejudiced any copyright that might subsist in the contents of the collection. Drafting suggestions were made, including, for example, deletion of the reference to protection of data bases "in machine-readable or other form" in favor of a more open-ended formulation. The need to avoid the use of different language from Article 10(2) of the TRIPS Agreement was also mentioned, since inconsistent language might produce inconsistent interpretations of international obligations. A majority took the view that the proposals were essentially a declaration of existing obligations under the Berne Convention. There was also a growing consensus that the protection of non-original data bases should be considered for possible inclusion in a new international instrument, although views were divided concerning whether such *sui generis* protection should be under the protocol or under a separate instrument. The question of the appropriate international instrument was left for later consideration, when the results of the ongoing work within the European Union to develop a directive on the legal protection of data bases might also be taken into account.

*Distribution right, including rights of rental and importation.* The Committee first debated the definition of "distribution." There was a clear opinion that "copies" should be understood as tangible objects only. Concerning digital transmissions of works in intangible form, two approaches were considered: first, that the right of communication to the public would apply, in possible conjunction with the rights of reproduction and distribution, if copies were actually made; and second, that a new right of "digital delivery" would cover such transmissions regardless of whether copies were made.

There was general acceptance of inclusion in the protocol of a general right of distribution, subject to exhaustion upon first sale or other transfer of ownership, although views differed concerning whether exhaustion should be national, regional or international. There was general support for a right of rental, although opinions differed on the types of work to which the right should apply. Some said that

there should be no, or limited, reservations of the right of rental of audiovisual works. As to the right of importation, there was a roughly equal three-way division between delegations supporting it, those opposing it, and those reserving their positions, although an overwhelming majority of non-governmental organizations supported it.

*Non-voluntary licenses for the sound recording of musical works.* There was general support for the abolition of non-voluntary licenses for the sound recording of musical works, on the ground of their obsolescence, although the recording industry and certain other interested parties disagreed, on the grounds that such licenses were a useful tool in negotiations between collective administration organizations and producers of phonograms. Concerning the time period for abolition, periods of one, three and five years were mentioned. The proposal was left on the agenda for future consideration.

*Non-voluntary licenses for primary broadcasting and satellite communication.* There was broad support for abolition of non-voluntary licenses for all forms of primary broadcasting, and some participants took the view that non-voluntary licenses for secondary transmissions, in particular cable retransmissions and in cases where collective administration was not available, should be abolished as well. The opinion was expressed that the abolition should not extend to cases in which collective administration of the right of broadcasting was mandatory under national law. However, the opposite view, that obligatory collective administration was a form of non-voluntary licensing, was also expressed. The item was left on the agenda for future consideration.

*Duration of the protection of photographic works.* There was general support, based on discussions in a previous session of the Committee, for providing, in the protocol, for the same term of protection of photographic works as the general terms of protection of other literary and artistic works under the Berne Convention.

*Communication to the public by satellite broadcasting.* A small number of delegations stated that the question of the law applicable to satellite communication should be kept on the agenda, in the light of recent technological developments, including digital delivery systems in the context of the so-called "global information infrastructure."

*Enforcement of rights.* Discussion focused on the proposals not contained in the enforcement provisions of the TRIPS Agreement, that is, new norms concerning the circumvention of technical devices and, according to the proposal of one delegation, electronic rights management systems. The

Committee, in general, supported inclusion in the protocol of provisions on the circumvention of technical devices and rights management systems, although many questions remained, such as who should be the beneficiaries of the rights to be recognized, the link between new provisions and existing enforcement mechanisms and other laws outside intellectual property (such as telecommunications and criminal laws). There was support for maintaining new provisions concerning the circumvention of technical devices within the scope of copyright, or, at least, intellectual property legislation. There was discussion on placing the new provisions in the context of civil and/or criminal infringement within the protocol, as well as the possibility that the protocol would simply state that circumvention of technical devices was an illicit act, and leaving implementation to national legislators.

*Next session of the Committee.* At the end of the meeting, the Committee unanimously decided that (1) its next session should be convened before the next series of meetings of the Governing Bodies of WIPO, but not earlier than August 28, 1995; (2) the exact dates of the next session would be fixed at the end of the meeting of the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (see below), to take place the following week; (3) it would be decided at the same time (that is, at the end of the meeting of the said Committee the following week) whether the two Committees would meet jointly or separately; (4) the Director General would invite the government members of the Committee and the European Commission to send, by June 15, 1995, to the International Bureau proposals to be discussed at the next session of the Committee; and (5) the preparatory documents for the next session of the Committee would consist of such proposals, which would be distributed by the International Bureau, along with an accompanying document containing the list of topics covered by the proposals and a comparative table indicating the essence of the proposals, in due time to the governments and the intergovernmental and non-governmental organizations invited to the next session.

As indicated in the note (see below) on the third session of the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms, it was decided at that session that the two Committees would meet jointly, and the joint meeting would take place from September 4 to 8, 1995, for substantive discussions, and on September 12, 1995, for the adoption of the report or reports. It was also decided that the deadline for submission of proposals would be June 20, rather than June 15, 1995.

### **Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms**

Third Session

(Geneva, December 12 to 16, 1994)<sup>2</sup>

Experts from the following 60 States and one intergovernmental organization attended the meeting: Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malta, Mexico, Morocco, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Republic of Korea, Russian Federation, Senegal, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Zambia, European Commission (EC). Representatives of the following five intergovernmental organizations participated in an observer capacity: International Labour Office (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), League of Arab States (LAS), Permanent Delegation of the Organization of African Unity (OAU), Arab States Broadcasting Union (ASBU).

Observers from the following 44 non-governmental organizations also participated in the meeting: Agency for the Protection of Programs (APP), American Federation of Musicians of the United States and Canada (AFM), American Federation of Television and Radio Artists (AFTRA), Asia-Pacific Broadcasting Union (ABU), Asociación Argentina de Intérpretes (AADI), Asociación Nacional de Intérpretes, S. de I. (ANDI), Association of European Performers Organizations (AEPO), Association of European Radios (AER), Australian Copyright Council (ACC), Caribbean Broadcasting Union (CBU), Conseil francophone de la chanson (CFC), Coordination of European Independent Producers (CEPI), Electronic Industries Association (EIA), European Broadcasting Union (EBU), European Council of American Chambers of Commerce (ECACC), European Tape Industry Council (ETIC), Groupement européen représentant les organismes de gestion collective des droits des artistes-interprètes ou exécutants (ARTIS GEIE), Ibero-Latin-American Federation of Performers (FILAIE), Information Industry Association (IIA), Information Technology

<sup>2</sup> For a note on the previous session and the preparatory document for this session, see *Copyright*, 1994, pp. 44 and 241, respectively.

Industry Council (ITI, formerly CBEMA), Intellectual Property Owners, Inc. (IPO), International Alliance of Orchestra Associations (IAOA), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Industrial Property (AIPPI), International Association of Broadcasting (IAB), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Chamber of Commerce (ICC), International Confederation of Music Publishers (ICMP), International Confederation of Societies of Authors and Composers (CISAC), International Council on Archives (ICA), International Federation of Actors (FIA), International Federation of Film Producers Associations (FIAPF), International Federation of Musicians (FIM), International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Literary and Artistic Association (ALAI), International Publishers Association (IPA), International Secretariat for Arts, Mass Media and Entertainment Trade Unions/International Federation of Audiovisual Workers (ISETU/FISTAV), International Video Federation (IVF), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), National Association of Broadcasters (NAB), National Music Publishers' Association, Inc. (NMPA), North American National Broadcasters Association (NANBA), Performing Arts Employers Associations League Europe (PEARLE).

Following the opening of the meeting, a short general debate took place in which government delegations and observers from intergovernmental organizations gave information concerning new developments and changes in policy or new priorities. The delegations supported the modernization of the international regime of protection for beneficiaries of neighboring rights, particularly in light of the changes in means of creation, dissemination and use of phonograms and fixations of performances brought about by digital technology and subsumed under the heading of the "global information infrastructure." While the question had not been formally discussed by the Committee, some participants also took the view that any new instrument in the field should encompass the rights of performers in all performances, including performances in audiovisual fixations, and not merely those in phonograms.

After these general statements, the Committee focused its attention on the proposals of the International Bureau contained in a memorandum (document INR/CE/III/2) and, in particular, the proposals on the following subjects: definitions; economic rights of performers in their live performances; economic rights of producers of phonograms in their performances fixed in phonograms and of producers of phonograms in their phonograms, including the

right of reproduction, rights related to distribution, and rights related to communication to the public; and moral rights of performers and the right of adaptation of performers and producers of phonograms, taken together.

*Definitions.* The Committee accepted the idea that the new instrument should contain definitions. A number of detailed comments were made on the proposed definitions, and it was decided that the International Bureau would make a transcript and summary of each intervention and send it to each speaker for editing, following which the edited summaries would be published as a supplement to the report of the meeting. The definitions considered included the following: "performers," "phonogram," "producer of phonogram," "publication," "reproduction," "rental," the notion of "public" in relation to the proposed rights of "communication to the public" and "public performance."

*Economic rights of performers in their live performances.* Given that the proposals in respect of these rights had been discussed in detail during a previous session, the Committee decided to set them aside for future consideration.

*Economic rights of performers in their performances fixed in phonograms and of producers of phonograms in their phonograms. Right of reproduction.* In light of the broad agreement of the Committee in a previous session that the right of reproduction should be included in the new instrument, it was decided to leave the question of the right, including the extent to which it was appropriate to exceed the Rome Convention minimum norms in respect of a right of reproduction for performers in authorized fixations of their performances, for later consideration.

*Rights related to distribution.* Many participants referred to their statements on the right of distribution in the meeting of the Committee of Experts on a Possible Protocol to the Berne Convention the previous week. There was support for a general right of distribution, supplemented by carefully drafted provisions on exhaustion (i.e., national, regional, or international (global)) after first sale or other first transfer of ownership. There was also broad, although not unanimous, support for a right of rental. Opinions differed on whether the right should be provided to both performers and producers of phonograms (the prevailing view), or only to one of the two beneficiaries. Opinions were also divided on the question of the right of importation, but it was retained on the agenda for future discussion. There was support for the exclusion of the right of public lending from the scope of the right of distribution, but there was no consensus on the proper legal

mechanism to achieve such exclusion (e.g., by defining the right of distribution to exclude public lending, or by creating a specific limitation on a broadly defined right of distribution).

