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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

CONSULTATIONMEETING ONENFORCEMENT

Geneva,September11to13,2002

**EXISTINGNEEDSFORTRAININGANDFORDEVELOPMENTOF
ENFORCEMENTSTRATEGIES**

DocumentpreparedbytheSecretariat

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IV. REPORT ON WIPO ACTIVITIES IN FAVOR OF DEVELOPING COUNTRIES AND COUNTRIES IN TRANSITION, FROM JULY 2000 TO JUNE 2002, WITH REGARD TO TRAINING, TECHNICAL ASSISTANCE AND AWARENESS BUILDING IN THE FIELD OF INTELLECTUAL PROPERTY..... Tables I to VII

I. INTRODUCTION

1. During the first session of the *Advisory Committee on Enforcement of Industrial Property Rights (ACE/IP)* held in Geneva on October 19 and 20, 2000, the ACE/IP proposed that the International Bureau initiate four studies as set forth in paragraph 8(e)(i) to (iv) of WIPO document ACE/IP/1/3 (Summary by the Chair).

2. The Joint Meeting of the *Advisory Committee on Enforcement of Industrial Property Rights (Second Session)* and of the *Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks (Third Session)*, held in Geneva from December 18 to 20, 2001, was concluded with a Summary by the Chair, WIPO Document ACE/IP -ACMEC/3. In paragraph 1 of the Summary by the Chair, adopted by the Advisory Committees, it was stated that “[T]he Advisory Committees unanimously agreed that the issue of enforcement of intellectual property rights was of great importance to all countries. The Committees also agreed that the World Intellectual Property Organization (WIPO) was in a particularly appropriate position to gather information concerning enforcement of intellectual property rights and to coordinate activities undertaken by the Committees jointly with various intergovernmental and non-governmental organizations aiming at establishing adequate and effective enforcement systems.”

3. Pursuant to the above, the International Bureau transmitted a “Request for Information”¹ to Member States and Organizations invited as Observers to the ACE/IP. To date, responses were received from 24 Member States,² two intergovernmental³ and 11 non-governmental organizations.⁴ It was understood, following the Summary by the Chair⁵ subsequent to the Joint Meeting of both Advisory Committees mentioned in paragraph 2, above, that the responses would relate, horizontally, to the field of industrial property as well as to copyright and related rights. The current document is prepared in response to paragraph 1(b) of the Summary by the Chair,⁶ which reads as follows:

¹ WIPO Circular 6562, dated July 17, 2001.

² Australia, Austria, Barbados, Czech Republic, Colombia, Guatemala, Hungary, Ireland, Japan, Kyrgyzstan, Mexico, Netherlands, Pakistan, Russian Federation, Saint Lucia, Spain, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, United Kingdom, Ukraine, United States of America and Viet Nam.

³ The European Communities and the World Health Organization (WHO).

⁴ Brazilian Intellectual Property Association (ABPI); Anti-Counterfeiting Group (ACG) United Kingdom; American Intellectual Property Law Association (AIPLA); *Asociación Latinoamericana de Integración (ALADI)*, Uruguay; CEDIQ UIFA, Argentina; European Writers' Congress (EWC), Spain; *Fédération Internationale des Conseils en Propriété Industrielle (FICPI)*; International Anti Counterfeiting Coalition (IACC), United States of America; International Chamber of Commerce (ICC), France, on behalf of organizations from Colombia, Peru, Bogota and Morocco; International Federation of the Phonographic Industry (IFPI), United Kingdom, on behalf of the following organizations: Business Software Alliance (BSA), International Federation of Film Producers Associations (FIAPF), International Publishers Association (IPA), Interactive Software Federation of Europe (ISFE), International Video Federation (IVF), Motion Picture Association (MPA) and International Intellectual Property Society (IIPS), United States of America.

⁵ WIPO document ACE/IP -ACMEC/3.

⁶ WIPO document ACE/IP -ACMEC/3.

“(b) the International Bureau is invited to:

(i) identify the existing needs for training and for development of enforcement strategies;

(ii) continue and intensify WIPO activities in favor of developing countries and countries in transition, in particular the activities of the WIPO Worldwide Academy and of the regional bureaus, with regard to training, technical assistance and awareness building in the field of enforcement, taking into account the comments made in this respect by the Advisory Committees;

(iii) report on these activities to the next WIPO meeting on enforcement issues.”

4. This document is based on the responses to Request III “[I]dentify existing requirements and needs for training and development of enforcement strategies for industrial property in Member States” and Request IV “[I]dentify external resources for training and cooperation in enforcement of industrial property, including private sector resources and other multilateral and regional organizations” of the Request for Information, referred to in paragraph 3, above. The purpose of the Request for Information was to assist the ACE/IP-ACMEC to identify issues for discussion and areas where international cooperation in the framework of WIPO appears to be both necessary and realistically achievable. The present document also makes reference to interventions made during the Joint Meeting of the Advisory Committee on Enforcement of Industrial Property Rights (Second Session) and of the Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks (Third Session), held in Geneva from December 18 to 20, 2001. As was requested in the Summary by the Chair, the present document reports on the continued WIPO activities, from July 2000 to June 2002, with regard to training, technical assistance and awareness building in the field of enforcement. The views and opinions contained in the present document reflect only those which were expressed during the ACE/IP-ACMEC meeting and in the responses received on account of the “Request for Information”; the Secretariat has neither embellished the content of those responses, nor inserted its own views therein.

5. Holders of intellectual property rights often own and manage a portfolio of rights that includes both industrial property and copyright and related rights. Moreover, most of the practical problems are the same in respect to the enforcement of industrial property rights and in respect to the enforcement of copyright and related rights. Therefore, in the present document, unless expressly excluded, the term “counterfeit goods” also includes “pirated copyright works” and *vice versa*. Similarly, references to “national intellectual property offices” should be understood to incorporate both *industrial property* and *copyright* offices.

