

Advisory Committee on Enforcement

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RECENT ACTIVITIES OF WIPO IN THE FIELD OF BUILDING RESPECT FOR INTELLECTUAL PROPERTY (IP)

prepared by the Secretariat

1. This document summarizes the activities in the field of Building Respect for IP undertaken by WIPO Program 17 in the period from October 2010 to September 2011. The activities were guided by the Program's objectives defined in the 2010/2011 WIPO Program and Budget, as well as by Development Agenda Recommendation No. 45.
2. It is recalled that WIPO Strategic Goal VI "International Cooperation on Building Respect for IP" is a broad, cross-cutting goal supported by many different WIPO Programs.¹ In that sense, this document does not aim to present an exhaustive report as there are other areas of WIPO's work that deliver contributions to this goal. Many of the activities set out under paragraphs 3 to 13, below, benefited from close in-house cooperation, in particular with the following WIPO Programs: Program 1 (Patents); Program 2 (Trademarks, Industrial Designs and Geographical Indications); Program 3 (Copyright and Related Rights); Program 8 (Development Agenda Coordination); Program 9 (Africa, Arab, Asia and the Pacific, Latin America and the Caribbean, Least-Developed Countries); Program 10 (Cooperation with Certain Countries in Europe and Asia); Program 11 (WIPO Academy); Program 16 (Economic Studies, Statistics and Analysis); Program 18 (IP and Global Challenges); Program 19 (Communications); and Program 20 (External Offices and Relations).

¹ WIPO Program and Budget 2010/2011; http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2010_2011.pdf

I. ASSISTANCE TO MEMBER STATES: LEGISLATIVE ADVICE, TRAINING AND AWARENESS-RAISING

3. In the period under review, Program 17 continued to face a strong demand by Member States for IP enforcement-related technical assistance. Requested services included specialized training and policy consultations, including with a view to facilitating inter-agency cooperation and public-private dialogue; advice in the context of legislative processes; and awareness-raising activities.

4. In line with the particular requests, legislative assistance focused on compatibility of current or draft legislation with enforcement-related obligations under the TRIPS Agreement, including with a view to balances and flexibilities enshrined in the instrument. The Program's advice also was sought to ensure identification of elements in draft legislation that would go beyond the enforcement-related minimum requirements of the TRIPS Agreement. Program 17 further assisted in the development of implementing regulations, especially with a view to improving inter-agency cooperation at national level. Member States wishing to explore WIPO legislative assistance, provided on a confidential basis, are invited to submit their request to the WIPO Secretariat.

5. IP enforcement training programs were designed in close cooperation with the requesting Member State(s) and cooperation partners. In line with the individual requests, they displayed to a great level of specialization, including with a view to ensuring in-depth analysis and discussion of relevant legal and technological developments, as well as socio-economic and development-oriented concerns. In that respect, the research-based work of the fifth and sixth sessions of the ACE² provided useful guidance for the inter-sessional work of Program 17. Depending on the particular request, training programs were attended by policy-makers, judges and magistrates, representatives of customs, police and health administrations, officials of intellectual property offices, intellectual property attorneys, private sector representatives, consumer groups and civil society. A number of training programs were organized with the assistance of third Member States and/or in cooperation with other intergovernmental organizations and the private sector. A full list of the Program's training activities is set out in the Annex to this document.

6. Building on the work of the 6th session of the ACE on consumer motivations and attitudes vis-à-vis counterfeiting and piracy³, Program 17 undertook to support services of Program 19 that assist Member States, upon request, in developing outreach material to inform consumers of health and safety risks associated with counterfeit and pirated goods. A series of workshops is being scheduled in three Member States in late 2011.

II. INTERNATIONAL COORDINATION AND COOPERATION

7. WIPO continued to systematically engage in, and further build, strategic international cooperation in the context of Building Respect for IP, seeking to ensure balance and transparency, to enhance efficacy and quality of endeavors, and to avoid a duplication of work. This included presenting WIPO's development-orientated approach to building respect for IP in work streams of other forums, and to have that approach fully reflected in collaborative efforts.