*Rights related to communication to the public.* As in previous sessions of the Committee, the minimum common denominator acceptable to the majority was a right to equitable remuneration in respect of traditional broadcasting and communication to the public. The representatives of broadcasters expressed particularly vigorous opposition to the recognition of exclusive rights for either performers or producers of phonograms in this respect. There was, however, some support for exclusive rights, particularly in the case of digital communication to the public, and even more in respect of on-demand digital delivery. Such delivery, it was said, was not unlike distribution (i.e., the user could choose the works he received and specify the time and place to receive them, the combination of which was a perfect substitute for the purchase of copies of phonograms). Other delegations felt it was premature to decide whether exclusive rights or rights to equitable remuneration were necessary, and said that the nature of on-demand delivery should be further studied at national, regional and international levels as part of the overall examination of the impact of digital technology on copyright and neighboring rights. According to them, this area of inquiry was one of the most significant in terms of future work on the new instrument.

*Moral rights of performers and the right of adaptation of performers and producers of phonograms.* There was broad support for the inclusion of provisions on moral rights of performers in the new instrument, but hesitations, reservations and the need for further study were expressed. Questions were raised concerning the use of the criteria of practicability and custom as limitations on the exercise of the proposed right of paternity, and concerning the use of words such as “serious” and “grave” to indicate that only the most egregious prejudice to the moral interests of performers would be within the

scope of exercise of the proposed right of integrity. It was also said that study should be devoted to the question of the practicability of the exercise of moral rights in performances or fixations created by more than one performer, and that “modifications” should be distinguished from “mutilations” and “distortions,” since the former did not carry the necessarily pejorative connotation of the latter two. The relationship of the proposed moral rights of performers to those of authors was emphasized. No conclusion could be drawn as to the duration of the proposed moral rights, but most of those who spoke favored a duration equal to the duration of the economic rights of performers. There was sufficient support for the proposed economic right of adaptation of performers and producers of phonograms, but there were also some opposition and calls for further study, in particular, of the relationship between that proposed right and the right of adaptation provided to authors under the Berne Convention, and of the need for the proposed right in the light of the fact that some adaptations might be within the scope of the right of reproduction. The moral rights of performers, and the economic right of adaptation of performers and producers of phonograms were kept on the agenda for future consideration.

*Next session of the Committee.* At the end of the meeting, the Committee unanimously decided that (1) the next session of the Committee would be held jointly with the next session of the Committee of Experts on a Possible Protocol to the Berne Convention; (2) the joint sessions would be held from September 4 to 8, 1995, for substantive discussions, and on September 12, 1995, for the adoption of the report or reports; (3) the Director General would invite the government members of the Committee and the European Commission to send to the International Bureau, by June 20, 1995, proposals to be discussed during the next session of the Committee; and (4) the preparatory documents of the next session of the Committee would consist of the said proposals and a discussion paper to be prepared by the International Bureau on the questions of the rights of performers in audiovisual fixations.

## Permanent Committee on Industrial Property Information (PCIPI)

### PCIPI Ad hoc Working Group on Trademark Information (PCIPI/TI)

#### Fourth Session

(Geneva, November 7 to 11, 1994)<sup>3</sup>

The following 26 members of the PCIPI/TI were represented at the session: Bulgaria, Canada, China, Denmark, Finland, France, Germany, Hungary, Iran (Islamic Republic of), Japan, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America, Benelux Trademark Office (BBM), African Intellectual Property Organization (OAPI).

The Working Group discussed the survey of trademark search systems including search data bases and questions related to the International Classification of the Figurative Elements of Marks (Vienna Classification) and noted that very few offices used data bases other than their own, with the exception of the ROMARIN (Read-Only Memory of Madrid Actualized Registry Information) CD-ROM used by countries party to the Madrid Agreement Concerning the International Registration of Marks. The Working Group also noted that not many offices consulted important references such as signs protected under Article 6*ter* of the Paris Convention for the Protection of Industrial Property. In conclusion, the Working Group agreed to recommend to the PCIPI Executive Coordination Committee (PCIPI/EXEC) the creation of a new task in order to elaborate guidelines in relation to recommended search files to be used for searching. The creation of the task was subsequently approved by the PCIPI/EXEC at its fifteenth session.

In respect of the Vienna Classification, the Working Group identified the categories that should be considered during the revision of the current edition of the Vienna Classification.

As to the capturing, storage and electronic transmission of the figurative elements of marks, the Working Group took note of the relevant project undertaken within the framework of the Madrid Agreement and the Protocol Relating to the Madrid Agreement (Madrid Protocol) for the purposes of establishing standards for the exchange of trademark information in machine-readable form between the International Bureau and offices of Contracting Parties, but agreed that further work on the project should be postponed pending the conclusion of

another project concerning electronic communication of data between offices and the International Bureau in the framework of the Madrid system. The Working Group also discussed the possible initiation of a new project to study the feasibility of establishing standards for the electronic filing of trademark applications which it considered particularly timely in view of the recent adoption of the Trademark Law Treaty. The Working Group agreed to recommend to the PCIPI/EXEC the inclusion of a new task concerning the elaboration of a standard giving guidance to offices on the electronic filing of trademark applications. The recommendation was subsequently adopted by the PCIPI/EXEC at its fifteenth session.

The Working Group agreed on the text of WIPO Standard ST.63 concerning the content and layout of trademark gazettes, which was subsequently adopted by the PCIPI/EXEC at its fifteenth session.

Finally, the Working Group noted the summary and analysis of replies concerning the definition of a figurative mark and the quality and dimensions of the figurative element in an application concerning a figurative mark, and requested the International Bureau to take into account the requirements which were recognized in the analysis as widely accepted for the preparation of a draft recommendation on the capturing of figurative elements of marks.

### PCIPI Ad hoc Working Group on the Management of Industrial Property Information (PCIPI/MI)

#### Fourteenth Session

(Geneva, November 21 to 25, 1994)<sup>4</sup>

The following 34 members of the PCIPI/MI were represented at the session: Argentina, Australia, Brazil, Bulgaria, Canada, China, Croatia, Cuba, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Hungary, Japan, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, European Patent Office (EPO), Senegal, Sri Lanka, the Patent Documentation Group (PDG) and the publishers of the journal *World Patent Information (WPI)* were represented by observers.

The Delegation of the EPO informed the Working Group of the progress of the EASY (Electronic

<sup>3</sup> For a note on the previous session, see *Industrial Property*, 1994, p. 48.

<sup>4</sup> *Ibid.*, 1994, p. 283.

Application SYstem) project (a joint project of the United States Patent and Trademark Office (USPTO), the EPO and WIPO).

The Working Group discussed and approved an agreed text on the internal use by offices and their associated libraries of data downloaded from CD-ROM. The Working Group considered the related need for a survey to study the practical questions associated with downloading in the context of library use and agreed to recommend to the PCIPI/EXEC the establishment of a new task to carry out such a survey. The establishment of the task was approved by the PCIPI/EXEC at its fifteenth session.

Finally, the Working Group discussed the proposal by the International Bureau to establish a "Statement of Principles" to govern the changeover from the use of paper to electronic media for patent information exchange. The Working Group supported the proposal for a special meeting of the Ad hoc Working Group, to be held in March 1995, to be devoted solely to this matter.

#### **PCIPI Executive Coordination Committee (PCIPI/EXEC)**

Fifteenth Session  
(Geneva, November 21 to 25, 1994)<sup>5</sup>

The following 34 members of the PCIPI/EXEC were represented at the session: Argentina, Australia, Brazil, Bulgaria, Canada, China, Croatia, Cuba, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Hungary, Japan, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, EPO. Senegal, Sri Lanka, the PDG and the publishers of the journal *WPI* were represented by observers.

The Committee adopted the following tasks which had been completed by the PCIPI Working Groups:

- survey of filing procedures and filing requirements, as well as of examination methods and publication procedures relating to industrial designs;
- WIPO Standard ST.50 (Guidelines for Issuing Corrections, Alterations and Supplements Relating to Patent Information);
- revision of WIPO Standard ST.14 (Recommendation for the Inclusion of References Cited in Patent Documents);
- definitions and conditions on internal use by offices and their associated libraries of data downloaded from CD-ROM;
- WIPO Standard ST.63 (Recommendation Concerning the Content and Layout of Trademark Gazettes).

<sup>5</sup> *Ibid.*, 1994, p. 282.

The Committee agreed to include the following, *inter alia*, new tasks in the revised PCIPI work program for 1995:

- (a) study further the use of WIPO Standards, Recommendations and Guidelines, particularly in order to identify those which require revision;
- (b) elaborate a WIPO standard on a numbering system for patents, utility models and industrial designs the numbers of which utilize a year designation, in order to meet any problems arising from designating the year 2000;
- (c) study the practical questions associated with the downloading of data from CD-ROMs in the context of library use;
- (d) prepare guidelines on a list of recommended search files for trademark search;
- (e) elaborate a WIPO standard providing guidance to trademark offices on the electronic filing of trademark applications.

The Committee also approved 10 revision requests concerning subclasses of the International Patent Classification (IPC).

Finally, the Committee reviewed the work program in the light of discussions held and conclusions arrived at in the course of this session, and finally adopted the revised work program for the remainder of the 1994-95 biennium.

#### **PCIPI Working Group on Search Information (PCIPI/SI)**

Fourteenth Session  
(Geneva, November 30 to December 9, 1994)<sup>6</sup>

The following 20 members of the PCIPI/SI were represented at the session: Belgium, Canada, Croatia, Denmark, Egypt, Finland, France, Germany, Japan, Norway, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Working Group continued its preparatory work for the seventh edition of the IPC, which will enter into force on January 1, 2000. It further dealt with 44 IPC revision projects on the program for the 1994-95 biennium, 23 of which belong to the mechanical field and 21 to the electrical field. Nine revision projects were completed.

The Working Group discussed patent documents that could be used for training in classifying, as well as the existing training examples that should be updated according to the sixth edition of the IPC. Informative observations relating to four training examples were approved.

<sup>6</sup> *Ibid.*, 1994, p. 283.

# Registration Systems Administered by WIPO

## Patent Cooperation Treaty (PCT)

### Meeting of International Authorities Under the PCT (PCT/MIA)

#### Fifth Session

(Geneva, November 28 to December 1, 1994)<sup>1</sup>

The following eight International Authorities were represented at the session: Australian Industrial Property Organisation (AIPO), Austrian Patent Office, Chinese Patent Office (CPO), Committee of the Russian Federation for Patents and Trademarks (ROSPATENT), European Patent Office (EPO), Japanese Patent Office (CPO), United States Patent and Trademark Office (USPTO), in their capacity as International Searching and Preliminary Examining Authorities, and the Spanish Patent and Trademark Office in its capacity as an International Searching Authority.