II. IDENTIFY EXISTING REQUIREMENTS AND NEEDS FOR TRAINING AND DEVELOPMENT OF ENFORCERS OF CEMENT STRATEGIES FOR INDUSTRIAL PROPERTY⁷ IN MEMBER STATES

A. *International Obligations in the Field of Intellectual Property*

6. The responses indicated that due to new obligations in the field of intellectual property protection, arising from, *inter alia*, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), a great number of Member States have already enacted revised legislation giving effect to the obligations arising from these legal instruments. This, it was claimed, resulted in a large-scale need for training and study programs, targeting not only officials from national intellectual property offices, but also from other related ministries, departments and enforcement agencies, as well as members of the legal profession, in government service or private practice, and the judiciary. It was stated that in light of the number of stakeholders involved in the process of enforcing intellectual property rights, there was an increasingly pressing need for structured cooperation between all those involved in the field of enforcement, at the national and international level, including also other right holders and the associations representing their rights. Whereas it was acknowledged that WIPO had recognized coordinating roles to play at the international level, national intellectual property offices were viewed as being well positioned to play a similar role at the national level.

B. *Coordination at the International Level*

7. A number of responses suggested that, in order to better coordinate enforcement strategies and activities, there should be increased cooperation between international organizations and regional groupings involved in the field of enforcement of intellectual property rights, on the one hand, and increased coordination among Member States and international organizations, on the other hand. This approach would avoid duplication of effort and facilitate the sharing of expertise and experience. It was recognized that, in the past, the cooperation between intergovernmental organizations had been loosely structured and that there was a call for enhanced and tighter cooperation between these organizations. It was, *inter alia*, suggested that WIPO could play a role in not only coordinating international endeavors to fight against counterfeiting and piracy, but that it could also be instrumental in setting up an anti-counterfeiting and anti-piracy forum at the international level. The process would involve the identification of areas which were relevant to effective or fair enforcement. The exercise would provide valuable guidance for all countries, and, in turn, would allow training and technical assistance to be more focused. Areas where international collaboration would be beneficial might also be identified. It was also suggested that WIPO could set up a worldwide activity for World Intellectual Property Day and design, produce and provide information material to Member States.

8. It was recognized that, at the international level, one of the most important aspects of training is the assessment of needs, the results of which could serve as the basis for the level,

⁷ Subsequent to the Summary by the Chair, WIPO document ACE/IP-ACMEC/3, the Request for Information was not limited to issues of industrial property, but dealt horizontally with issues relating to copyright and related rights.

content and style of any technical assistance provided. With reference to enforcement at the borders, the following were noted as deserving particular attention: adequate legislation on enforcement; systems and legal procedures, such as the application process, communication with the private sector, the granting or taking of indemnities and bank guarantees, which tended to act as inhibiting factors; enforcement knowledge, experience and techniques available to customs authorities; and cooperation between all relevant bodies, agencies and parties.

9. The responses underscored that WIPO could play a leadership role in the coordination of enforcement between intergovernmental organizations, whereas the World Customs Organization (WCO), for example, would play its part by coordinating the efforts of customs administrations and by providing expert resources and information from its Member States. It could also coordinate the sharing of information among customs agencies about exports, imports and the trans-shipment of goods in order to identify their source and the creation of uniform intellectual property databases which could assist customs officers in identifying infringing goods and tracing down right holders following *ex officio* action on their part.

C. *The Role of the National Intellectual Property Offices*

10. The responses generally agreed that national intellectual property offices have a very strategic role to play in the development of intellectual property legislation, policies and enforcement strategies, as well as coordinating training and awareness creating activities. That role included action aimed at effectively implementing international obligations and legislation giving effect thereto, where legislation is not as yet amended according to international standards, to take the required steps to seek the technical assistance to activate the process of modernization.

11. According to some of the responses, a country-by-country technical assistance approach appeared feasible in light of the fact that it would be difficult, due to diverse national legal systems and traditions, to draft detailed model provisions with regard to the problem of implementing enforcement obligations. It was stressed that beyond coordinating training activities in line with formulated policies of the national government, offices also had responsibilities in presenting training sessions sponsored by foreign governments or organizations, as well as intergovernmental, regional or non-governmental organizations. Offices could also play an active role in defining the framework for teaching programs and the development of teaching tools, which could be done in cooperation with local universities, institutes of intellectual property lawyers, associations of right holders, and the like.

D. *Coordination at the National Level*

12. The responses noted that governments and enforcement agencies did not always realize their critical role in the enforcement of intellectual property rights. In order to be effective, the enforcement systems should be transparent and fair, based on legislation and regulations, with coordination among national and local government entities and the right holders or other intellectual property constituents. Public awareness of intellectual property rights and engagement in their protection was also recognized as crucial in ensuring overall success in the protection of intellectual property rights. It was suggested that governments could develop and deliver education programs designed to help owners of intellectual property rights to understand what their rights entail and how to manage those rights, including the

development of enforcement strategies and policies. Right holders should know how and where to act against infringement and the most expeditious procedures to be followed.

13. As noted in some responses, training programs may depend on the legal or economic development of the country undergoing or organizing training and the duration and level of training may also be determined by the policies of the government on the combating of piracy and counterfeiting. It was proposed that some programs of a more specific nature might focus on ways and means beyond TRIPS obligations to ensure effective and efficient enforcement. According to a number of responses training with counterparts from countries where intellectual property systems are more developed or sophisticated proved to be useful for the training of, in particular, customs officials, prosecutors and the judiciary.

