Agenda Item 5 – Sub-Item C: The Legislative Assistance provided by WIPO in the Area of the Enforcement of Intellectual Property Rights

Twelfth Session of the Advisory Committee on Enforcement

WIPO Secretariat

Geneva, September 4 to 6, 2017
Framework for Program 17

- Strategic Goal VI: International Cooperation on Building Respect for Intellectual Property => inclusive and integrated approach

- In accordance with Development Agenda Recommendation 45 and Article 7 of the TRIPS Agreement

- Expected Result I.2: Tailored and balanced IP legislative, regulatory and policy frameworks
Scope of Legislative Assistance

- Legislative assistance is provided
  - only at the request of a Member State (or of a regional intergovernmental organization when competent)
  - tailored to the specific needs, level of socio-economic development, human and financial constraints of the requesting Member State
  - on a strict bilateral, neutral and confidential basis
Scope of Legislative Assistance

- Benchmark: Part III of the TRIPS Agreement
  - General Obligations
  - Evidence
  - Provisional Measures
  - Civil Corrective Measures
    - Injunctions
    - Damages
    - Other Remedies
  - Border Measures
  - Criminal Procedures and Sanctions (TRIPS, Art. 61)
Scope of Legislative Assistance

- Legislative assistance includes
  - comments on IP enforcement-related provisions
  - advice/assistance in the preparation of IP enforcement-related provisions

- Taking into account the existing legal framework
  (questionnaire; diagnostic mission)
Legislative Assistance 01/2014 – 06/2017

Table 1: Number of sets of comments by Year 2014-2017
Table 2: Regional Distribution of Legislative Assistance by Year 2014-2017

Table 3: Number of Participating Countries by Region 2014-2017
The Content of Legislative Assistance

- Comments in line with Part III of the TRIPS Agreement (*cf.* scope of legislative assistance) and on the implementation of WIPO treaties where applicable

- Specific issues arising from a draft law to be commented upon
Additional Assistance

- Assistance throughout the legislative/parliamentary process

- Technical assistance afterwards to implement the new provisions
Thank you!

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