The Meeting discussed proposals concerning the establishment of a uniform format for nucleotide and/or amino acid sequence listings and agreed that a PCT standard for sequence listings in international applications should be prepared. The proposed PCT standard would apply both to sequence listings on paper and to sequence listings on diskette. It would be consistent with WIPO Standards ST.23 and ST.24 which relate to sequence listings, but would be self-contained so as to enable convenient reference by applicants filing international applications. Mandatory and optional elements would be clearly identified and distinguished, the mandatory elements being those necessary to carry out validation of the sequence listing as well as the international search. The proposed PCT standard would allow some flexibility as to whether a sequence listing forming part of the international application is presented as part of the description or as a drawing. When the proposed PCT standard is in place, a sequence listing complying with that standard would have to be accepted by all receiving Offices and International Searching and Preliminary Examining Authorities, and by all designated/elected Offices for the purposes of the national phase. The Meeting agreed

that any requirement for a translation of such a sequence listing must not be onerous for applicants.

The Meeting agreed on a number of principles which should apply so as to reduce the amount of free text in sequence listings complying with the proposed PCT standard and to facilitate compliance by applicants with the language and translation requirements of different Offices. The Meeting noted that a sequence listing containing only the mandatory data elements under the proposed PCT standard would not include any language-dependent text and thus would not need to be translated upon entering the national phase.

The Meeting also discussed a number of matters relating to the availability of and access to sequence listings, including their inclusion in on-line data banks.

Finally, the Meeting requested the International Bureau to prepare a number of changes to the PCT Regulations, Administrative Instructions and Forms to implement its conclusions in relation to sequence listings and the proposed PCT standard.

### Application of Rule 32 of the PCT Regulations (Successor States) in Georgia

In November 1994, in accordance with Rule 32 of the PCT Regulations, the International Bureau sent notifications to some 37,000 applicants (or agents of applicants) of 58,802 international applications under the PCT having international filing dates after December 25, 1991, and before March 18, 1994, informing them of the possibility of requesting, within three months from the date of mailing of the said notifications, the extension of the effects of such applications to Georgia.

### Training and Promotion Meetings With PCT Users

*Germany.* In November 1994, two WIPO officials conducted a seminar on the PCT organized by a local enterprise for some 30 patent attorneys and administrators in Frankfurt (Main).

<sup>1</sup> For a note on the previous session, see *Industrial Property*, 1994, p. 322.

Later in the same month, the same WIPO officials conducted a seminar on the PCT organized by Forum Institut für Management, an enterprise in Germany, for 23 patent administrators.

*Mexico.* In November 1994, two government officials were given training in the administrative procedures under the PCT at the headquarters of WIPO in Geneva.

*Spain.* In November 1994, a WIPO official gave a presentation on the legal and procedural aspects of the functions of an International Searching Authority under the PCT to 65 officials of the Spanish Patent and Trademark Office in Madrid.

*United Kingdom.* In November 1994, a WIPO official conducted a seminar on the PCT organized in London by Management Forum, an enterprise in the United Kingdom, for some 10 participants, mainly from patent departments of private enterprises in the United Kingdom.

*United States of America.* In November 1994, a government official had discussions with WIPO officials in Geneva on the administrative procedures under the PCT.

*European Patent Office (EPO).* In late November and early December 1994, five EPO officials had discussions with WIPO officials in Geneva on the administrative procedures under the PCT and were given demonstrations of WIPO's computerized systems in that respect.

*Intellectual Property International (IPI).* In November 1994, two WIPO officials conducted an advanced seminar on the PCT organized by IPI in San Francisco (United States of America) for some 40 patent administrators and legal assistants.

*John Marshall Law School (JMLS).* In November 1994, two WIPO officials conducted an advanced seminar on the PCT organized by the JMLS Center for Intellectual Property at a local law firm in Chicago (United States of America) for some 40 patent administrators and legal assistants.

### Computerization Activities

*EASY (Electronic Application SYstem) Project.* In November 1994, three WIPO officials participated in a WIPO/EPO/USPTO meeting which discussed further progress of the EASY project at the headquarters of WIPO in Geneva.

## Madrid Union

### Training and Promotion Meetings With Users of the Madrid System

*Japan.* In November 1994, a government official was given a demonstration of the ROMARIN (Read-Only Memory of Madrid Actualized Registry INFORMATION) CD-ROM, containing the bibliographic data and reproductions of all international registrations of marks in force, by a WIPO official in Geneva.

### Computerization Activities

*Austria/Liechtenstein/Switzerland.* In November 1994, a WIPO official had discussions with Swiss

government officials in Beme on the possibility of developing a ROMARIN-type CD-ROM for trademarks registered in Austria, Liechtenstein and Switzerland.

*Baltic States and Central and Eastern European Countries.* In November 1994, two WIPO officials attended, as observers, further discussions held in Paris between officials of the EPO and the National Institute of Industrial Property (INPI) (France) on the possibility of developing, on the basis of WIPO's ROMARIN CD-ROM and under the name of ROMARIN-TRACES, a common CD-ROM containing the national trademark registers of the Baltic States and the Central and Eastern European countries.

# WIPO Arbitration Center

## WIPO Mediation Rules (Effective from October 1, 1994)

### CONTENTS

	<i>Articles</i>
Abbreviated Expressions .....	1
Scope of Application of Rules .....	2
Commencement of the Mediation .....	3 – 5
Appointment of the Mediator .....	6 – 7
Representation of Parties and Participation in Meetings .....	8
Conduct of the Mediation .....	9 – 12
Role of the Mediator .....	13
Confidentiality .....	14 – 17
Termination of the Mediation .....	18 – 20
Registration Fee of the Center .....	21
Fees of the Mediator .....	22
Deposits .....	23
Costs .....	24
Exclusion of Liability .....	25
Waiver of Defamation .....	26
Suspension of Running of Limitation Period Under the Statute of Limitations .....	27
Schedule of Fees	

### Abbreviated Expressions

#### *Article 1*

In these Rules:

“Mediation Agreement” means an agreement by the parties to submit to mediation all or certain disputes which have arisen or which may arise between them; a Mediation Agreement may be in the form of a mediation clause in a contract or in the form of a separate contract;

“Mediator” includes a sole mediator or all the mediators where more than one is appointed;

“WIPO” means the World Intellectual Property Organization;

“Center” means the WIPO Arbitration Center, a unit of the International Bureau of WIPO;

Words used in the singular include the plural and vice versa, as the context may require.

### Scope of Application of Rules

#### *Article 2*

Where a Mediation Agreement provides for mediation under the WIPO Mediation Rules, these Rules shall be deemed to form part of that Mediation Agreement. Unless the parties have agreed otherwise, these Rules as in effect on the date of the commencement of the mediation shall apply.

### Commencement of the Mediation

#### *Article 3*

(a) A party to a Mediation Agreement that wishes to commence a mediation shall submit a Request for Mediation in writing to the Center. It shall at the same time send a copy of the Request for Mediation to the other party.

(b) The Request for Mediation shall contain or be accompanied by

- (i) the names, addresses and telephone, telex, telefax or other communication references of the parties to the dispute and of the representative of the party filing the Request for Mediation;
- (ii) a copy of the Mediation Agreement; and
- (iii) a brief statement of the nature of the dispute.

#### *Article 4*

The date of the commencement of the mediation shall be the date on which the Request for Mediation is received by the Center.

#### *Article 5*

The Center shall forthwith inform the parties in writing of the receipt by it of the Request for Mediation and of the date of the commencement of the mediation.

## Appointment of the Mediator

### Article 6

(a) Unless the parties have agreed themselves on the person of the mediator or on another procedure for appointing the mediator, the mediator shall be appointed by the Center after consultation with the parties.

(b) The prospective mediator shall, by accepting appointment, be deemed to have undertaken to make available sufficient time to enable the mediation to be conducted expeditiously.

### Article 7

The mediator shall be neutral, impartial and independent.

## Representation of Parties and Participation in Meetings

### Article 8

(a) The parties may be represented or assisted in their meetings with the mediator.

(b) Immediately after the appointment of the mediator, the names and addresses of persons authorized to represent a party, and the names and positions of the persons who will be attending the meetings of the parties with the mediator on behalf of that party, shall be communicated by that party to the other party, the mediator and the Center.

## Conduct of the Mediation

### Article 9

The mediation shall be conducted in the manner agreed by the parties. If, and to the extent that, the parties have not made such agreement, the mediator shall, in accordance with these Rules, determine the manner in which the mediation shall be conducted.

### Article 10

Each party shall cooperate in good faith with the mediator to advance the mediation as expeditiously as possible.

### Article 11

The mediator shall be free to meet and to communicate separately with a party on the clear understanding that information given at such meetings and in such communications shall not be disclosed to the other party without the express authorization of the party giving the information.

## Article 12

(a) As soon as possible after being appointed, the mediator shall, in consultation with the parties, establish a timetable for the submission by each party to the mediator and to the other party of a statement summarizing the background of the dispute, the party's interests and contentions in relation to the dispute and the present status of the dispute, together with such other information and materials as the party considers necessary for the purposes of the mediation and, in particular, to enable the issues in dispute to be identified.

(b) The mediator may at any time during the mediation suggest that a party provide such additional information or materials as the mediator deems useful.

(c) Any party may at any time submit to the mediator, for consideration by the mediator only, written information or materials which it considers to be confidential. The mediator shall not, without the written authorization of that party, disclose such information or materials to the other party.

## Role of the Mediator

### Article 13

(a) The mediator shall promote the settlement of the issues in dispute between the parties in any manner that the mediator believes to be appropriate, but shall have no authority to impose a settlement on the parties.

(b) Where the mediator believes that any issues in dispute between the parties are not susceptible to resolution through mediation, the mediator may propose, for the consideration of the parties, procedures or means for resolving those issues which the mediator considers are most likely, having regard to the circumstances of the dispute and any business relationship between the parties, to lead to the most efficient, least costly and most productive settlement of those issues. In particular, the mediator may so propose:

- (i) an expert determination of one or more particular issues;
- (ii) arbitration;
- (iii) the submission of last offers of settlement by each party and, in the absence of a settlement through mediation, arbitration conducted on the basis of those last offers pursuant to an arbitral procedure in which the mission of the arbitral tribunal is confined to determining which of the last offers shall prevail; or
- (iv) arbitration in which the mediator will, with the express consent of the parties, act as sole arbitrator, it being understood that the mediator may, in the arbitral proceedings, take into account information received during the mediation.