8. Cooperation partners included, *inter alia*: World Customs Organization (WCO); World Trade Organization (WTO); International Criminal Police Organization (INTERPOL); World

² Working documents at http://www.wipo.int/meetings/en/topic.jsp?group_id=142

³ Cf. working documents WIPO/ACE/6/5, WIPO/ACE/6/6 and WIPO/ACE/6/10; available at http://www.wipo.int/meetings/en/details.jsp?meeting_id=20199

Health Organization (WHO); United Nations Economic Commission for Europe (UNECE) Team of Specialists on Intellectual Property (TOS-IP); United Nations Education, Scientific and Cultural Organization (UNESCO); United Nations Conference on Trade and Development (UNCTAD); United Nations Office on Drugs and Crime (UNODC); African Intellectual Property Organization (OAPI); East African Community (EAC); Universal Postal Union (UPU); Business Action to Stop Counterfeiting and Piracy (BASCAP); International Center for Trade and Sustainable Development (ICTSD); IPR Business Partnership; International Trademark Association (INTA); International Publishers Association (IPA); International Federation of Pharmaceutical Manufacturers and Associations (IPFMA); and *Les entreprises du médicament* (LEEM). New cooperation was established with the United Nations Environment Programme (UNEP), with an aim to enhance inter-agency collaboration and information sharing in the context of environmental risks associated with the disposal and destruction of counterfeit goods. Individual cooperation activities are also set out in the Annex to this document.

9. A key component of the Program's public-private cooperation is the "Global Congress on Combating Counterfeiting and Piracy".⁴ The Congress is hosted, on a rotating basis, by WIPO, INTERPOL and the WCO, in cooperation with BASCAP and INTA. Over the years, the Congress has become a prominent international forum for sharing experiences and discussing strategies to better understand and address the impact of counterfeit and pirated goods.

10. For the sixth Congress cycle, WIPO was the host organization and Chair of the Global Congress Steering Group. The Sixth Global Congress was held from February 2 to 3, 2010, in Paris, under the High Patronage of the President of the French Republic and with support of the French Industrial Property Office (INPI). It was attended by over 870 participants from 105 countries, representing governments, law enforcement agencies, customs administrations and the private sector. Under the banner "Building Respect for IP: Sustainable Solutions to a Global Problem", Congress partners expressly recognized WIPO's broader strategic approach to addressing counterfeiting and piracy, and elements relating socio-economic development were introduced in all Congress sessions. These included, *inter alia*, building respect for IP; the contribution of IP enforcement to sustainable development; the role of competition law for creating a better balance in the context of IP enforcement; the importance of measuring the scope and impact of infringement; the impact of corporate social responsibility on building respect for IP; the power of education and awareness in building respect for IP; and eco-friendly and socially equitable disposal of infringing goods.⁵ Congress speakers and participants engaged in extensive discussions around those and other themes. Their key statements are reflected in a summary paper.⁶

III. PUBLICATIONS, EXCHANGE OF INFORMATION

11. Building on the success of the WIPO Intellectual Property Enforcement Case Books as training and reference materials, Program 17 undertook to further develop this series. Professor Rangel-Ortíz from Mexico has been commissioned to prepare a new case book, in the Spanish language. The publication will analyze and discuss enforcement-related case law from the Latin American and Caribbean region. It is currently being finalized and is expected to be available by the end of 2011. In addition, the author of the popular WIPO Intellectual Property Enforcement Case Book (publication No.791E), the Hon. Justice Louis Harms, Deputy President of the Supreme Court of South Africa, undertook to prepare a third edition of this

⁴ General information on the Congress at <http://www.ccapcongress.net/>

⁵ Congress agenda at

http://www.ccapcongress.net/archives/Paris/files/6thGlobalCongress_Finalprogramme.pdf

⁶ http://www.ccapcongress.net/archives/Paris/files/ParisOutcomesStatement_6thGlobalCongress.pdf

publication. The new edition will update recent case law developments, and, in response to the demand expressed by many Member States, broaden content relating to the criminal enforcement of IP rights. It is expected to be available by mid-2012.

12. The Program further reviewed and provided contributions relating to Building Respect for IP to numerous WIPO publications, and continued to develop its service aimed at facilitating access to online databases of intellectual property case law.⁷ The Secretariat invites Members and Observers of the Committee to submit additional information, where available.

13. Program 17 also makes available, in English, French and Spanish, a periodic electronic newsletter, reflecting new developments relating to Building Respect for IP at national and international levels.⁸ Members and Observers of the Committee are invited to submit to the Secretariat any relevant information they would wish to have reflected in these newsletters.

