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INFORMATIONON THE CONSULTATIONMEETINGON ENFORCEMENT

DocumentpreparedbytheSecretariat

1. The Joint Meeting of the Advisory Committee on Enforcement of Industrial Property Rights and of the Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks, held in Geneva from December 18 to 20, 2001, was concluded with a Summary by the Chair. ¹In paragraph 2 of the Summary by the Chair, adopted by the Advisory Committees, it was "recommended that a meeting on enforcement issues with a clearly defined agenda be convened in 2002 and that the WIPO General Assembly decide to convene the Advisory Committees or one single Advisory Committee on Enforcement at its session of September 2002."

2. A document on "Matters Concerning the Status of the Advisory Committee(s) on Enforcement"² has therefore been prepared by the Secretariat to be discussed during the Assemblies of the Member States of WIPO under agenda item 14.

¹ See document ACE/IP -ACMEC/3.

² See document WO/GA/28/4.

3. In addition, a "Consultation Meeting on Enforcement" was held from September 11 to 13, 2002, during which Conclusions by the Chair³ were adopted, where "the delegates of member States and representatives of certain organizations attending the Meeting requested the Secretariat to submit the Conclusions by the Chair to the forthcoming Assemblies of the Member States of WIPO."

4. The text of the document is reproduced in Annex.

5. The WIPO General Assembly is invited to take note of the information contained in this document.

[Annex follows]

³ See document WIPO/CME/5.

ANNEX

CONCLUSIONS BY THE CHAIR

adopted by the Consultation Meeting

1. The Consultation Meeting on Enforcement (hereinafter referred to as the "Meeting") unanimously agreed that the issue of enforcement of intellectual property rights is of great importance and also agreed that the World Intellectual Property Organization (WIPO) is in an eminently appropriate position to provide technical assistance and education and contribute to the creation of awareness in this field and to assist, and coordinate with, relevant organizations, in the setting up of, or improving, adequate and effective enforcement mechanisms.
2. The Meeting noted the concern expressed about the effects of counterfeiting and piracy on domestic industries and stressed that the fight against these phenomena was a global concern.
3. The Meeting welcomed the establishment of an Electronic Forum on Intellectual Property Enforcement Issues and Strategies (WIPO/CME/INF/1 Rev.). The Meeting stressed that the International Bureau must ensure that all beneficiaries should be in a position to participate in the Forum regardless of their situation in the field of electronic communications and also that the services of the existing WIPO electronic facilities should be appropriately used for the Forum.
4. The Meeting took note of the document entitled *Existing Needs for Training and for Development of Enforcement Strategies* (WIPO/CME/2 Rev.) and the participants made a number of suggestions concerning the contents of the document and on the activities of the International Bureau in this context. The Meeting expressed its great appreciation for the considerable and high-quality work already undertaken by the Regional Bureaus of Cooperation for Development and the WIPO World Wide Academy in the field of enforcement. It was also observed that there is room for improvement in determining the recipients of the WIPO technical assistance and the substance of such assistance. Furthermore, the view was expressed that member States should submit a list of training programs carried out by national governments or regional or international organizations other than WIPO.
5. The Secretariat stated that the issues dealt with in the document and the suggestions made would be taken into consideration in the designing of development cooperation activities. The Secretariat furthermore noted the offers for assistance and contributions made by, *inter alia*, representatives of various international non-governmental organizations in the course of the meeting and invited those organizations to contact WIPO about the concrete forms of such contributions.

6. The document entitled *Synthesis of Issues Concerning Difficulties and Practices in the Field of Enforcement* (WIPO/CME/3) was welcomed and much appreciation was expressed for the synthesis made. It was noted, however, that only a limited number of States and organizations had replied to the questionnaire forming the basis for the document. The Meeting therefore encouraged those States and organizations that had not already done so to submit, before January 15, 2003, replies and information to WIPO concerning this document and the document mentioned under 4., and also, where appropriate, to submit information about the amounts of damages and about the awarding of criminal sentences in intellectual property cases in the member States. The information may be put on the Electronic Forum, together with the replies already submitted, when so requested. The Meeting also agreed that it was important to ensure that the issues dealt with in the document and during the discussion on that document would be taken into account in designing the development cooperation activities of WIPO.

7. On the understanding that a decision on the issue concerning the future structure of the committee on enforcement will be decided by the Assemblies of the Member States of WIPO and on the understanding that several delegations do not presently have instructions on the issue, the following tentative conclusions could be drawn.

(a) The Meeting stated as its opinion that an intergovernmental structure should be set up within WIPO to ensure an appropriate continued action in the field of enforcement by the Organization;

(b) Strong preference was expressed that this structure would include a single committee, covering both industrial property rights and copyright and related rights, in charge of global enforcement issues;

(c) In particular, that committee could serve as a forum for exchange of information and appropriate coordination of activities in this field and cooperation in the fight against counterfeiting and piracy;

(d) Some delegations suggested that the committee could consider the elaboration of good or best practices in the field of enforcement. Furthermore, some delegations suggested that a Model Law on Enforcement should be elaborated. One delegation suggested that the issue of enforcement could also be drawn to the attention of the Policy Advisory Commission (PAC);

(e) As regards the form of that single committee, different views were expressed. Certain delegations supported the creation of an advisory committee as suggested by the Secretariat in document WO/GA/28/4 to be discussed at the Assemblies of the Member States of WIPO. Certain other delegations supported the setting up of a permanent committee as proposed by the Delegation of the United States of America;

(f) The view was expressed by a number of delegations that there should be a focal point in the International Bureau responsible for the coordination of the enforcement activities which would also serve as a contact with the committee mentioned under 7(b) above.

8. The Secretariat informed that the next meeting on enforcement issues would tentatively be held from May 26 to 28, 2003.
9. The delegates of member States and representatives of certain organizations attending the Meeting requested the Secretariat to submit the Conclusions by the Chair to the forthcoming Assemblies of the Member States of WIPO.

[End of Annex and of document]