## Confidentiality

### Article 14

No recording of any kind shall be made of any meetings of the parties with the mediator.

### Article 15

Each person involved in the mediation, including, in particular, the mediator, the parties and their representatives and advisors, any independent experts and any other persons present during the meetings of the parties with the mediator, shall respect the confidentiality of the mediation and may not, unless otherwise agreed by the parties and the mediator, use or disclose to any outside party any information concerning, or obtained in the course of, the mediation. Each such person shall sign an appropriate confidentiality undertaking prior to taking part in the mediation.

### Article 16

Unless otherwise agreed by the parties, each person involved in the mediation shall, on the termination of the mediation, return, to the party providing it, any brief, document or other materials supplied by a party, without retaining any copy thereof. Any notes taken by a person concerning the meetings of the parties with the mediator shall be destroyed on the termination of the mediation.

### Article 17

Unless otherwise agreed by the parties, the mediator and the parties shall not introduce as evidence or in any manner whatsoever in any judicial or arbitration proceeding:

- (i) any views expressed or suggestions made by a party with respect to a possible settlement of the dispute;
- (ii) any admissions made by a party in the course of the mediation;
- (iii) any proposals made or views expressed by the mediator;
- (iv) the fact that a party had or had not indicated willingness to accept any proposal for settlement made by the mediator or by the other party.

## Termination of the Mediation

### Article 18

The mediation shall be terminated

- (i) by the signing of a settlement agreement by the parties covering any or all of the issues in dispute between the parties;

- (ii) by the decision of the mediator if, in the mediator's judgment, further efforts at mediation are unlikely to lead to a resolution of the dispute;
- (iii) by a written declaration of a party at any time after attending the first meeting of the parties with the mediator and before the signing of any settlement agreement.

### Article 19

(a) Upon the termination of the mediation, the mediator shall promptly send to the Center a notice in writing that the mediation is terminated and shall indicate the date on which it terminated, whether or not the mediation resulted in a settlement of the dispute and, if so, whether the settlement was full or partial. The mediator shall send to the parties a copy of the notice so addressed to the Center.

(b) The Center shall keep the said notice of the mediator confidential and shall not, without the written authorization of the parties, disclose either the existence or the result of the mediation to any person.

(c) The Center may, however, include information concerning the mediation in any aggregate statistical data that it publishes concerning its activities, provided that such information does not reveal the identity of the parties or enable the particular circumstances of the dispute to be identified.

### Article 20

Unless required by a court of law or authorized in writing by the parties, the mediator shall not act in any capacity whatsoever, otherwise than as a mediator, in any pending or future proceedings, whether judicial, arbitral or otherwise, relating to the subject matter of the dispute.

## Registration Fee of the Center

### Article 21

(a) The Request for Mediation shall be subject to the payment to the Center of a registration fee, which shall belong to the International Bureau of WIPO. The amount of the registration fee shall be fixed in accordance with the Schedule of Fees applicable on the date of the Request for Mediation.

(b) The registration fee shall not be refundable.

(c) No action shall be taken by the Center on a Request for Mediation until the registration fee has been paid.

(d) If a party who has filed a Request for Mediation fails, within 15 days after a second reminder in writing

from the Center, to pay the registration fee, it shall be deemed to have withdrawn its Request for Mediation.

### Fees of the Mediator

#### Article 22

(a) The amount and currency of the fees of the mediator and the modalities and timing of their payment shall be fixed, in accordance with the provisions of this Article, by the Center, after consultation with the mediator and the parties.

(b) The amount of the fees shall, unless the parties and the mediator agree otherwise, be calculated on the basis of the hourly or, if applicable, daily indicative rates set out in the Schedule of Fees applicable on the date of the Request for Mediation, taking into account the amount in dispute, the complexity of the subject matter of the dispute and any other relevant circumstances of the case.

### Deposits

#### Article 23

(a) The Center may, at the time of the appointment of the mediator, require each party to deposit an equal amount as an advance for the costs of the mediation, including, in particular, the estimated fees of the mediator and the other expenses of the mediation. The amount of the deposit shall be determined by the Center.

(b) The Center may require the parties to make supplementary deposits.

(c) If a party fails, within 15 days after a second reminder in writing from the Center, to pay the required deposit, the mediation shall be deemed to be terminated. The Center shall, by notice in writing, inform the parties and the mediator accordingly and indicate the date of termination.

(d) After the termination of the mediation, the Center shall render an accounting to the parties of any deposits made and return any unexpended balance to the parties or require the payment of any amount owing from the parties.

### Costs

#### Article 24

Unless the parties agree otherwise, the registration fee, the fees of the mediator and all other expenses of the mediation, including, in particular, the required travel expenses of the mediator and any expenses associated with obtaining expert advice, shall be borne in equal shares by the parties.

### Exclusion of Liability

#### Article 25

Except in respect of deliberate wrongdoing, the mediator, WIPO and the Center shall not be liable to any party for any act or omission in connection with any mediation conducted under these Rules.

### Waiver of Defamation

#### Article 26

The parties and, by accepting appointment, the mediator agree that any statements or comments, whether written or oral, made or used by them or their representatives in preparation for or in the course of the mediation shall not be relied upon to found or maintain any action for defamation, libel, slander or any related complaint, and this Article may be pleaded in bar to any such action.

### Suspension of Running of Limitation Period Under the Statute of Limitations

#### Article 27

The parties agree that, to the extent permitted by the applicable law, the running of the limitation period under the Statute of Limitations or an equivalent law shall be suspended in relation to the dispute that is the subject of the mediation from the date of the commencement of the mediation until the date of the termination of the mediation.

### Schedule of Fees

#### Fees of the Center

#### Registration Fee (Article 21, WIPO Mediation Rules)

1. The amount of the registration fee shall be 0.1% of the value of the mediation, subject to a maximum registration fee of \$10,000. By way of example, the following registration fees would be payable where the value of the mediation is the following amounts:

<i>Value of Mediation</i>	<i>Registration Fee</i>
\$500,000	\$500
\$1,000,000	\$1,000
\$5,000,000	\$5,000
\$10,000,000 and above	\$10,000

2. The value of the mediation is determined by the total value of amounts claimed.

3. Where the Request for Mediation does not indicate any claims for a monetary amount or the dispute concerns issues that are not quantifiable in monetary amounts, a registration fee of \$750 shall be payable,

subject to adjustment. The adjustment shall be made by reference to the registration fee that the Center, after consultation with the parties and the mediator, determines in its discretion to be appropriate in the circumstances.

4. Any monetary amounts in dispute expressed in currencies other than United States dollars shall, for the purposes of calculating the registration fee, be converted to amounts expressed in United States dollars on the basis of the official United Nations exchange

rate prevailing on the date of submission of the Request for Mediation.

#### *Mediators' Fees*

#### *Indicative Hourly and Daily Rates (Article 22, WIPO Mediation Rules)*

	<i>Minimum</i>	<i>Maximum</i>
Per hour	\$300	\$600
Per day	\$1,500	\$3,500

## **WIPO Expedited Arbitration Rules**

**(Effective from October 1, 1994)**

### **Summary**

The WIPO Expedited Arbitration Rules consist of the WIPO Arbitration Rules modified in certain respects in order to ensure that the arbitration can be conducted in a shortened time frame and at reduced cost. To achieve these objectives, four main modifications have been introduced into the WIPO Arbitration Rules:

(i) The Statement of Claim must accompany (and not be filed later and separately from) the Request for Arbitration. Similarly, the Statement of Defense must accompany the Answer to the Request.

(ii) There is always a sole arbitrator.

(iii) Any hearings before the sole arbitrator are condensed and may not, save in exceptional circumstances, exceed three days.

(iv) The time limits applying to the various stages of the arbitral proceedings have been shortened. In particular, the proceedings should, whenever reasonably possible, be declared closed within three months (as opposed to nine months under the WIPO Arbitration Rules) of either the delivery of the Statement of Defense or the establishment of the Tribunal, whichever event occurs later, and the final award should, whenever reasonably possible, be made within one month (as opposed to three months under the WIPO Arbitration Rules) thereafter.

### **List of Modifications**

The following is the list of the modifications to the WIPO Arbitration Rules that are made in the WIPO Expedited Arbitration Rules:

1. The following paragraph is added to Article 4 of the WIPO Arbitration Rules:

“(h) The Center may, in consultation with the parties, reduce the period of time referred to in Article 11.”

2. Items (iv) and (v) of Article 9 of the WIPO Arbitration Rules are deleted.

3. Item (vi) of Article 9 is replaced by the following:

“(vi) any observations that the Claimant considers useful in connection with Articles 14 and 20.”

4. Article 10 of the WIPO Arbitration Rules is replaced by the following:

“The Request for Arbitration shall be accompanied by the Statement of Claim in conformity with Article 41(b) and (c).”

5. Article 11 of the WIPO Arbitration Rules is replaced by the following:

“Within 20 days from the date on which the Respondent receives the Request for Arbitration from the Claimant or within 10 days from the date of the appointment of the Tribunal, whichever event occurs later, the Respondent shall address to the Center and to the Claimant an Answer to the Request which shall contain comments on any of the items in the Request for Arbitration.”

6. Article 12 of the WIPO Arbitration Rules is replaced by the following:

“The Answer to the Request shall be accompanied by the Statement of Defense in conformity with Article 42(b) and (c).”

7. Articles 14 to 19 of the WIPO Arbitration Rules are replaced by the following Article:

### “Sole Arbitrator

#### *Article 14*

(a) The Tribunal shall consist of a sole arbitrator, who shall be appointed jointly by the parties.

(b) If the appointment of the sole arbitrator is not made within 15 days after the commencement of the arbitration, the sole arbitrator shall be appointed by the Center.”

8. In Article 25 of the WIPO Arbitration Rules, the words “within 15 days” are replaced by the words “within seven days.”

9. Articles 41(a) and 42(a) of the WIPO Arbitration Rules are deleted.

10. Article 53(b) of the WIPO Arbitration Rules is replaced by the following:

“(b) If a hearing is held, it shall be convened within 30 days after the receipt by the Claimant of the Answer to the Request and the Statement of Defense. The Tribunal shall give the parties adequate advance notice of the date, time and place of the hearing. Except in exceptional circumstances, hearings may not exceed three days. Each party shall be expected to bring to the hearing such persons as necessary to adequately inform the Tribunal of the dispute.”