14. The Advisory Committee is invited to take note of the information contained in this document.

[Annex follows]

⁷ http://www.wipo.int/enforcement/en/case_law.html
⁸ <http://www.wipo.int/enforcement/en/news/>

ACTIVITIES OF PROGRAM 17 IN THE FIELD OF BUILDING RESPECT FOR IP FROM SEPTEMBER 2010 TO SEPTEMBER 2011

TRAINING, POLICY CONSULTATIONS AND AWARENESS-RAISING ACTIVITIES

- WIPO-USPTO Sub-regional Workshop on Effective Practices in the Border Enforcement of Intellectual Property Rights, in cooperation with the Office for Industrial Property and Commerce of Morocco (OMPIC) and with the assistance of the United States Department of State, Casablanca, Morocco, October 5–7, 2010;
- International Conference on the Commercialization and Enforcement of IP, organized by UNECE in cooperation with the All-Russian Association of Small and medium-Sized Enterprises, the Federal Service for IP, Patents and Trademarks (ROSPATENT) and the USPTO, Moscow, Russian Federation, October 6–8, 2011;
- WIPO National Seminar on the Enforcement of IPRS, in cooperation with the IPO of the Slovak Republic, Banská Bystrica, Slovakia, October 12–13, 2010;
- Interregional Intermediate Seminar on Copyright and Related Rights, Geneva, October 13–15, 2010;
- WIPO National Training on Intellectual Property for Judges, Prosecutors and Lawyers, in cooperation with the Albanian Copyright Office (ACO) and the General Directorate of Patent and Trademarks (ALPTO), Tirana, Albania, October 27–28, 2010;
- WIPO Inter-regional Symposium on Enforcement of IPRs, in cooperation with the Industrial Property Office of the Czech Republic and with funding from the USPTO, Prague, Czech Republic, November 2–3, 2010;
- WIPO Sub-Regional Workshop on Practical Aspects of IPRs Enforcement in the Baltic Sea Region, in cooperation with the State Patent Bureau of the Republic of Lithuania and the Mykolas Romeris University, Vilnius, Lithuania, November 3-4, 2010;
- JPO-WIPO Regional Training Course on Enforcement of IPRs, Tokyo, Japan, December 11–18, 2010;
- WIPO National Workshop on IPR Enforcement for Judges, in cooperation with the National Center for Patents and Information (NCPI), Dushanbe, Tajikistan, April 6–7, 2011;
- Study Visit of Lebanese diplomats, Geneva, April 11–14, 2011;
- National Seminar on Intellectual Property Rights and Enforcement, Algiers, Algeria, April 21, 2011;
- WIPO-USPTO Workshop on Enforcement of Intellectual property Rights, Washington, U.S., May 2–6, 2011;
- WIPO-WTO Advance Course on Intellectual Property for Government Officials, Geneva, May 16-27, 2011
- International Conference on Global and European Initiatives for Sharing Work Between Intellectual Property Authorities, Budapest, Hungary, May 17–18, 2011;
- WIPO Regional Workshop for Countries of the East African Community (EAC) on the Social and Economic Consequences of Counterfeiting and Infringements of Other IP Rights, Bujumbura, Burundi; May 23–25, 2011;
- Study Visit of Tunisian Diplomats, Geneva, June 6-8, 2011;
- WIPO Sub-Regional Workshop on the Enforcement of Intellectual Property Rights for Customs Authorities, Police Officials, Prosecutors and Judiciary, Sibiu, Romania, June 8-10, 2011;
- Study Visit of Ukrainian Judges, June 15, 2011;
- WIPO-USPTO Sub-Regional Workshop on Enforcement of Intellectual Property Rights, in cooperation with the IP Office of Paraguay and the Spanish Patent and Trademark Office (OEPM), Ciudad del Este, Paraguay, June 15–16, 2011;
- Study Visit of Mexican Judges, Geneva, July 13-14, 2011;
- WIPO National Workshop on The Enforcement of IP Rights, Khartoum, Sudan, July 26-27, 2011;