14. The responses generally agreed that offices also have a role to play in the harmonization of procedures and penalties for different forms of intellectual property; the use of formal agreements between state institutions to coordinate enforcement activities; the creation of task forces consisting of enforcement officials from all branches of government as a first level, and as a second level public bodies and private organizations and right holders; methods of raising awareness among different groups; and right holders' responsibilities to minimize the risk of infringement and to take precautions, including the registration of rights and the use of technological measures.

E. *Role of the Private Sector*

15. It was pointed out that right holders have a vested interest in the protection of their intellectual property rights and have, particularly in industrialized countries, the capacity to assist financially and otherwise in the training process of government officials and enforcement agencies in developing countries and countries in transition. The responses stressed that by sharing their knowledge on product identification and enforcement experiences, they may assist in addressing urgent training needs in a great number of Member States.

F. *Target Groups for Training*

16. It was noted that the vast majority of role players in the enforcement process was generally in need of training, albeit at the basic, intermediary or advanced levels. According to the responses, the target groups in some or most of the Member States could include, *inter alia*, the following:

(a) staff from intellectual property offices: responses urged that there is a perpetual need to train officials of national intellectual property offices. They have a role to play in the disseminating of knowledge to other involved ministries or departments, to the future right holders, the legal profession and to industry. Due to the staffing policies of many governments and due to human resource movement to the private sector, there is normally a high level of personnel turnover in national intellectual property offices, which also increases the demand for continuous training and development programs;

(b) State attorneys: it was recognized as important to address the training needs of state attorneys involved in the drafting of new intellectual property legislation;

(c) public prosecutors: in order to achieve positive results in criminal prosecutions, it was viewed as important to provide prosecutors with training in the area of intellectual property crimes and to assist them in drafting charges sheets and presenting evidence. It was stressed that they play a pivotal role in demanding orders for the destruction of infringing goods and related equipment, without which confiscated goods may be exported or in fact reach the channel of distribution following the finalization of criminal prosecutions. Accordingly, they should also be aware of the damaging impact of counterfeiting and piracy on the economy, in order to press for deterrent penalties following convictions. Once aware of the seriousness of intellectual property crimes, they could also play a role in involving the press to ensure that intellectual property crimes are reported in local newspapers;

(d) the police force: the responses urged that investigating officers in the police service, which is one of the main arms of enforcement, should be sensitized about the devastating economic implications of intellectual property crimes and the connection of intellectual property criminals with organized crime. They should be trained in effective methods of investigating economic and intellectual property crimes, including the preparation of evidence and the drafting of charges;

(e) customs and excise officials: it was generally agreed that customs and excise officials have a critical role to play in the blocking of infringing goods at the border before entering the channel of commerce and that well-trained customs officials would go a long way in the curbing of infringement. In most Member States, they require in particular training in the identification of infringing goods;

(f) the judiciary: the responses were clear that the judiciary, including magistrates and judges, should be fully aware of the seriousness of intellectual property crimes and how to deal not only with the offenders, but also with the infringing goods and implements used in the manufacturing thereof. Their judgements should have a deterrent effect and destruction orders will prevent infringing goods finding their way back into the channel of commerce;

(g) rightholders: it was pointed out that rightholders should be trained to understand their rights and how to enforce them. Once aware of their rights and how to manage them, rightholders could also play an important role in the training process;

(h) the consumer public: most responses underscored that awareness about the value of intellectual property rights and their protections should be created among consumers. They should learn to appreciate the intellectual property rights of others, the economic importance of those rights not only for the holder, but also for the economy.

G. *Training Objectives*

17. Responses generally indicated that due to legislative amendments to intellectual property, trade and consumer protection legislation and a rapid growth in the infringement of intellectual property rights, as well as the growing political importance of protecting intellectual property rights, there was a constant need for training and development at all levels for stakeholders involved in the enforcement process. This necessity for training is enhanced by the staffing policies applicable in some countries, which include the rotation of officials in government agencies, including officials involved in the protection of intellectual property rights. It was suggested that the training strategies in the respective Member States

could include ongoing programs, targeting the development of different levels of knowledge, including:

(a) legal knowledge: without sufficient knowledge on provisions contained in implementing legislation, international legal instruments and applicable caselaw, those involved in the enforcement process could not fully understand the legal framework within which they have to perform their duties;

(b) organizational knowledge: enforcement officials and agencies should have the required insight to know who the stakeholders are, their functions and achievable results, who has to work together and why;

(c) practical knowledge: in particular for customs officers and those involved in the investigation of economic related crimes, including criteria for risk management, elements for risk analysis such as the flow of goods, countries of origin related to goods, producers, importers, countries of destinations, sensitive goods, methods of infringements and applicable caselaw;

(d) knowledge of and information on right holders: this would greatly assist officials involved in the enforcement of intellectual property rights to understand the seriousness of intellectual property infringements and to obtain assistance during, in particular, *ex officio* actions;

(e) knowledge of infringing goods and the different intellectual property rights that may be involved: such knowledge would facilitate the action taken by enforcement officials and also assist them in the identification of infringing goods and would determine subsequent actions and investigations; and

(f) exchange programs: which would allow for collaboration with counterparts in different jurisdictions, where enforcement procedures might already be more developed and sophisticated.

H. *Methods of Training*

18. It was suggested that training could be conducted by way of, *inter alia*, seminars and workshops at the national, regional or international level. It could also be useful to expose officials from developing countries to more sophisticated systems where they can appreciate the importance of effective implementation of enforcement strategies. It was found, during seminars and workshops, that the case study approach, as a method of training, involving actual or theoretical intellectual property enforcement violations, proved to be effective and it increased the level of interaction and showed practical ways to solve actual intellectual property problems by interacting with the moderator and with other participants.