11. The following paragraph is added to Article 53 of the WIPO Arbitration Rules:

“(e) Within such short period of time after the hearing as is agreed by the parties or, in the absence of such agreement, determined by the Tribunal, each party may communicate to the Tribunal and to the other party a post-hearing brief.”

12. The following sentence is added to Article 55(a) of the WIPO Arbitration Rules:

“The terms of reference shall include a requirement that the expert report to the Tribunal within 30 days of receipt of the terms of reference.”

13. In Article 63(a) of the WIPO Arbitration Rules, the words “nine months” are replaced by the words “three months” and the words “three months” are replaced by the words “one month.”

### Consolidated Text

A consolidated text of the WIPO Expedited Arbitration Rules may be obtained from the WIPO Arbitration Center. In that text, two conventions have been followed:

(i) Provisions that represent modifications of the WIPO Arbitration Rules are printed in bold italics.

(ii) Where the modifications to the WIPO Arbitration Rules have resulted in the deletion of Articles or paragraphs, the number or letter of the deleted Article or paragraph has been retained accompanied by the annotation [Article [paragraph] not used]. This has been done in order to retain the correspondence between the numbers of Articles in the WIPO Arbitration Rules and in the WIPO Expedited Arbitration Rules.

### Schedule of Fees

The Fees of the Center are the same as for an arbitration under the WIPO Arbitration Rules.

The arbitrator’s fees are determined in the same way as the fees of an arbitrator in an arbitration under the WIPO Arbitration Rules.

## Recommended Contract Clauses and Submission Agreements

The following pages contain alternative contract clauses (for the submission of future disputes under a particular contract) and submission agreements (for the reference of an existing dispute) for the following procedures administered by the WIPO Arbitration Center:

- mediation under the WIPO Mediation Rules,
- arbitration under the WIPO Arbitration Rules,
- expedited arbitration under the WIPO Expedited Arbitration Rules,
- mediation under the WIPO Mediation Rules followed, in the absence of a settlement, by arbitration under the WIPO Arbitration Rules.

### Future Disputes

#### *Recommended WIPO Mediation Clause*

“Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The place of mediation shall be ... The language to be used in the mediation shall be ...”

*Recommended WIPO Arbitration Clause*

“Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be referred to and finally determined by arbitration in accordance with the WIPO Arbitration Rules. The arbitral tribunal shall consist of [three arbitrators][a sole arbitrator]. The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute, controversy or claim shall be decided in accordance with the law of ...”

*Recommended WIPO Expedited Arbitration Clause*

“Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute, controversy or claim shall be decided in accordance with the law of ...”

*Recommended Clause for WIPO Mediation Followed, in the Absence of a Settlement, by Arbitration*

“Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The place of mediation shall be ... The language to be used in the mediation shall be ...

“If, and to the extent that, any such dispute, controversy or claim has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO Arbitration Rules. The arbitral tribunal shall consist of [three arbitrators] [a sole arbitrator]. The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute, controversy or claim referred to arbitration shall be decided in accordance with the law of ...”

**Existing Disputes***Recommended Submission Agreement for WIPO Mediation*

“We, the undersigned parties, hereby agree to submit to mediation in accordance with the WIPO Mediation Rules the following dispute:

[Brief description of the dispute]

“The place of mediation shall be ... The language to be used in the mediation shall be ...”

*Recommended Submission Agreement for WIPO Arbitration*

“We, the undersigned parties, hereby agree that the following dispute shall be referred to and finally determined by arbitration in accordance with the WIPO Arbitration Rules:

[Brief description of the dispute]

“The arbitral tribunal shall consist of [three arbitrators] [a sole arbitrator]. The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute shall be decided in accordance with the law of ...”

*Recommended Submission Agreement for WIPO Expedited Arbitration*

“We, the undersigned parties, hereby agree that the following dispute shall be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules:

[Brief description of the dispute]

“The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute shall be decided in accordance with the law of ...”

*Recommended Submission Agreement for WIPO Mediation Followed, in the Absence of a Settlement, by Arbitration*

“We, the undersigned parties, hereby agree to submit to mediation in accordance with the WIPO Mediation Rules the following dispute:

[Brief description of the dispute]

“The place of mediation shall be ... The language to be used in the mediation shall be ...

“We further agree that, if, and to the extent that, the dispute has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO

Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with

the WIPO Arbitration Rules. The arbitral tribunal shall consist of [three arbitrators][a sole arbitrator]. The place of arbitration shall be ... The language to be used in the arbitral proceedings shall be ... The dispute referred to arbitration shall be decided in accordance with the law of ...”

## Activities of WIPO Specially Designed for Developing Countries

### Africa

#### Training Courses, Seminars and Meetings

*WIPO Regional Seminar on Copyright and Neighboring Rights (Portugal)*. From November 10 to 12, 1994, WIPO organized that Seminar in Lisbon in cooperation with the Directorate General of Entertainments (DGESP) of Portugal. Five government officials from Angola, Cape Verde and Sao Tome and Principe, and 20 local participants attended. Papers were presented by speakers from Portugal, most of them university professors, and by a WIPO official.

*WIPO Regional Seminar on Industrial Property (Uganda)*. From November 14 to 18, 1994, WIPO organized that Seminar in Kampala, with the financial assistance of the Government of Sweden, concurrently with the session of the African Regional Industrial Property Organization's (ARIPO) Administrative Council. The Seminar was attended by 31 government officials and representatives from Botswana, Ethiopia, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Namibia, Nigeria, Sierra Leone, South Africa, Sudan, Swaziland, Uganda, the United Republic of Tanzania, Zimbabwe and ARIPO. Presentations were made by three WIPO consultants from South Africa, Sweden and the European Patent Office (EPO), and a WIPO official.

*WIPO National Workshop on Patent Agency (Kenya)*. From November 9 to 11, 1994, WIPO organized that Workshop in Nairobi in cooperation with the Government of Kenya. Seventy lawyers and employees from research and development institutions attended. Presentations were made by two WIPO consultants from the United Kingdom and a WIPO official.

*WIPO National Seminar on Copyright and Neighboring Rights (Niger)*. From November 21 to 23, 1994, WIPO organized that Seminar in Niamey, in cooperation with the Government of Niger. The Seminar was attended by some 50 government officials and national representatives of artists, performers and broadcasting organizations, lawyers, and customs and police officers. Papers were presented by local speakers, a WIPO consultant from Switzerland and two WIPO officials.

*Côte d'Ivoire*. In November 1994, a WIPO official made a presentation at the National Seminar on Distinctive Signs Used in Trade organized in Abidjan by the Government of Côte d'Ivoire in cooperation with the African Intellectual Property Organization (OAPI).

*African Regional Industrial Property Organization (ARIPO).* In November 1994, four WIPO officials attended the eighteenth session of the Administrative Council of ARIPO which was held in Kampala. Thirteen ARIPO member States were represented, namely, Botswana, the Gambia, Ghana, Kenya, Lesotho, Malawi, Sierra Leone, Sudan, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. Five potential member States were also represented, namely, Ethiopia, Liberia, Namibia, Nigeria and South Africa.

### **Assistance With Training, Legislation and Modernization of Administration**

*Côte d'Ivoire.* In November 1994, a WIPO official held discussions in Abidjan with Mr. Ferdinand Kacou Angora, Minister of Industry and Trade, on general cooperation between Côte d'Ivoire and WIPO and, in an official ceremony, handed over the CD-ROM workstation offered by WIPO to the Directorate of Industrial Technology.

*Ghana.* In November 1994, Mr. Dominic Macrae Mills, Registrar-General, had discussions with WIPO officials in Geneva on the organization of a regional seminar on intellectual property for judges from English-speaking African countries to be held in Accra in January 1995.

Also in November 1994, a WIPO consultant from Burkina Faso undertook a mission to Accra to proceed with the installation of computer software intended to facilitate computerized procedures in the collective administration of copyright at the Copyright Office of Ghana, and trained the staff in the use of the said system.

*Guinea.* In November 1994, a WIPO official undertook a mission to Conakry to install a CD-ROM workstation offered by WIPO to the Industrial Property Service. Training in the use of the various searching methods for technological information contained in patent documents that can be used with

CD-ROMs was also given to the staff concerned. The CD-ROM workstation was officially presented at the Industrial Property Service to the Minister for Industry, Trade and Smaller Business.

*Malawi.* In November 1994, a WIPO consultant from Burkina Faso undertook a mission to Lilongwe to install computer software intended to facilitate computerized procedures in the collective administration of copyright at the Authors' Society of Malawi (COSOMA), and trained the staff in the use of the said system.

*Mozambique.* In November 1994, a WIPO official undertook a mission to Maputo to discuss with government officials cooperation between Mozambique and WIPO, including the possible accession of Mozambique to the WIPO Convention, the enactment of appropriate industrial property legislation and the training of nationals in industrial property.

*Swaziland.* In November 1994, the International Bureau prepared and sent to the government authorities, at their request, a draft law on copyright and neighboring rights.

*United Republic of Tanzania.* In November 1994, a WIPO official undertook a mission to Dar es Salaam to install a CD-ROM workstation offered by WIPO to the Division of Companies Registrations, Commercial Laws and Industrial Licensing. Training in the use of the various searching methods offered by the CD-ROM workstation was given to the staff concerned. Discussions took place with the Minister of Industries and Trade and other government officials on matters relating to the location and functioning of the CD-ROM workstation.

*Conseil francophone de la chanson (CFC).* In November 1994, the President of CFC had discussions with WIPO officials in Geneva on administrative matters related to a possible WIPO/CFC regional seminar for African authors and performers to be held in Yaoundé in 1995.

## **Arab Countries**

### **Assistance With Training, Legislation and Modernization of Administration**

*Egypt.* In November 1994, a government official discussed with WIPO officials in Geneva the revision of the Egyptian industrial property laws and her country's possible accession to the Patent Cooperation Treaty (PCT).

Also in November 1994, the International Bureau prepared and sent to the Regional Information Tech-

nology and Software Engineering Center (RITSEC), at its request, comments on a study on intellectual property protection in the Arab countries, prepared by RITSEC.

*Association for the Protection of Industrial Property in the Arab World (APPIMAF).* In November 1994, a WIPO official attended, as a speaker, the International Symposium on Industrial Property Law in International Relations organized by APPIMAF in Beirut.