- Central America-WIPO Regional Forum on Enforcement of IPR for the Judiciary, in cooperation with the Supreme Court of Justice of Guatemala, Guatemala City, August 25-26, 2011;
- International Intellectual Property Conference, Stellenbosch University, South Africa, September 1-2, 2011;
- WIPO National Workshop on Enforcement of IP Rights for Prosecutors and Police Officials, San Salvador, El Salvador, September 5–7, 2011;
- WIPO Inter-Regional Symposium on the Enforcement of IP Rights, in cooperation with the Serbian IP Office, Belgrade, Serbia, September 6–7, 2011;
- National Symposium on IP in Innovative Economy, Krakow, Poland, September 7-9, 2011;
- WIPO National Workshop on the Enforcement of IP Rights, Phnom Penh, Cambodia, September 12–13, 2011;
- WIPO National Workshop on the Enforcement of IPRs, Jakarta, Indonesia, September 15–16, 2011;
- Study Visit of High-level Officials from the Palestinian Authority, September 21, 2011
- Briefing for Delegation of Bangladesh, September 27, 2011.

INTERNATIONAL COOPERATION AND COORDINATION WITH INTERNATIONAL INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

- International Publishers Association (IPA) Anti-Piracy Breakfast, Frankfurt, October 8, 2010
- 2010 International Law Enforcement IP Crime Conference, organized by INTERPOL, Hong Kong, China, October 19–21, 2010;
- World Health Organization (WHO) Expert Committee on Specifications for Pharmaceutical Preparations, Geneva, October 20, 2010;
- 2010 Anti-Counterfeiting Collaboration Nigeria (ACC)/International Trademark Association (INTA) Roundtable: “Counterfeiting - A Growing Menace”, Lagos, Nigeria, October 27, 2010;
- Third Meeting of the WCO Counterfeiting and Piracy (CAP) Group, Brussels, Belgium, November 3–4, 2010;
- Legal IQ’s Brand Protection and Anti-Counterfeiting Conference, Amsterdam, The Netherlands, November 18–19, 2010;
- Global Congress Steering Group Meeting, Geneva, December 3, 2010;
- Roundtable on Counterfeit medicines organized by the Royal Institute of International Affairs, London, United Kingdom, December 16, 2010;
- 4th United Nations Conference of the States Parties to the United Nations Convention against Corruption: Intergovernmental Working Group on Asset Recovery meeting, Vienna, Austria, December 16–17, 2010;
- 11th IPR Business Partnership Meeting, Geneva, January 11, 2011
- Sixth Global Congress on Combating Counterfeiting and Piracy, hosted by WIPO and co-organized with INTERPOL, World Customs Organization (WCO), International Chamber of Commerce’s Business Action to Stop Counterfeiting and Piracy (BASCAP) and the International Trademark Association (INTA), Paris, France, February 2–3, 2011;
- INTA-GRUR Seminar: “Are Trademark Rights under Pressure?”, Brussels, Belgium, March 1, 2011;
- Study visit by the *Université Paris-Sud II - Institut du Droit de l'Espace et des Télécommunications*, WIPO, March 3, 2011 ;
- 30th Session of the WCO Enforcement Committee, Brussels, March 21–25, 2011;
- 11th International Trademark Conference, Alicante, Spain, April 7–8, 2011;
- United Nations Economic Commission for Europe (UNECE) Sub-regional Conference on the Enforcement and Commercialization of IP Rights, Belgrade, Serbia, April 12–13, 2011;
- 4th WCO Counterfeiting and Piracy (CAP) Group Meeting, Brussels, Belgium, April 18–19, 2011;

- Environment Investigation Agency (EIA) and U.N. Environmental Programme (UNEP) Summit with the Private sector on Trade in Ozone Depleting Substances, Ulaan Bataar, Mongolia, June 15-17, 2011;
- Visit of Delegation of French Industrialists (FIM), Geneva, July 5, 2011;
- UNECE IP Round Table on "Raising Awareness of the Role of IPRs in Innovation", Geneva, July 7, 2011;
- Fifth Meeting of the Open-Ended Intergovernmental Working Group on Asset Recovery, convened by the Conference of the States Parties to the UN Convention against Corruption, Vienna, Austria, August 25–26, 2011;
- 2011 International Law Enforcement IP Crime Conference organized by INTERPOL, Madrid, Spain, September 19-22, 2011.

[End of Annex and of document]