I. *The Creation of Specialized Courts*

19. A great number of responses promoted the establishment of specialized courts due to the complex nature of intellectual property infringements, particularly patent infringements. It was viewed as a possible solution to achieving cost-effective, efficient and consistent decision making. The effectiveness of specialized courts could also be enhanced by the creation of a modern information technology support structure and a national reference library

dedicated primarily to intellectual property law. This system would involve the training of a relatively small group of judges and prosecutors to handle increasingly complex issues.

20. It was pointed out that, in the majority of Member States, the ordinary civil courts have difficulty in determining compensation for infringements of patent rights and also with the application of the reversal of the burden of proof where there is *prima facie* evidence of the defendant's infringement of patent rights, regardless of whether or not process patents resulting in a new product are involved and the problems of protecting data in the market approval file on a pharmaceutical product. It was stated that it could also be useful to adopt a system of information on the status of patents for active ingredients, or alternatively, a system whereby patents and marketing approval are linked, or again a procedure whereby the owner of the original medicine is simply informed of applications for generic medicines, in order that they may take the necessary action. It was furthermore proposed that free access be given to the non-confidential data in the file.

J. *Training in New Technologies*

21. The responses underscored that enforcement officials could benefit from training in product identification and the maintenance of databases containing information concerning intellectual property rights. Training could deal with the confiscation of pirated and counterfeit goods and on techniques and methods for detecting such merchandise and the eventual fate of confiscated goods. A number of responses also suggested that it would be beneficial to give them access to databases with information on existing intellectual property rights. If at all possible, they should have connection with counterparts, within national borders or on a regional basis, via an Intranet network or an Internet connection and attend seminars for operational officials.

22. It was pointed out that enforcement officials should be fully aware of the risks (health, safety and sub-standard quality) attached to counterfeit goods and should be in a position to assess such risk, where possible, with the assistance of digital and other specialized equipment.

K. *Awareness Campaigns for the Public*

23. In order to achieve results in the fight against counterfeiting and piracy, it was noted that there ought to be, in each Member State, a perceptible heightening of awareness among the general public and government agencies as to the importance of adequate intellectual property rights protection for the economic development and well-being of the country. For this purpose, extensive intellectual property education and awareness programs were suggested, to educate and inform the public about the benefits that a strong intellectual property system can have for their economy. Governments could strive to cultivate an understanding of, and respect for, intellectual property rights.

24. It was also observed that the public could be trained to understand and appreciate the importance of intellectual property protection and its importance to developing new, high value added industries, which will secure employment and promote domestic and foreign investment and which will promote national culture and strengthen local resources. It was stated that if the public could be educated from a young age to be aware of and understand the need for a sound system of protecting and enforcing intellectual property rights, some of the

problems associated with the infringement of intellectual property rights might be avoided later.

25. The responses recognized that consumer participation was vital in the fight against counterfeiting and piracy. A knowledge-based society will also result in enterprises becoming more creative and innovative, understanding that strong protection of intellectual property rights will bring financial benefit. To achieve this goal, Members States could work with private sector partners to create outreach/enforcement programs, involving the media and using the Internet, street presentations, and the like. The value of legitimate intellectual property rights should be underlined, whereas the known ties between piracy, counterfeiting and organized crimes should be exposed. To sensitize consumers, it was suggested to have road shows or exhibitions with examples of infringing goods, including those with detrimental effects on health and safety, while explaining the dangers and economic disadvantages of supporting the illegal trade in infringing goods.

III. IDENTIFY EXTERNAL RESOURCES FOR TRAINING AND COOPERATION IN ENFORCEMENT OF INDUSTRIAL PROPERTY,⁸ INCLUDING PRIVATE SECTOR RESOURCES AND OTHER MULTILATERAL AND REGIONAL ORGANIZATIONS

A. *International Cooperation*

26. WIPO was regarded, in both the responses and the interventions made at the joint ACE/IP-ACMEC meeting, referred to in paragraph 2, above, as well placed to coordinate training and development on an international level. Since 1996,⁹ WIPO has undertaken various activities in the area of enforcement, particularly within the Sector of Cooperation for Development and its regional bureaus whose various programs have included participation by intergovernmental organizations and non-governmental organizations. However, enhanced collaboration at the international level would avoid the duplication of efforts, facilitate the sharing of expertise and information and would also streamline enforcement strategies. Such cooperations should not be limited to, but include organizations like the World Customs Organization (WCO), World Trade Organization (WTO), International Crime Police Organization (INTERPOL), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO) and the European Communities (EC).

27. It was clear from some of the responses that the European Community and its Member States were devoting substantial resources to technical cooperation with countries of other continents, which were either specific bilateral cooperation or actions fitting into a more general framework, such as preparation programs for WTO accession, general programs for developing business skills and PHARE (Poland and Hungary, Assistance for the Reconstruction of the Economy) and TACIS (Technical Assistance for the Commonwealth of Independent States) programs. Depending on the need and requests of the country concerned,

⁸ Subsequent to the Summary by the Chair, WIPO document ACE/IP-ACMEC/3, the Request for Information was not limited to issues of industrial property, but dealt horizontally with issues relating to intellectual property, including copyright and related rights.

⁹ Following the entering into force, on January 1, 1996, of the Agreement Between the World Intellectual Property Organization and the World Trade Organization (1995).

thetechnicalcooperationproposedbytheEuropeanCommissionmightfocusonlegislative advice,exchangesonhowtoorganizetheadministrativeinfrastructure,awarenesspromotion intheprivatesectorandcivilsocietyandhumanresourcestraining.