## Asia and the Pacific

### Training Courses, Seminars and Meetings

*WIPO Specialized Training Course on Copyright and Neighboring Rights (Japan)*. From November 14 to 26, 1994, WIPO organized that Course in Tokyo in cooperation with the Government of Japan and the Japanese Society of Authors and Composers (JASRAC). Four government officials from China, India, Indonesia and Mongolia attended the Course.

*WIPO Asian Regional Seminar on the Role and Development of the Profession of Industrial Property Lawyer and Agent (Republic of Korea)*. From November 15 to 18, 1994, WIPO organized that Seminar in Daeduk in cooperation with the Korean Industrial Property Office (KIPO) and the International Intellectual Property Training Institute (IIPTI) and with the assistance of the United Nations Development Programme (UNDP). The Seminar was attended by 27 government officials and private industrial property practitioners from Bangladesh, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mongolia, the Philippines, Sri Lanka, Thailand and Viet Nam, as well as by some 15 local participants. Papers were presented by four WIPO consultants from Australia, Germany, the United Kingdom and the United States of America and a speaker from the Republic of Korea. Two WIPO officials participated, one of them as a speaker.

*WIPO Colloquium on International Cooperation in the Field of Industrial Property for the Benefit of Trade and Industry (Malaysia)*. On November 28 and 29, 1994, that Colloquium was organized in Kuala Lumpur by WIPO, the EPO and the Government of Malaysia under the European Commission (EC)-Association of South East Asian Nations (ASEAN) Patents and Trademarks Program, which is financed by the European Commission. Sixty government officials, representatives from industry, university professors and lawyers from Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore and Thailand, attended the Colloquium. Presentations were made by two EPO officials, three speakers from Indonesia, Malaysia and the Philippines and two WIPO officials.

*WIPO Regional Symposium on Copyright and Neighboring Rights for Asia and the Pacific (Thailand)*. From November 28 to December 2, 1994, WIPO organized that Symposium in Phuket in cooperation with the Government of Thailand and with the assistance of the Agency for Cultural Affairs of the Government of Japan. Seventeen participants coming from 15 countries and one territory, namely,

Bangladesh, China, Fiji, India, Indonesia, Laos, Malaysia, Mongolia, Myanmar, the Philippines, the Republic of Korea, Singapore, Sri Lanka, Tonga, Viet Nam and Hong Kong, and about 25 local participants as well as eight special representatives from Japan attended the Symposium. Papers were presented by five WIPO consultants from Australia, Japan, Sweden, Thailand and the United States of America, as well as by representatives of three non-governmental organizations (International Federation of Reproduction Rights Organizations (IFRRO), International Federation of the Phonographic Industry (IFPI), Regional Office for Asia and the Pacific of the International Confederation of Societies of Authors and Composers (CISAC)) and three WIPO officials.

*WIPO National Seminar on the Role of Patents and Patent Information in Promoting Biotechnological Inventions (India)*. From November 7 to 9, 1994, WIPO organized that Seminar in New Delhi in cooperation with the National Institute of Immunology, the Department of Biotechnology and the Department of Industrial Development of the Government of India. This was the first WIPO-organized seminar in India with the scientific community on the subject of biotechnological inventions. It was attended by some 100 participants coming from academia, the scientific and research community and government circles. Papers were presented by three WIPO consultants from the United States of America, the United Kingdom and the EPO and by six Indian experts. Two WIPO officials participated in the Seminar, one of them as a speaker. The Seminar was organized under the UNDP-financed country project in the field of patent information.

*WIPO National Seminar on Enforcement of Copyright (India)*. On November 11 and 12, 1994, WIPO organized that Seminar in New Delhi in cooperation with the Department of Education of the Government of India. The Seminar was attended by 60 participants, who were government officials and representatives of universities and organizations of right owners. Papers were presented by six WIPO consultants from Singapore, the United Kingdom, the United States of America and Hong Kong, a WIPO official as well as 10 experts from India.

*WIPO National Seminar on Copyright and New Technologies (Malaysia)*. From November 22 to 24, 1994, WIPO organized that Seminar in Kuala Lumpur in cooperation with the Government of Malaysia. About 80 persons from the public and private sectors attended the Seminar. Papers were presented by local experts, three WIPO consultants

from Australia, Japan and Sweden, representatives of two non-governmental organizations (IFRRO, Regional Office for Asia and the Pacific of CISAC), as well as two WIPO officials.

*China.* In November 1994, a WIPO official attended, as a speaker, a Seminar for Tutors Teaching Industrial Property to Future Practitioners organized by the Chinese Patent Office (CPO) in cooperation with the EPO in Haikou (Hainan).

*India.* In November 1994, two WIPO officials participated as speakers in a Seminar on Intellectual Property Rights in International Trade and Corporate Competitiveness organized by the All India Management Association (AIMA) in New Delhi.

Also in November 1994, a WIPO official attended, as a speaker, a meeting organized by the Federation of Indian Chambers of Commerce and Industry (FICCI) on "The GATT Treaty: Intellectual Property Rights—Challenges and Opportunities before India," also in New Delhi.

Also in November 1994, a WIPO official presented a paper on copyright in developing countries at a meeting organized by the Federation of Indian Publishers in New Delhi.

*Association of South East Asian Nations (ASEAN).* In November 1994, two WIPO officials undertook a mission to Brussels to hold discussions with officials of the European Commission and the EPO on activities undertaken in favor of ASEAN countries in the current year and on the proposed activities for 1995 under the EC-ASEAN Patents and Trademarks Program financed by the European Commission.

Also in November 1994, three WIPO officials participated in the EC-ASEAN Patents and Trademarks Program's Second Regional Program Advisory Committee (PAC) meeting in Kuala Lumpur, to review the status of implementation of the planned activities in 1994, and to consider the proposed regional work plan for 1995. The meeting was also attended by officials of the six ASEAN member countries and by officials from the EC and the EPO.

*United Nations Development Programme (UNDP) Regional Programs.* In November 1994, a WIPO official attended an Inter-Agency Coordination Meeting organized by UNDP in Bangkok. The Meeting reviewed, *inter alia*, the 1994 and 1995 work plans of WIPO under the UNDP-financed program for the Asia and Pacific region.

Also in November 1994, a WIPO official attended, in Bangkok, a Programme Advisory Group Meeting organized by UNDP and attended by government officials and private sector representatives from countries in the Asia and Pacific region.

The Meeting gave, *inter alia*, advice on the above-mentioned program.

### **Assistance With Training, Legislation and Modernization of Administration**

*Brunei Darussalam.* In November 1994, the International Bureau prepared and sent to the government authorities, at their request, a country project proposal for the modernization of the trademark administration system.

*China.* In November 1994, Mr. Ren Jianxin, President of the Supreme People's Court of China, accompanied by 12 other government officials, visited WIPO in Geneva and had discussions with the Director General and other WIPO officials on matters of mutual interest to China and WIPO. He received from the Director General a WIPO gold medal in recognition of his exceptional contribution to China-WIPO cooperation.

*India.* In November 1994, a WIPO official participated in a consultation meeting on the collective administration of copyright and neighboring rights, organized in New Delhi by the Department of Education of the Government of India.

Also in November 1994, a WIPO official held discussions with government officials in New Delhi on WIPO's development cooperation activities in general, and the implementation of the two UNDP-financed country projects in India in particular.

Also in November 1994, a WIPO official participated in the WIPO/UNDP/Government tripartite review meeting on the two UNDP-financed country projects in the fields of patent information and trademarks, respectively, organized in New Delhi. The WIPO official subsequently undertook a further review of the progress of the projects when he visited the premises of the Trade Mark Service in Bombay and the Patent Information Service in Nagpur. This mission was organized under the said country projects.

Also in November 1994, three government officials held discussions with WIPO officials in Geneva on matters of mutual interest.

In November and December 1994, three government officials undertook a study visit on patent information services to the United Kingdom Patent Office in London and Newport, the German Patent Office in Munich, the EPO in Munich and Vienna and WIPO in Geneva. This activity was undertaken under the country project on patent information.

*Indonesia.* In November 1994, a WIPO national consultant commenced a six-month mission to the Directorate General of Copyrights, Patents and

Trademarks in Tangerang to assist in the development of the office computerization plan.

Also in November 1994, a WIPO official participated, in Jakarta, in the WIPO/UNDP/Government tripartite review meeting on the UNDP-financed country project. This mission was organized under the said project.

In November and December 1994, two WIPO consultants from the United Kingdom undertook a mission to the Directorate General of Copyrights, Patents and Trademarks in Tangerang to advise and assist the Directorate General on patent documentation and information and on trademark computerization. This mission was undertaken under the said project.

*Iran (Islamic Republic of).* In November 1994, a WIPO official participated in the WIPO/UNDP/Government tripartite review meeting of the UNDP-financed country project for the modernization of the industrial property administration organized in Tehran. He also had discussions with government officials on the country's further needs for technical assistance in the field of industrial property. This mission was financed under the said project.

*Laos.* In November 1994, the International Bureau prepared and sent to the government authorities, at their request, a draft law on copyright and neighboring rights.

*Malaysia.* In November 1994, two WIPO officials held discussions with senior and other government officials in Kuala Lumpur on matters of mutual

cooperation, including Malaysia's interest in eventually acceding to the PCT, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

*Nepal.* In November 1994, the International Bureau prepared and sent to the government authorities, at their request, a draft industrial property law, with a commentary on its main provisions.

*Pakistan.* In November 1994, a government official had discussions with WIPO officials in Geneva concerning the preparation of a roving copyright seminar in Karachi and Islamabad in 1995.

*Philippines.* In November 1994, Mr. Ignacio S. Sapalo, Director of the Bureau of Patents, Trademarks and Technology Transfer (BPTTT), and a representative of the legal profession in the private sector undertook a study visit to WIPO in Geneva and held discussions with WIPO officials on updating and revising the Philippine intellectual property legislation. The visit of the delegation was financed under the EC-ASEAN Patents and Trademarks Program.

*Republic of Korea.* In November 1994, two WIPO officials visited the International Intellectual Property Training Institute (IIPTI) in Daeduk and the Korean Industrial Property Office (KIPO) in Seoul and had discussions with government officials on the strengthening of mutual cooperation.

