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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENERAL ASSEMBLY

Fifteenth Session (4th Extraordinary)
Geneva, September 26 to October 4, 1994

MATTERS CONCERNING THE DRAFT TREATY FOR THE
SETTLEMENT OF DISPUTES BETWEEN STATES IN THE FIELD OF
INTELLECTUAL PROPERTY

Memorandum of the Director General

1. At their sessions in October 1989, the Governing Bodies of WIPO decided to establish a Committee of Experts on the Settlement of Intellectual Property Disputes between States (hereinafter referred to as the "Committee of Experts") to examine whether the preparation of a new treaty on the matter should start and, if so, with what content (see document AB/XX/2, PRG.02(3) and AB/XX/20, paragraph 199). The Committee of Experts has held six sessions; the first and second in 1990 and one in every year thereafter.

2. In September 1993, the WIPO General Assembly decided that the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes between States in the Field of Intellectual Property "should be convened for a period of three weeks late in 1994 or during the first half of 1995 at a date to be determined by the Director General if he deems that the Committee of Experts and the Preparatory Meeting have completed their tasks"; however, this decision was made "subject to the understanding that the Director General would, if need be, ask for further instructions from the WIPO General Assembly in 1994" (see documents WO/GA/XIV/2, paragraphs 6 and 7, and WO/GA/XIV/4, paragraph 17).

3. The Committee of Experts and the Preparatory Meeting have taken place in February of this year (1994). Whereas the Preparatory Meeting completed its task (see document SD/PM/6), the Committee of Experts did not. The latter arrived at the following conclusion: "In view of the fact that a number of issues in the draft of the proposed Treaty and in the draft of the proposed Regulations required further consideration, in particular the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT, the Committee was of the view that a further session of the Committee of Experts should be convened by the Director General and that the International Bureau should prepare a new draft of the proposed Treaty and of the proposed Regulations taking into account the said question of relationships and the conclusions of the present session of the Committee" (see document SD/CE/VI/6, paragraph 156).

4. In view of the above, it is proposed that the Committee of Experts meet again in 1995, before the September 1995 ordinary session of the WIPO General Assembly and that that Assembly in that session decide any further steps in this matter, including the question of whether to hold a Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States and, if so, when.

5. The WIPO General Assembly is invited to pronounce itself on the proposals contained in the preceding paragraph.

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