28. Itwassuggestedthatfruitfulcoordinationwouldalsoresultfromenhancedcooperation withregionalgroupingssuchastheCouncilofEurope,theAsiaPacificEconomic CooperationCouncil'sIntellectualPropertyExpert'sGroup(APEC -IPEG),theUnited NationsEconomicCommissionforEurope,AdvisoryGroupintheProtectionand ImplementationofIntellectualPropertyRights(UN/ECEIPAdvisoryGroup),the AssociationofSoutheastAsianNations(ASEAN),theANDEANCommunity,the Organizationfor EconomicCooperationandDevelopment(OECD)andotherregional organizations.

29. WIPOhasintensivetrainingprogramswithanumberofnationalofficesincludingthe UnitedStatesPatentandTrademarkOffice(USPTO),theUS CopyrightOffice,the Japanese PatentOffice(JPO),theEuropeanPatentOffice(EPO),theUK PatentOfficeandtheFrench InstituteofIndustrialProperty(INPI),tomentionbutafew.Beyondcooperationwith nationalintellectualpropertyofficesandotherenforcementagencies,enhancedcooperation withinter -governmentalandnon -governmentalorganizationsisalsoofvitalimportance. Theaimistoestablishacoordinatedenforcementstrategyattheinternationalandnational levels,includingrenderingassistancetogovernmentsinformulatingandgivingeffecttotheir internalenforcementpolicies.Inaddition,accordingtotheresponses,thereisalsoaneedfor thecompilationanddistributionoflandmarkcaselawasusefultestingmaterialandto enhancejudicialknowledgeintheareaofenforcement.Finally,thecreationofawareness amongconsumersisofcriticalimportanceinthefightagainstcounterfeitingandpiracy.

B. *Internal Cooperation*

30. AgreatnumberofresponsesproposedthateveryMemberState shouldendeavorto coordinateenforcementstrategiesinternallybyestablishingintellectualpropertyenforcement unitsortaskforces,whichincludestakeholdersnotonlyfromthevariousinterested governmentbranches,butalsofromindustryorassociationsrepresentingrightholders.

C. *Contacts Between Public and Private Sectors*

31. Theresponsesnotedthat,totheextentthatintellectualpropertyrightholdershada vestedinterestinstoppinginfringement,suchholderscouldbecomeaninvaluable resourcein training.Governments,ontheotherhand,alsohadvestedinterestsintheprotectionof intellectualpropertyrights,ascounterfeitingandpiracyresultinthe lossofgovernment revenues,joblossesandadownsizingoflegaleconomicactivity.Finally,consumershad vestedinterestsinensuringthattheproductstheypurchase,includingpharmaceuticalsand foodproducts,arenotcounterfeit.Theshould,accordingly,becooperationbetween enforcementauthoritieswithinthegovernmentandintellectualpropertyownersaswellas otherconstituents.

32. Theresponsesunderscoredthatcooperationbetweenthepublicandprivatesectors seemednecessarytopreservevestedinterestsandtomaintainandenhancepractical knowledgeonbothsides.Rightholderscouldhelpgovernmentalenforcementauthoritiesby participatingintrainingactivities,sharingexperiences,producing, *inter alia*, product identificationmanuals,pamphlets,brochuresandsamples.Theycouldplayanactive rolein

teaching enforcement officials how to distinguish between real and counterfeit goods. The responses pointed out that they could also provide information on how to identify suspects engaged in activities relating to the manufacture, distribution and sale of infringing goods, or how to identify harmful or misleading products. It was also suggested that they could be encouraged to undertake self-help activities, like simple investigations at the retail level and to provide information to enforcement authorities regarding the availability of counterfeit and pirated goods for more detailed investigation by law enforcement.

33. The responses observed that through use and further development of more sophisticated anti-counterfeit and marketing technologies and programs, right holders could make counterfeiting more difficult, or enable consumers themselves to more readily distinguish real products from fakes. Right holders could also promote the rule of law and encourage the formation of adequate fair trade and consumer protection laws, which could all provide additional remedies to enforce intellectual property rights. The responses generally agreed that government agencies could not only involve industry representatives in training sessions but should also have regular consultations with them on pressing enforcement problems and possible solutions thereto. Although private sector participation was seen as pivotal in the fight against counterfeiting and piracy, private sector funding, however, should be accepted with discretion, since governments also had a responsibility to guarantee the independence of officers.

D. *Programs by National Intellectual Property Offices and Government Agencies*

34. Several responses suggested that government agencies should provide ongoing training programs, dealing with intellectual property administration and examination, including the drafting and review of legislation as well as participation in national, regional and international meetings, workshops and seminars. It was clear from the responses that a number of national offices were very active in the field of training, not only within their national borders, but also of financing training programs for Member States with less expertise and resources in the field of intellectual property rights.

E. *The Role of Universities*

35. The responses noted that universities played an important role in the teaching of intellectual property laws and often presented programs of various lengths focussing on the protection of intellectual property rights.

IV. REPORT ON WIPO ACTIVITIES IN FAVOR OF DEVELOPING COUNTRIES AND COUNTRIES IN TRANSITION, FROM JULY 2000 TO JUNE 2002, WITH REGARD TO TRAINING, TECHNICAL ASSISTANCE AND AWARENESS BUILDING IN THE FIELD OF ENFORCEMENT

[Tables I to VII follow]