## Latin America and the Caribbean

### Training Courses, Seminars and Meetings

*WIPO Iberoamerican Meeting on Public Administration and Intellectual Property: the Protection of the Author, the Artist and the Producer (Spain).* From November 9 to 11, 1994, WIPO organized that Meeting in Santiago de Compostela in cooperation with the Ministry of Culture of Spain, the Secretariat of Culture of the Council of Galicia and the Faculty of Law of the University of Santiago de Compostela, with the assistance of the General Authors' Society of Spain (SGAE), the Spanish Society of Performers (AIE) and the Spanish Center for Reprographic Rights (CEDRO). The Director General of WIPO, among others, delivered an opening address. Approximately 130 persons attended the event, including representatives of the following countries: Argentina, Bolivia, Brazil, Chile, Colombia, Costa

Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay, Venezuela. Papers were presented by four Spanish experts, representatives of various collective societies and interested cultural circles of Spain, four WIPO consultants from Argentina, Colombia, Switzerland and Venezuela and by a WIPO official.

*WIPO IXth International Congress on the Protection of Intellectual Rights (of the Author, the Artist and the Producer) and IInd Iberoamerican Congress on Copyright and Neighboring Rights (Portugal).* From November 15 to 18, 1994, WIPO organized that Congress in Lisbon in cooperation with the Secretariat of Culture of Portugal and the Inter-American Copyright Institute (IIDA). The Director General of WIPO, among others, delivered an

opening address. About 500 persons participated in the Congress. Government officials responsible for copyright matters from the following countries attended the meeting: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay, Venezuela. Papers were presented by 60 experts from Argentina, Brazil, Chile, Colombia, Costa Rica, Finland, France, Germany, Mexico, Peru, Portugal, Spain, Sweden, Switzerland, the United States of America, Uruguay and Venezuela as well as by four WIPO officials. Another WIPO official also participated.

*WIPO Workshop on the Automation of Operations of the Industrial Property Offices of the Andean Countries (Peru).* From November 7 to 9, 1994, WIPO organized that Workshop in Lima in cooperation with the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI). The purpose of this meeting was to prepare proposals concerning the computerization of the offices of the five Andean countries, to be examined in the Second Meeting of the National Industrial Property Offices of the Andean Countries, which took place concurrently in Lima. A WIPO consultant from Chile made presentations to the six government officials from Bolivia, Colombia, Ecuador, Peru and Venezuela who participated.

*WIPO/National Institute of Industrial Property (INPI) XIVth Regional Seminar on Industrial Property for Developing Countries (Brazil).* From November 7 to 18, 1994, WIPO and INPI (Brazil) jointly organized that Seminar in Rio de Janeiro. Twelve government officials from Argentina, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Peru, Uruguay and Venezuela attended the Seminar. Presentations were made by Brazilian officials and a WIPO official.

*WIPO National Roving Seminar on Patent Documentation as a Source of Technical Information (Brazil).* On November 21, 23 and 25, 1994, WIPO, INPI and the EPO jointly organized that Roving Seminar in Salvador de Bahia, Recife and Fortaleza. Sixty participants attended the Seminar in Salvador de Bahia, 100 in Recife and 100 in Fortaleza. They came from government circles and the private sector. Presentations were made by a WIPO official and an expert from the EPO.

*Venezuela.* In November 1994, a WIPO official made a presentation at the International Seminar on Intellectual Property, which was organized in Merida by the University of Los Andes, the Ministry of Development of Venezuela and the Funda Ayacucho. The said Seminar marked the beginning of the post-

graduate course on "Specialization on Intellectual Property" of the University of Los Andes and was attended by approximately 300 participants, most of them from that University but also lawyers and government officials.

*Andean Countries.* In November 1994, a WIPO official participated in the Second Meeting of the National Industrial Property Offices of the Andean Countries held in Lima. The Meeting was attended by representatives of the five Andean countries (Bolivia, Colombia, Ecuador, Peru, Venezuela) and concluded with the signature of an agreement of cooperation among the offices. WIPO's possible further assistance to these industrial property offices was requested during the Meeting.

*Common Market of the Southern Cone (MERCOSUR).* In late November and early December 1994, two WIPO officials participated in a meeting of the Intellectual Property Commission of MERCOSUR, held in Asunción. It was also attended by government officials from Brazil, Paraguay and Uruguay, and by representatives from the private sector of Argentina, Brazil, Paraguay and Uruguay. On that occasion, the WIPO officials presented a draft study on the protection against unfair competition in the MERCOSUR countries of Argentina, Brazil, Paraguay and Uruguay, prepared by the International Bureau at the request of the Commission. The meeting also discussed future cooperation between WIPO and MERCOSUR.

*Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA).* In November 1994, two WIPO officials participated, in San Salvador, in a meeting of the heads of the intellectual property offices and in the meeting of ministers responsible for industrial property of the four countries party to the Central American Agreement for the Protection of Industrial Property (Marks, Trade Names and Advertising Slogans and Signs), namely, Costa Rica, El Salvador, Guatemala and Nicaragua. The purpose of the meetings was to introduce changes in the Central American Agreement through the adoption of a new Act (Protocol) of that Agreement. The new Act was signed by the four countries at the ministerial meeting and is now open for ratification by the Parliaments of the four countries party to the said Agreement.

#### **Assistance With Training, Legislation and Modernization of Administration**

*Costa Rica.* In November 1994, WIPO organized a study visit to the Spanish Patent and Trademark Office in Madrid and to its headquarters in Geneva for Ms. Monica Blanco Valverde, Vice-Minister for

Justice, and Mrs. Liliana Alfaro Rojas, Director of the Intellectual Property Registry. In Geneva, they held discussions with the Director General and other WIPO officials on the strengthening of cooperation between Costa Rica and WIPO and on the development of cooperation between countries of the Central American Isthmus and WIPO.

Also in November 1994, a WIPO official attended, in San José, the WIPO/UNDP/Government tripartite review meeting held to examine the implementation of the country project.

Also in November 1994, two WIPO consultants from Chile and Venezuela visited San José in order to give assistance to the staff of the Intellectual Property Registry in the development of its computerized systems. This mission was financed under the country project.

*El Salvador.* In November 1994, a WIPO official visited San Salvador and held discussions with government officials on a possible technical cooperation project for the modernization of the country's industrial property system.

*Mexico.* In November 1994, a WIPO official visited Mexico City to discuss with government officials the implementation of the country project and to prepare the plan of activities for 1995. He also attended the inauguration ceremony of the new premises of the Mexican Institute of Industrial Property (IMPI).

*Nicaragua.* In November 1994, two WIPO consultants from Chile and Venezuela visited Managua in order to give assistance to the staff of the Industrial Property Registry in the development of its computerized systems. This mission was organized in the context of the UNDP-financed regional project and a UNDP-financed interregional project.

*Peru.* In November 1994, a WIPO official held discussions with government officials in Lima on the strengthening of cooperation between Peru and WIPO, including a possible WIPO technical assistance project for Peru.

*Saint Lucia.* In November 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on a draft industrial property law.

*Venezuela.* In late October and early November 1994, a WIPO consultant from the EPO visited the Industrial Property Registry in Caracas to give advice to government officials in the examination of patent applications in the field of pharmaceutical products.

*Inter-American Association of Industrial Property (ASIPI).* In November 1994, a WIPO official made a presentation at the Twelfth ASIPI Congress held in Lima.

## Development Cooperation (in General)

*International Federation of Inventors' Associations (IFIA).* In November 1994, the President of IFIA visited WIPO and discussed with WIPO offi-

cial possible assistance to a number of developing countries in the promotion of inventive and innovative activity.

## WIPO Medals

In November 1994, a WIPO official participated in the International Exhibition "Brussels Eureka '94" held in Brussels, and presented two WIPO medals, one to a team of inventors from the Republic of Moldova for an invention most appropriate to the conditions of developing countries for their development needs, and the other to a woman inventor from Poland.

Also in November 1994, a WIPO medal was awarded, in Dakar, to an inventor selected on the occasion of the "Third Edition of the Prize of the

President of the Republic of Senegal for the Promotion of Invention and Technological Innovation."

Also in November 1994, a WIPO medal was awarded to an inventor on the occasion of the Republic of Korea's National Excellent Inventions Exhibition held in Seoul.

Also in November 1994, two WIPO medals were awarded, one to the best inventor and the other for the best invention, on the occasion of the Philippine National Inventors Week '94 held in Manila.

## Activities of WIPO Specially Designed for Countries in Transition to Market Economy

### National Activities

*Bulgaria.* In late November and early December 1994, WIPO organized a study visit for a government official to the Swiss Federal Intellectual Property Office (FIPO) in Berne and the Berlin Branch of the European Patent Office (EPO). This activity was carried out under the United Nations Development Programme (UNDP)-financed country project.

*WIPO National Seminar on the Enforcement of Copyright (Czech Republic).* On November 30, 1994, WIPO organized that Seminar, in Prague, in cooperation with the Ministry of Justice of the Czech Republic, the Institute for Copyright, Industrial Property Rights and Competition Law of the Charles University of Prague, the Czech Anti-Piracy Union, the Business Software Alliance (BSA) and the Office of the British Council in Prague. The Seminar was attended by 40 participants, principally judges and law-enforcement officers. The Director General of WIPO, among others, delivered an opening address. Papers were presented by 12 experts and a WIPO official.

Following the said Seminar, the title of Doctor *honoris causa* of the Charles University of Prague was conferred upon the Director General of WIPO in a ceremony held at the University.

*Republic of Moldova.* In November 1994, two government officials had discussions with WIPO officials in Geneva on the computerization of the State Agency on Industrial Property Protection and were given demonstrations of the systems used at WIPO under the Patent Cooperation Treaty (PCT) and the Madrid Agreement Concerning the International Registration of Marks.

*Slovakia.* In November 1994, a WIPO official had discussions with government officials in Bratislava on various aspects of the modernization of the Copyright Law and the system of collective administration of rights.

Also in November 1994, a government official had discussions with WIPO officials in Geneva on the international registration of appellations of origin effected by the former Czechoslovakia.

*United Nations Development Programme (UNDP).* In November 1994, a UNDP official and a UNDP consultant from the Russian Federation had discussions with the Director General and other WIPO officials in Geneva on the protection of intellectual property in the Russian Federation and possible cooperation between WIPO and UNDP in this respect.

## Other Contacts of the International Bureau of WIPO with Governments and International Organizations

### National Contacts

*Australia.* In November 1994, the Hon. Duncan Kerr, Minister of Justice, accompanied by four government officials, had discussions with the Director General in Geneva on WIPO's activities, on recent developments in Australia in the field of copyright and neighboring rights and on the relations between WIPO and the future World Trade Organization (WTO).

