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## WIPO GENERAL ASSEMBLY

### Twenty-Third (10th Extraordinary) Session Geneva, September 7 to 15, 1998

ACTIVITIES OF THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP),  
THE STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL  
DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT) AND THE STANDING  
COMMITTEE ON INFORMATION TECHNOLOGIES (SCIT)

#### *Report of the Director General*

1. The Assemblies of the Member States of WIPO, at their thirty-second series of meetings, held in Geneva from March 25 to 27, 1998, approved the Program and Budget for the 1998-99 biennium, which included a proposal for the establishment of "Standing Committees" (document A/32/2-WO/BC/18/2; approval reported in document A/32/7, paragraph 93).
2. Four standing committees have been established on the basis of the Program and Budget: the Standing Committee on the Law of Patents (Sub-program 09.1), the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (Sub-program 09.2), the Standing Committee on Copyright and Related Rights (Sub-program 10.5) and the Standing Committee on Information Technologies (Sub-program 12.3).
3. The Standing Committees are made up of all interested WIPO Member States, selected intergovernmental and non-governmental organizations and are designed to provide a more effective and streamlined mechanism by which Member States may set priorities, allocate resources, and ensure the coordination and continuity of interrelated on-going work in the international development of the law of patents, trademarks, industrial designs and geographical indications; to facilitate access to intellectual property information by Member

States, the intellectual property community and the public at large, thereby fostering the adequate protection and effective enforcement of intellectual property rights; and to consider in particular the impact of digital technology and global information networks on copyright and related rights.

4. Three of the Standing Committees have met so far in 1998, namely, the Standing Committee on the Law of Patents, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical indications and the Standing Committee on Information Technologies. The Standing Committee on Copyright and Related Rights will meet for its first session from November 2 to 10, 1998.

5. The Program and Budget provides that the Standing Committees will present their conclusions to the WIPO General Assembly for consideration and ratification. The present document constitutes the report on their activities.

### **Standing Committee on the Law of Patents (Sub-program 09.1)**

6. The Standing Committee on the Law of Patents (hereinafter referred to as the "SCP") held its first session, first part, in Geneva from June 15 to 19, 1998. The draft Report of that session appears in document SCP/1/7 Prov. 1. In total, 76 Member States of WIPO and/or the Paris Union for the Protection of Industrial Property, five intergovernmental organizations and 26 non-governmental organizations took part in the meeting. Delegates from 21 developing countries and certain countries in Asia and Europe were invited to participate in that meeting at the expense of WIPO.

7. The SCP adopted special rules of procedure, which were based on the WIPO General Rules of Procedure and included an additional rule, namely, that membership in the SCP also be extended to Member States of the Paris Union that are not Member States of WIPO, and that observer status be extended to Member States of the United Nations that are not Member States of WIPO or the Paris Union (the WIPO Program and Budget for 1998-99 had established membership in the SCP for all Member States of WIPO). The SCP noted the working arrangements proposed by the Secretariat, and agreed to review the working arrangements whenever appropriate.

8. The SCP discussed the list of issues to be considered in the course of its work, as contained in the WIPO Program and Budget for 1998-99, and agreed that the work on the draft Patent Law Treaty (PLT) was of utmost importance. The priority of other issues would continue to be discussed by the SCP as appropriate.

9. The SCP also discussed a proposal concerning reduction of fees of industrial property offices for nationals of developing and least developed countries. The SCP agreed that this issue would properly be considered by the Assemblies of the Member States of WIPO, but that further information should first be gathered by the Secretariat and submitted to the SCP.

*Draft Patent Law Treaty*

10. The SCP devoted the majority of its time to a discussion of the documents concerning the draft Patent Law Treaty (documents SCP/1/3 to 5). During the course of the meeting, substantial progress was made on the detailed contents of the proposed Treaty.

11. It was agreed that a second part of the first session of the SCP would be held in November 1998, which would be devoted solely to discussion of the documents concerning the draft PLT, and that other issues would be postponed to the second session, which would be held in the first half of 1999.

12. With respect to its work concerning the draft PLT, the SCP requested that the following statements be conveyed to the Assemblies of the Member States of WIPO (paragraphs 11 and 25 of the Summary by the Chair, document SCP/1/6):

“It was also agreed that the discussions concerning the PLT should be undertaken in close coordination with discussions concerning PCT reform, electronic filing and information technology in other relevant WIPO bodies, including in particular bodies under the Patent Cooperation Treaty (PCT), and the Standing Committee on Information Technology (SCIT), and that a recommendation to that effect should be made to the SCIT and to the Assemblies of the Member States of WIPO.”

“The Secretariat will report to the Assemblies of the Member States of WIPO on the progress made at its first meeting, and will notify those Assemblies that the Standing Committee, in undertaking preparations for a diplomatic conference at the preparatory meeting mentioned in Sub-program 09.1 of the WIPO Program and Budget for 1998-99, expects that it will, at one of its meetings in 1999, set dates for a diplomatic conference which could be held as early as 2000.”

*SCP Electronic Forum*

13. The SCP agreed to create an “SCP Electronic Forum” in order to accelerate its deliberations through the electronic distribution and discussion of provisional documents. A registration form for participation in the SCP Electronic Forum was distributed on July 17, 1998, and the Electronic Forum was initiated on August 7, 1998.

**Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (Sub-program 09.2)**

14. The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (hereinafter referred to as the “SCT”) held its first session in Geneva from July 13 to 17, 1998. The draft Report of that session appears in document SCT/1/6 Prov. 1. In total, 74 States members of WIPO and/or the Paris Union, five intergovernmental organizations and 16 non-governmental organizations were represented at the meeting. Delegates from 23 developing countries and certain countries in Asia and Europe were invited to participate in that meeting at the expense of WIPO.