WIPO/ACE/1/4
Annex, Table I

| Report on WIPO Activities in Favor of Developing Countries and Countries in Transition from July 2000 to June 2002 with Regard to Training, Technical Assistance and Awareness Building in the Field of Enforcement | | |
|---|---|--|
| AFRICA | | |
| Year 2000 | Year 2001 | Year 2002 |
| 1. WIPO Subregional Seminar on the Implementation and Enforcement of Copyright and Related Rights, N'Djamena, Chad, September 13 to 15 | 1. Pan African Conference on the Status of Artists, Yaoundé, Cameroon, July 3 to 5 | 1. WIPO/FIM ¹⁰ Meeting of the National Antipiracy Working Group, Dares Salaam, United Republic of Tanzania, March 14 and 15 |
| 2. WIPO Subregional Seminar on the Role of Copyright Offices in the Implementation of the Banderole System as an Enforcement Tool, Bamako, Mali, September 18 to 21 | 2. Workshop on Intellectual Property Rights, Zanzibar, United Republic of Tanzania, July 6 and 7 | 2. WIPO Mission on the Implementation of an Antipiracy Scheme, and Drafting of Antipiracy Regulations, Dares Salaam, United Republic of Tanzania, March 14 and 15 |
| | 3. Expert Meeting on Drafting of Model Regulations for a Security Device Scheme for Sound and Audiovisual Recordings, Dares Salaam, United Republic of Tanzania, July 23 and 24 | 3. WIPO -Sponsored Study Visits for Representatives of Kenya, United Republic of Tanzania and Mozambique, to Portugal, Malawi and Ghana, on the Implementation of an Anti -piracy Scheme, July 8 to 12 |
| | 4. Discussions with the World Customs Organization (WCO) on Training for Customs Officials, Brussels, Belgium, September 12 | |
| | 5. Participation of a WIPO Consultant in the IFPI ¹¹ International Conference on Piracy, Cape Town, South Africa, October 10 to 12 | |
| | 6. WIPO Training Workshop for Customs and Police, Nairobi, Kenya, October 29 and 30 | |
| | 7. Study Visit for African Producers of Sound and Audiovisual Recordings, Johannesburg, South Africa, November 25 and 26 | |

[Table II follows]

¹⁰ FIM: International Federation of Musicians

¹¹ IFPI: International Federation of the Phonographic Industry

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Annex, Table II

| Report on WIPO Activities in Favor of Developing Countries and Countries in Transition from July 2000 to June 2002 with Regard to Training, Technical Assistance and Awareness Building in the Field of Enforcement | | |
|---|---|---|
| ARAB STATES | | |
| Year 2000 | Year 2001 | Year 2002 |
| 1. Roving Seminar on Intellectual Property and the TRIPS Agreement for Judges, Tunis, Tunisia, July 4 to 6 | 1. Training Workshop for Sudanese Lawyers on Intellectual Property and the TRIPS Agreement, Khartoum, Sudan, February 24 and 25 | 1. WIPO Training Course on Intellectual Property, Doha, Qatar, February 11 to 13 |
| 2. National Workshop on Intellectual Property for the Judiciary, Sana'a, Yemen, October 10 and 11 | 2. National Seminar on the TRIPS Agreement, Djibouti, Djibouti, April 9 and 10 | 2. WIPO/ALU National Seminar for Lawyers and Judges, Kuwait City, Kuwait, March 2 and 3 |
| 3. National Seminar on Enforcement of Intellectual Property Rights, Muscat, Oman, October 22 to 24 | 3. National Workshop on Intellectual Property for the Judiciary, Sana'a, Yemen, June 12 and 13 | 3. WIPO/WTO Arab Regional Conference on Intellectual Property and the Doha Ministerial Declaration, Doha, Qatar, April 28 to 30 |
| 4. Study Visit by the Judiciary of Sudan to the WIPO Headquarters, September 14 and 15 | 4. National Workshop for Parliamentarians, Tunis, Tunisia, June 14 and 15 | 4. Sub-Regional Symposium on Intellectual Property for Members of the Judiciary of Countries of the GCC ¹² , Abu Dhabi, United Arab Emirates, May 13 to 15 |
| | 5. Study Visit of the Judiciary of Jordan to the WIPO Headquarters, Geneva, October 8 to 12 | 5. National Seminar on the TRIPS Agreement, Algiers, Algeria, June 10 and 11 |
| | 6. WIPO/ALU ¹³ Roving Seminars for Lawyers and Judges, in Egypt, Morocco and Tunisia, October 20 to 31 | |
| | 7. Meeting with Members of Parliament from Egypt, Geneva, October 22 to 26 | |
| | 8. WIPO Arab Regional Conference on Enforcement of Intellectual Property Rights for the Judiciary, Amman, Jordan, November 5 to 7 | |
| | 9. WIPO/BSA ¹⁴ Subregional Seminar on the TRIPS Agreement and Copyright and Related Rights, November 8 and 9 | |

[Table III follows]

¹² GCC: Gulf Cooperation Council
¹³ ALU: Arab Lawyers Union
¹⁴ BSA: Business Software Alliance

