

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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WIPO CONFERENCE

Sixteenth Session (3rd Extraordinary) Geneva, September 7 to 15, 1998

REPORT

adopted by the Conference

1. The Conference was concerned with the following items of the Consolidated Agenda (document A/33/1 Prov.2): 1, 2, 4, 7, 9, 11, 14, 20 and 21.
2. The report on the said items, with the exception of item 11, is contained in the General Report (document A/33/8).
3. The report on item 11 is contained in the present document.
4. Mr. Ladislav Jakl (Czech Republic), Vice-Chair of the Conference, presided over the meetings of the Conference.

ITEM 11 OF THE CONSOLIDATED AGENDA:

PERMANENT COMMITTEES ON DEVELOPMENT COOPERATION

5. Discussions were based on document WO/CF/16/1.
6. The Delegation of Egypt recalled that during the consultations on the draft 1998-1999 Program and Budget, it had expressed its concern regarding the merger of cooperation for development activities in the field of industrial property and copyright bearing in mind that the competent national authorities for industrial property and copyright were different. The Delegation, however, supported all programs intended to inject dynamism in the Organization's efforts. It requested clarification on the modalities of the merger and wondered how national authorities would follow the work of the new Committee. The Delegation also inquired as to whether the new rules could be made available so that delegations familiarize themselves with them.
7. The Director General explained that the envisaged single Committee would provide developing countries with an opportunity to further consult on new issues raised following the conclusion of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement). He stated that the WIPO Secretariat would assist developing countries and their administrations in coordinating the participation of national authorities in the work of the Committee. This would be done through the Secretariat's contacts with permanent missions in Geneva, ministries of foreign affairs and industrial property and copyright administrations at the national level. He indicated that paragraph 8 of document WO/CF/16/1 should be read in conjunction with paragraph 9. He stated that the effect of the merger would be the replacement of the existing two Committees by a single Committee. There would be no fundamental difference because the membership and the conditions of membership would be the same as previously. The new set of rules for the envisaged newly-created single Committee, if established, would be prepared by the Secretariat in consultation with the Member States.
8. The Delegation of Sudan associated itself with the sentiments expressed by the Delegation of Egypt with regard to the authorities, in developing countries, that would participate in the work of the envisaged Committee. In Sudan, for example, the competent authorities for industrial property and copyright were different. The Delegation had wondered how, with the merger, one could ensure coordination between the two administrations. The Delegation, however, was pleased with the explanations given by the Director General and felt reassured that everything would take place to ensure the full participation of all interested sectors in the work of the Committee.
9. The Director General explained further that the Secretariat, as in the past, knowing that in several developing countries the institutions dealing with industrial property and copyright are different, would ensure that all notifications and documentation relevant to the work of the envisaged Committee would be sent to both sectors and institutions concerned with industrial property and copyright in addition to permanent missions in Geneva and ministries of foreign affairs. While the Secretariat would ensure coordination in this manner, some coordination would have to be undertaken at the national level. The intention was to establish a less

expensive and more cost-effective body that would consider matters of the moment and of direct relevance to questions related to the TRIPS Agreement as the doors of the twentieth century are closed. He assured the Delegations of Egypt and Sudan that the Secretariat would meet the genuine concerns expressed by them.

10. The Delegation of Portugal supported the initiative of document WO/CF/16/1 and noted that the proposed merger was aimed at simplifying and rationalizing WIPO's cooperation for development activities. In the same vein, the Delegation suggested that consideration should be given to elaborating procedures that would result in accepting that members of the two existing Committees would automatically be considered to be members of the new single Committee without the need for any further notification being made to the Director General except where a country, which was a member of one or both of the existing Committees, wished not to become a member of the new single Committee or where a country not member of either of the existing Committees wished to become a member of the new single Committee. The Delegation felt that it would be useful to have such a procedure by way of simplification.

11. The Delegation of Cuba supported the proposal for the merger and suggested that the title of the Committee be "*Comité Permanente de Cooperación para el Desarrollo en materia de Propiedad Intelectual*". Her suggestion was aimed at including the word "Cooperation" in the title.

12. The Delegation of the Former Yugoslav Republic of Macedonia remarked that due to the rapid development of technology, for example, with regard to biotechnology, computer hardware and software and informatics, it was sometimes not easy to draw a clear distinction between industrial property on the one hand and copyright on the other hand. The Delegation saw this trend as yet another reason why the Conference should request the Director General to initiate procedures for merging the two Committees.

13. The Conference accepted the proposal contained in document WO/CF/16/1 and requested the Director General to initiate the procedures for merging the Permanent Committee for Development Cooperation Related to Industrial Property (PC/IP) and the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (PC/CR) into a single body.

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