15. The SCT adopted special rules of procedure, which were based on the WIPO General Rules of Procedure and included additional rules, namely, that membership in the SCT also be extended to Member States of the Paris Union that are not Member States of WIPO, that observer status be extended to member States of the United Nations that are not Member States of WIPO or the Paris Union, and that membership in the SCT be extended to the European Communities, provided that they shall not have the right to vote (the WIPO Program and Budget for 1998-99 had established membership in the SCT for all Member States of WIPO). The SCT noted the working arrangements proposed by the Secretariat, and agreed to review the working arrangements whenever appropriate.

16. The SCT discussed the list of issues to be considered in the course of its work, as contained in the WIPO Program and Budget for 1998-99. It decided that, at the first session of the SCT, priority in its work would be given to the consideration of the Provisions on Well-Known Marks, but that the issue of the use of trademarks on the Internet was of utmost importance and should be given first priority in the future.

#### *Provisions on Well-Known Marks*

17. The SCT devoted the majority of its time to a discussion of the Provisions on Well-Known Marks (document SCT/1/3). During the course of the meeting, substantial progress was made on a number of the provisions.

18. With respect to its work concerning Provisions on Well-Known Marks, the SCT reached the following agreement (paragraph 21 of the Summary by the Chair, document SCT/1/5):

“The Standing Committee agreed, subject to express reservation of one delegation, that, in the short term, the provisions would be recommended to become a Resolution of the WIPO General Assembly, once the Committee agreed on a final version of the provisions. In the long term, it would be preferable for the provisions to be incorporated into a treaty, perhaps with other related provisions that are discussed within other fora.”

#### *SCT Electronic Forum*

19. The SCT agreed to create an “SCT Electronic Forum” in order to accelerate its deliberations through the electronic distribution and discussion of provisional documents. A registration form for participation in the SCT Electronic Forum was distributed on August 11, 1998, with a view to initiating the Electronic Forum in the last quarter of 1998.

### **Standing Committee on Information Technologies (Sub-Program 12.3)**

20. The Standing Committee on Information Technologies (hereinafter referred to as the “SCIT”) held its first Plenary (SCIT Plenary) session in Geneva from June 22 to 25, 1998. The draft Report of that session appears in document SCIT/1/7 Prov. In total, 70 Member States of WIPO and/or the Paris Union, six intergovernmental organizations and 23 non-governmental organizations were represented at the meeting. Delegates of 21 developing

countries and certain countries in Asia and Europe were invited to participate in that meeting at the expense of WIPO.

21. The SCIT Plenary adopted the Special Rules of Procedure and Working Methods of the SCIT as a firm basis to facilitate efficient and productive discussions and implementation of various projects. It was also agreed to keep reviewing the Working Methods whenever appropriate.

22. The SCIT Plenary established the policy of the SCIT as follows:

(a) to discuss issues, facilitate coordination and provide guidance concerning the implementation of the WIPO global information network (hereinafter referred to as the “WIPONET”), the provision of intellectual property information services on this network through Intellectual Property Digital Libraries (hereinafter referred to as the “IPDL”) and other projects using the WIPONET;

(b) to address issues pertinent to the provision of intellectual property information (including secured data) services through the IPDLs and other projects using the WIPONET, and, where necessary, coordinate policies (such as information dissemination policy) to facilitate such services, in particular, through WIPONET;

(c) to deal with problems arising in transition to the full operation and use of the WIPONET, including the use of various on-line systems as well as other data carriers;

(d) to provide intellectual property offices, particularly in developing countries, with technical assistance to facilitate the generation of intellectual property data and the effective use of information technology in their computerization projects and efficient use of the WIPONET;

(e) to formulate recommendations and policies regarding the proposed network and related matters and, where appropriate, submit them for approval to the WIPO General Assembly and the Assemblies of the Unions concerned.

23. The SCIT Plenary established the SCIT work program consisting of 21 tasks carried over from the Permanent Committee on Industrial Property Information (PCIPI) and 15 new tasks, most of which will be undertaken by three working groups initially set up under the Plenary (the Information Infrastructure Working Group, the Standards and Documentation Working Group and the Information Security Working Group). Those new tasks include, in particular, the preparation of a tender for the deployment of the global information network (see below), the development of the Intellectual Property Digital Libraries, pilot projects for the automation of intellectual property offices and standardization for data exchange on the network.

24. As concerns the global information network, the SCIT Plenary underlined the importance of careful and thorough prior assessment of requirements and the need for discussions and consultation with Member States when drawing up the Request for Proposals for an international tender. To facilitate this consultation, the SCIT Plenary set up a special task

force consisting of experts nominated by member States and observers. (This Task Force commenced its work in August).

25. Accordingly, the SCIT Plenary agreed to the following revised timelines:

<i><b>Action</b></i>	<i><b>Start Date</b></i>	<i><b>Comments</b></i>
<b>Tender Issued</b>	end November 1998	After approval by the Information Infrastructure Working Group.
<b>Tender Closing Date</b>	end January 1999	All Tender bids due at WIPO.
<b>Tender Awarded</b>	March 1999	Successful bidder will be notified of acceptance and will commence implementation.
<b>Deployment Begins</b>	April 1999	First connectivity will be established with a Member State Office.

26. The SCIT Plenary noted that the Standing Committee on the Law of Patents (SCP) agreed to discuss the Patent Law Treaty (PLT) issues concerning electronic filing and the use of information technology in close coordination with the SCIT (see paragraph 12 above).

*27. The General Assembly of WIPO is invited to note the report contained in the present document and to approve the work carried out by and plans for future work of the Standing Committee on the Law of Patents, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications and the Standing Committee on Information Technologies.*

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