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Annex, Table III

| Report on WIPO Activities in Favor of Developing Countries and Countries in Transition from July 2000 to June 2002 with Regard to Training, Technical Assistance and Awareness Building in the Field of Enforcement | | |
|---|--|--|
| ASIA AND THE PACIFIC | | |
| Year 2000 | Year 2001 | Year 2002 |
| 1. Training Course on Enforcement of Industrial Property, Tokyo, Japan, September 11 to 22 | 1. Roving National Workshop on Enforcement of IPR, Karachi, Lahore, Islamabad, Pakistan, March 12 to 20 | 1. WIPO Asia Pacific Regional Colloquium on Intellectual Property for the Judiciary, New Delhi, India, February 6 to 8 |
| 2. WIPO Regional Symposium on the TRIPS Agreement for the Judiciary and Enforcement Agencies, Tehran, Islamic Republic of Iran, September 9 to 11 | 2. National Workshop on Enforcement of IPRs for Customs Officials, Tehran, Islamic Republic of Iran, April 24 to 26 | 2. National Workshop on the Protection and Enforcement of Copyright and Related Rights, Suva, Fiji, February 26 |
| 3. WIPO/USPTO Regional Conference on Intellectual Property Enforcement in the Digital Economy, Chiang Rai, Thailand, September 18 and 19 | 3. WIPO Regional Symposium on the Enforcement of IPR in the 21st Century, Auckland, New Zealand, May 8 to 10 | 3. National Seminar on Emerging Issues of Enforcement in the Digital Age, Jakarta, Indonesia, April 25 |
| 4. WIPO National Roving Seminar on Enforcement of Intellectual Property Rights (IPR), Surabaya, Jakarta and Batam, Indonesia, October 16 to 24 | 4. WIPO Orientation and Study Program for Senior Customs and IP Enforcement Officials from Countries of Asia and the Pacific on the Enforcement of IPR, Geneva, Brussels, Belgium; Amsterdam, Netherlands; Hamburg, Germany, June 11 to 22 | |
| 5. National Seminar on the Enforcement of Intellectual Property Rights for the Judiciary, Customs and Police Officials, Bhutan, November 16 and 17 | 5. National Seminar on Enforcement of IPR, Vientiane, Lao People's Democratic Republic, September 4 and 5 | |
| | 6. Special Training Course on the Protection and Enforcement of Copyright and Related Rights, Tokyo, Japan, November 5 to 9 | |
| | 7. National Seminar on the Enforcement of IPR, Phnom Penh, Cambodia, November 22 and 23 | |
| | 8. WIPO National Seminar on the Role of IP in Promoting Innovation and Enhancing Enterprise Competitiveness, Kathmandu, Nepal, December 10 to 11 | |

[Table IV follows]

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Annex, Table IV

| Report on WIPO Activities in Favor of Developing Countries and Countries in Transition from July 2000 to June 2002 with Regard to Training, Technical Assistance and Awareness Building in the Field of Enforcement | |
|---|--|
| CERTAIN COUNTRIES IN EUROPE AND ASIA | |
| Year 2001 | Year 2002 |
| 1. WIPO/ISESCO ¹⁵ Conference on Intellectual Property, Baku, Azerbaijan, May 21 to 23 | 1. National Workshop on the Role of Customs, Police, Antimonopoly and the Judiciary in Enforcement of Intellectual Property Rights, Moscow, Russian Federation, February 6 and 7 |
| 2. Seminar on Enforcement of Intellectual Property Rights, Mangalia, Romania, June 6 to 8 | 2. National Seminar for the Judiciary on Enforcement of Intellectual Property Rights, in cooperation with the Coalition for Intellectual Property Rights (CIPR), Astana, Kazakhstan, April 17 and 18 |
| 3. Regional Seminar on Intellectual Property and Information Technology, Moscow, Russian Federation, July 10 to 12 | 3. Seminar for Judges and Law Enforcement Officials in cooperation with CIPR and the Commercial Law Development Program of the United States Department of Commerce, Kiev, Ukraine, April 22 and 23 |
| 4. National Seminar on Enforcement of Intellectual Property Rights for the Judiciary, Minsk, Belarus, November 28 to 29 | |

[Table V follows]

¹⁵ ISESCO: Islamic Educational, Scientific and Cultural Organization

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Report on WIPO Activities in Favor of Developing Countries and Countries in Transition
from July 2000 to June 2002
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LATIN AMERICA AND THE CARIBBEAN

| Year 2000 | Year 20 01 | Year 2002 |
|---|--|---|
| 1. WIPO National Seminar on Intellectual Property: - Quito, Ecuador, July 3 and 4 - Guayaquil, Ecuador, July 6 and 7 | 1. WIPO National Seminar on Intellectual Property, La Paz, Bolivia, February 21 and 22 | 1. WIPO National Seminar on Copyright and Related Rights for Judges and Prosecutors, Santiago de Veragua, Panama, March 6 to 8 |
| 2. WIPO National Seminar on Substantive and Procedural Aspects of Intellectual Property, Bogota, Colombia, July 13 and 14 | 2. Expert Missions on the Establishment of an Anti -piracy Device System - Barbados, February 26 and 27 - Jamaica, March 1 and 2 - Trinidad and Tobago, March 5 to 9 | 2. Study Visit by a Colombian Customs Official to the Customs Offices of Spain, Madrid, April 22 to 26, and Panama, Panama City, May 20 to 31 |
| 3. VII WIPO Regional Academic Course on Copyright and Related Rights for Latin American Countries, San Jose, Costa Rica, August 28 to September 5 | 3. WIPO National Seminar on Enforcement of Intellectual Property Rights for Police and Customs Officials: - Port of Spain, Trinidad and Tobago, March 22 and 23; - Kingston, Jamaica, March 26 and 27 | 3. Training Course on Enforcement of Copyright, Mexico City, Mexico, May 20 to 31 |
| 4. WIPO National Roving Seminar on Enforcement of Intellectual Property Rights for Judges, Prosecutors, Customs and Police Officers: - Asuncion, Paraguay, September 18 and 19 - Ciudad del Este, Paraguay, September 21 and 22 | 4. WIPO National Seminar on Technological Measures of Protection in the 1996 WIPO Copyright Treaties and in the New Colombian Penal Code, Bogota, Colombia, April 25 to 27 | 4. National Seminar on the New WIPO Internet Treaties and Digital Technology, São Paulo, Brazil, June 12 and 13 |
| 5. WIPO National Seminar on Enforcement of Intellectual Property Rights for Judges, Managua, Nicaragua, November 13 and 14 | 5. WIPO/World Customs Organization (WCO) Training Sessions on Enforcement of Intellectual Property Rights, Bridgetown, Barbados, June 5 to 7 | |
| 6. XX WIPO Seminar on Industrial Property for Latin American Countries, Rio de Janeiro, Brazil, November 28 to December 1 | 6. III WIPO National Seminar on Intellectual Property Rights, Mar del Plata, Argentina, June 7 to 9 | |
| | 7. WIPO/SIECA ¹⁶ National Seminar on Enforcement of Intellectual Property Rights for Judges and Prosecutors, Panama City, Panama, June 25 to 26 | |