*Japan.* In November 1994, a WIPO official had discussions with government officials in Tokyo on the proposed revision of the trademark legislation, Japan's possible accession to the Trademark Law Treaty and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol).

*Monaco.* In late November and early December 1994, a WIPO official represented the Organization in a prize award ceremony, organized in Monte Carlo, by the Government of Monaco in cooperation with the Geneva International Exhibition of Inventions, New Technologies and Products.

*Turkey.* In late November and early December 1994, two WIPO officials undertook a mission to Ankara to further discuss with government officials the modernization of the Patent Institute and Turkey's possible adherence to certain WIPO-administered treaties, in particular the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. The government officials were also given a presentation on the Madrid Agreement and the Madrid Protocol as well as theoretical and practical training in the classification of trademarks under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

### United Nations

*International Day of Solidarity With the Palestinian People.* In November 1994, a WIPO official attended the celebration of that Day, held in Geneva.

### Intergovernmental Organizations

*European Organization for Nuclear Research (CERN).* In November 1994, three CERN officials had discussions with WIPO officials in Geneva on various possibilities of waivers of copyright in connection with the establishment of an international network of data bases.

*European Patent Organisation/Office (EPO).* In November 1994, a WIPO official attended the 31st meeting of the EPO's Working Party on Statistics held in Munich.

*General Agreement on Tariffs and Trade (GATT).* In November 1994, three WIPO officials gave a briefing on WIPO's activities and on intellectual property in general to 24 government officials from developing countries who were attending the 78th GATT Trade Policy Course in Geneva.

Also in November 1994, a GATT official visited WIPO to gather information on certain procedures under the WIPO Arbitration Center.

*International Labour Organisation (ILO).* In November 1994, two ILO officials had discussions with WIPO officials in Geneva on arrangements for the fifteenth ordinary session of the Intergovernmental Committee of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations to be held in Geneva in July 1995.

*International Organization for Standardization (ISO).* In November 1994, a WIPO official attended a meeting of an ISO technical committee held in Berlin.

*International Union for the Protection of New Varieties of Plants (UPOV).* In November 1994, a WIPO official represented WIPO at the twenty-eighth ordinary session of the UPOV Council held in Geneva.

*World Customs Organization (WCO).* In November 1994, two WIPO officials attended, as speakers, the meeting of the WCO's Joint Business/Customs Working Group on Intellectual Property Rights held in Brussels.

## Other Organizations

*Association of European Performers Organizations (AEPO).* In November 1994, the President and Secretary General of AEPO had discussions with WIPO officials in Geneva on the third session of the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms to be held in December 1994.

*Association of German Trademark Owners.* In late November and early December 1994, a WIPO official attended, as a speaker, the 14th Forum on Trademarks organized by the said Association in Munich.

*Association of International Librarians and Information Specialists (AILIS).* In November 1994, WIPO organized, in cooperation with AILIS, a one-day seminar at its headquarters. Fifty participants, who were librarians and information specialists, attended. Four WIPO officials made presentations.

*International Chamber of Commerce (ICC).* In November 1994, a WIPO official attended a meeting of ICC's Commission on Intellectual and Industrial Property held in Paris.

*International Federation of Commercial Arbitration Institutions (IFCAI).* In November 1994, a WIPO official participated in IFCAI's Interim Meeting held in Vienna.

*International Federation of Industrial Property Attorneys (FICPI).* In November 1994, the Director General held discussions with the President and four other representatives of FICPI, at the headquarters of WIPO, on future cooperation between WIPO and FICPI in view of the recent evolution in intellectual property matters.

*International Trademark Association (INTA).* In November 1994, the Director General delivered the keynote address at the Forum organized by INTA in cooperation with the Hungarian Trademark Association (HTA) in Budapest.

*Japan Design Protection Association (JDPA).* In November 1994, a WIPO official attended, as a speaker, a Symposium on Design Law organized in Tokyo by JDPA.

*Patent Documentation Group (PDG).* In November 1994, the Secretary General of PDG had discussions with WIPO officials in Geneva on the future development of the *PCT Gazette*.

*Ritsumeikan University (Kyoto, Japan).* In November 1994, a WIPO official gave a presentation on the Hague Agreement Concerning the International Deposit of Industrial Designs and its revision at the Ritsumeikan University in Kyoto for some 20 participants, who were professors, patent agents and students.

*TechLaw Group.* In November 1994, a WIPO official attended, as a speaker, the annual TechLaw Conference organized by the TechLaw Group (an international association of law firms) on "Alternative Dispute Resolution in Technology Disputes," in Philadelphia (United States of America).

*University of Poitiers (France).* In November 1994, a WIPO official attended, as a speaker, the colloquium "Juriscope 94" organized in Poitiers by the *Magistère en droit de la communicatiqu*e of the University of Poitiers in cooperation with the *Union syndicale de la production audiovisuelle* (USPA) on the theme "Multimedia: Market, Legislation and Legal Practices."

## Miscellaneous News

### National News

#### *Belgium*

The Law on Copyright and Neighboring Rights, of June 30, 1994, entered into force on August 1, 1994.

The Law Transposing to Belgian Law the European Directive of May 14, 1991, on the Legal Protection of Computer Programs, of June 30, 1994, entered into force on August 1, 1994.

#### *Panama*

Law No. 15 of August 8, 1994, Approving the Law on Copyright and Neighboring Rights and Making Other Provisions, entered into force on January 1, 1995.

#### *Romania*

##### *Communication Concerning the Temporary Protection of Inventions, Industrial Designs and Trademarks Exhibited at International Exhibitions*

1. IFABO (March 14 - 18, 1995), second edition – International exhibition of telecommunications and bureautics;
2. ROMMEDICA (April 4 - 7, 1995), fifth edition – International exhibition of medical equipment and instruments;
3. ROMPHARMA (April 4 - 7, 1995), fifth edition – International exhibition of medicines for human and veterinary applications;
4. ROMCONTROLA (April 4 - 7, 1995), fifth edition – International exhibition of testing tools and apparatus;
5. ROMDENT (April 4 - 7, 1995), second edition – International exhibition for dentistry;
6. ROMENVIROTEC (April 4 - 7, 1995), second edition – International exhibition of equipment and technologies for environment protection;
7. ROMTHERM (April 4 - 7, 1995), first edition – International exhibition of heating, cooling, air-conditioning and insulating equipment, measuring and control instruments;
8. ROMOPTICA (April 4 - 7, 1995), first edition – International exhibition of optical apparatus and instruments;
9. CONSTRUCT EXPO (May 2 - 6, 1995), second edition – International exhibition of technologies equipment, installations, tools, fittings and materials for construction;
10. EXPOCEMENT (May 9 - 12, 1995), second edition – International exhibition of cement production equipment and technologies;
11. TIBCO (May 29 - June 4, 1995), twelfth edition – Bucharest international fair for consumer goods;
12. SPORTS (June 19 - 23, 1995), second edition – International exhibition for sports, tourism, fishing, leisure equipment, garments, footwear, cosmetics, medicines, foodstuffs articles and utensils;
13. BIFE-TIMB (September 2 - 8, 1995), fourth edition – International specialized fair for furniture, glassware, ceramics, decorations and wood-processing equipment;
14. ROMHOTEL (September 4 - 8, 1995), third edition – International exhibition of equipment, materials, utensils, furniture for hotels, restaurants and communities;
15. TIB (October 9 - 14, 1995), twenty first edition – Bucharest international fair (technical fair);
16. COSMETICS-BEAUTY-HAIR (October 31 - November 3, 1995), first edition – International show for cosmetics, hairdressing and embellishment.

Inventions, industrial designs and trademarks exhibited at the above-mentioned international exhibitions shall enjoy the temporary protection provided by Law No. 64/1991 on inventions, Law No. 129/1992 on industrial designs and Law No. 29/1967 on trademarks.

#### *South Africa*

The Trade Marks Act, 1993 (No. 194), entered into force on January 1, 1995.

The Designs Act, 1993 (No. 195), entered into force on January 1, 1995.

## Calendar of Meetings

### WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

#### 1995

- April 5 and 6 (Melbourne, Australia)**      **Symposium on the International Protection of Geographical Indications** (organized by WIPO in cooperation with the Government of Australia and the Victorian Wine Industry Association (Melbourne))
- The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level and, in particular, with the coexistence of geographical indications and trademarks.  
*Invitations:* Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of the registration fee).
- May 8 to 12 (Geneva)**      **Consultative Meeting for the Preparation of the Second Part of the Diplomatic Conference for the Conclusion of the Patent Law Treaty**
- The meeting will discuss the preparation of the second part of the said Diplomatic Conference.  
*Invitations:* States members of WIPO or the Paris Union and, as observers, certain organizations.
- May 29 to June 2 (Geneva)**      **Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Seventh Session)**
- The Committee of Experts will continue the preparations for a possible treaty on the settlement of intellectual property disputes between States. In particular, the Committee of Experts will consider the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT.  
*Invitations:* States members of WIPO or party to treaties administered by WIPO not members of WIPO and, as observers, certain organizations.
- June 12 to 16 (Geneva)**      **Committee of Experts on the Development of the Hague Agreement (Fifth Session)**
- The Committee will consider a revised draft new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs intended to introduce into the Hague system provisions designed to encourage States not yet party to the Agreement to participate in the system and to facilitate greater use of the system by applicants.  
*Invitations:* States members of the Hague Union, and, as observers, States members of the Paris Union or of WIPO not members of the Hague Union and certain organizations.
- September 25 to October 4 (Geneva)**      **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Sixth Series of Meetings)**
- All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.  
In the sessions in 1995, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1994, and decide the program and budget of the International Bureau for the 1996-97 biennium.  
*Invitations:* States members of WIPO and the Paris and Berne Unions and, as observers, other States members of the United Nations and certain organizations.

## UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

### 1995

**April 26 and 27 (Geneva)**

**Administrative and Legal Committee**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.

**April 28 (Geneva)**

**Consultative Committee (Forty-Ninth Session)**

*Invitations:* Member States of UPOV.

**October 11 to 13 (Geneva)**

**Technical Committee**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

**October 16 and 17 (Geneva)**

**Administrative and Legal Committee**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.

**October 18 (Geneva)**

**Consultative Committee (Fiftieth Session)**

*Invitations:* Member States of UPOV.

**October 19 (Geneva)**

**Council (Twenty-Ninth Ordinary Session)**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.