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| Report on WIPO Activities in Favor of Developing Countries and Countries in Transition from July 2000 to June 2002 with Regard to Training, Technical Assistance and Awareness Building in the Field of Enforcement | | |
|---|--|-----------|
| LATIN AMERICA AND THE CARIBBEAN (continued) | | |
| Year 2000 | Year 2001 | Year 2002 |
| | 8. WIPO Intellectual Property Symposium for the Judiciary of the Eastern Caribbean Supreme Court, Gros Islet, St. Lucia, June 28 and 29 | |
| | 9. WIPO/SIECAN National Seminar on the Enforcement of Intellectual Property Rights for Judges and Prosecutors: - Tegucigalpa, Honduras, July 2 and 3 - San Pedro Sula, July 4 | |
| | 10. WIPO/SIECAN National Seminar on the Enforcement of Intellectual Property Rights for Judges and Prosecutors: - Guatemala City, Guatemala, August 23 and 24; - San Salvador, El Salvador, August 27 and 28 | |
| | 11. WIPO/SIECAN National Seminar on the Enforcement of Intellectual Property Rights for Judges and Prosecutors: - San José, Costa Rica, September 3 and 4; - Managua, Nicaragua, September 6 and 7 | |
| | 12. WIPO Introductory Course on Copyright and Related Rights for Judges, Santo Domingo, Dominican Republic, September 19 to 22 | |
| | 13. WIPO National Seminar on Enforcement of Intellectual Property Rights for Judges and Prosecutors, Mexico City, Mexico, October 25 and 26 | |
| | 14. WIPO National Seminar on Enforcement of Copyright and Related Rights for Judges and Prosecutors, Montevideo, Uruguay, November 26 and 27 | |

[Table VI follows]

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Annex, Table VI

Report on WIPO Activities in Favor of Developing Countries and Countries in Transition
from July 2000 to June 2002
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LEAST-DEVELOPED COUNTRIES

| Year 2000 | Year 2001 | Year 2002 |
|--|--|--|
| 1. WIPO Arab Workshop on Intellectual Property for Least-Developed Countries (LDCs), Khartoum, Sudan, October 23 to 25 | 1. WIPO High-Level Interregional Roundtable on Intellectual Property for LDCs, Lisbon, Portugal, February 1 and 2 | 1. Joint WIPO - WTO Workshop on Implementation of the TRIPS Agreement on LDCs ¹⁷ , Dar es Salaam, United Republic of Tanzania, April 22 to 25 |
| 2. WIPO African Regional Seminar on Modernization of the Intellectual Property System for LDCs, Kampala, Uganda, December 18 to 20 | 2. Interactive Thematic Session on Intellectual Property and Development, in the Framework of the Third United Nations Conference on LDCs, Brussels, Belgium, May 14 to 20 | |

[Table VII follows]

¹⁷ For African and Arab LDC countries (except Yemen) and Haiti

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Annex, Table VII

Report on WIPO Activities in Favor of Developing Countries and Countries in Transition
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WIPO WORLDWIDE ACADEMY

| Year 2000 | Year 2001 | Year 2002 |
|---|--|---|
| 1. Advanced Training Course on Copyright and Related Rights, Geneva, Stockholm, Sweden, August 17 to 29 | 1. WIPO Academy on Intellectual Property, General Session, Geneva, March 26 to 30 | 1. Academy on Intellectual Property and Development, Khartoum, Sudan, January 27 to 31 |
| 2. Post-Graduate Course on Intellectual Property, Turin, Italy, September 4 to November 30 | 2. Academy on Enforcement of Intellectual Property Rights for Judges of Continental Law Jurisdiction, Paris and Geneva, May 14 to 22 | 2. Academy on Enforcement of Intellectual Property Rights, Arlington, USA, May 20 to 24 |
| 3. Academy for Countries in Transition, General Session, Geneva, October 9 to 13 | 3. Interregional Intermediate Seminar on Intellectual Property, Geneva, June 5 to 8 | 3. Academy on Intellectual Property and Development, Singapore, June 25 to 28 |
| 4. Symposium on Copyright and Related Rights, Washington, USA, October 30 to November 3 | 4. WIPO Academy on Enforcement of Intellectual Property Rights, Beijing and Shanghai, China, June | |
| 5. Academy on Enforcement of Intellectual Property Rights, Arlington, USA, November 13 and 14 | 5. Summer School, Geneva, July 2 to August 10 | |
| | 6. Training Course on Copyright and Related Rights, Stockholm, Sweden, August 20 to 30 | |
| | 7. Post-graduate Specialization Course on Intellectual Property, Turin, Italy, September 3 to November 30 | |
| | 8. Legal, Economic and Administrative Aspects of Intellectual Property, Madrid, Spain, October 8 to 19 | |
| | 9. WIPO/SGAE ¹⁸ Regional Academic Course on Copyright and Related Rights for Latin American Countries, Santa Cruz, Bolivia, October 8 to 16 | |
| | 10. Course on Legal, Economic and Administrative Aspects of Intellectual Property, Strasbourg, France, September 17 to October 5 | |
| | 11. WIPO-USPTO Academy on Enforcement, Arlington, USA, October 22 to 26 | |
| | 12. Interregional Intermediate Seminar on Copyright and Related Rights, Geneva, November 21 to 23 | |

[End of Table VII and of document]