

WIPO



PCIPD/3/10

ORIGINAL:English/French/Spanish

DATE:November1,2002

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

PERMANENT COMMITTEE ON COOPERATION FOR DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY

Third Session

Geneva, October 28 to November 1, 2002

REPORT

adopted by the Committee

1. The WIPO Permanent Committee on Cooperation for Development Related to Intellectual Property ("the Committee") held its third session in Geneva at WIPO headquarters from October 28 to 29 and subsequently at the International Labour Organization headquarters from October 30 to November 1, 2002.

2. The following Member States of WIPO were represented at the meeting: Algeria, Argentina, Australia, Bangladesh, Barbados, Belarus, Benin, Bolivia, Brazil, Burkina Faso, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of Congo, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Gambia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iran (Islamic Republic of), Italy, Jamaica, Japan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Peru, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United States of America, Uruguay, Venezuela, Zambia (83).

3. The following intergovernmental and international non-governmental organizations were represented in an observer capacity: African Intellectual Property Organization (OAPI), African Regional Industrial Property Organization (ARIPO), African Union (AU), CropLife International, European Patent Office (EPO), Ibero-Latin-American Federation of Performers (FILAI), International Confederation of Societies of Authors and Composers (CISAC), International Council of Societies of Industrial Design (ICSID), International Federation of Pharmaceutical Manufacturers (IFPMA), International Federation of Reproduction Rights Organizations (IFRRO), International League of Competition Law (LI-DC), International Publishers Association (IPA), League of Arab States (LAS), World Trade Organization (WTO) (14).

4. The list of participants is contained in the Annex to this report.

Agenda Item 1: Opening of the Session

5. The Meeting was opened by Mr. Roberto Castelo, Deputy Director General, who welcomed the participants on behalf of the Director General.

Agenda Item 2: Election of the Chair

6. The Committee appointed Mrs. Norah K. Olemba (Kenya) as Chair and Mr. Henry Olsson (Sweden) and Mr. Supark Prongthura (Thailand) as Vice Chairs. Mr. Kurt Kemper, Director-Advisor, Cooperation for Development (Intellectual Property Law) Department, WIPO, acted as Secretary.

Agenda Item 3: Adoption of the Agenda

7. Upon invitation by the Chair, Mr. Castelo informed the Committee of certain organizational aspects of the session. It was proposed that the Committee would deal with its agenda in the morning sessions from Monday to Wednesday only and adopt the report which would be as usual, on Friday. The afternoons from Monday to Wednesday would be reserved for the Forum on Strategic Issues for the Future (see document PCIPD/3/2 Prov. 1), which the International Bureau had prepared in order to allow participants to discuss policy issues for WIPO's Cooperation for Development activities, in particular in view of the preparation of the next draft biennial Program and Budget. The International Bureau hoped that the Forum would address a number of important issues in this respect. The results of the Forum's deliberations would be made available to the Committee informally in the course of this session.

8. The provisional Agenda as contained in document PCIPD/3/1 Prov. was adopted.

Agenda Item 4: Cooperation for Development Activities: Strategic Highlights

9. Discussions were based on document PCIPD/3/3. The Secretariat noted that the guiding philosophy of the cooperation for development activities was to work in partnership, including developing and developed countries, United Nations organizations, other intergovernmental organizations and non-governmental organizations. It stressed the importance of the existing funds-in-trust which had contributed both in terms of quality and quantity of cooperation for development activities and highlighted the achievements of the Regional Bureaus and other Divisions of the Sector, obtained throughout the reporting period.

10. The Delegation of Barbados, speaking on behalf of GRULAC, thanked WIPO, particularly the Cooperation for Development staff, for the documentation prepared and expressed their full support and cooperation. It stressed that the Cooperation for Development program was a critical element of WIPO's work program, and that additional financial and human resources must be made available to the program to ensure timely and effective implementation of the various technical cooperation activities. The Delegation said that it would like to see this increase reflected in the 2004-2005 budget. It referred to the priority areas for work as follows: traditional knowledge, folklore and genetic resources, institution building, small and medium enterprises (SMEs), human resource training, new information technologies, e-commerce and intellectual property as a tool for development. Furthermore, it drew the attention, in particular, to the activities identified by Ministers and Heads of Intellectual Property Offices of Latin America and the Caribbean at their respective meetings earlier this year. It expressed concern about the cancellation of the Worldwide Academy's Intellectual Property Course in Spanish and requested its reinstatement. It wished to place on record the importance of WIPO's assistance in financing the participation of capital-based experts at WIPO meetings and stressed the need for WIPO to distribute funding to ensure that beneficiary countries derive the maximum benefit. It requested greater cooperation in the area of promoting respect for intellectual property, especially by organizing workshops or seminars for law enforcement officials. It referred to the institution of Nationally/Regionally Focused Action Plans (NFAPs/RFAPs) and requested to have broader consultation within Member States in order to increase the benefits therefrom. Many of the issues on WIPO's agenda were of a cross-cutting nature, and therefore it was important that the Ministries be fully involved in discussions on the identification of needs and priorities. A broad and responsive vision was needed in order to realize WIPO's mandate in helping developing countries to participate in and benefit from the intellectual property system. This vision must not be limited to technical/infrastructural issues but, rather, acknowledge and incorporate the results of important developments in the field of intellectual property, while retaining at its core a critical analysis of the relationship between intellectual property and development. The Delegation referred to the Doha Ministerial Declaration on the TRIPS Agreement and Public Health and the Report of the United Kingdom Commission on Intellectual Property Rights, which contained an number of ideas that WIPO could consider pursuing with its Member States.

11. The Delegation of India, speaking on behalf of the Asian Group, reiterated the Group's appreciation for the dynamic leadership of the Director General. It said that the Group was pleased with the cooperation activities that WIPO had engaged in for the Asia and the Pacific region and especially thanked the Director of the Asia and Pacific Bureau for organizing several high-profile activities, designed to strengthen the capacity of developing countries in the region to fully utilize the intellectual property system for economic, social and cultural development. It expressed its satisfaction at the work carried out by WIPO, stating that in the biennium 2000-2001, the Cooperation for Development Sector had assisted developing

countries to develop and maintain intellectual property infrastructures. In that context the NFAPs provided policy tools for enhancing technical cooperation, particularly in modernizing intellectual property systems so as to respond to challenges such as the protection of traditional knowledge and folklore and the preservation of biodiversity. It noted the efforts made by WIPO to respond to the increasing need for technical assistance in modernizing the intellectual property systems of developing countries, including Least Developed Countries (LDCs). It highlighted the beneficial impact of the automation project involving integrated solutions implemented to enhance efficiency and promote use of the industrial property system. It commended the WIPO Worldwide Academy for its teaching, training and research services in intellectual property and for extending its program to academic institutions and intellectual property offices. It noted that equally encouraging have been the efforts of the Copyright Collective Management Division in assisting Member countries in setting up appropriate infrastructures to collectively meet the challenges faced by the copyright industry. The WIPO Digital Agenda had shown concrete results. The Delegation expressed confidence that WIPO would be successful as it was venturing into new areas. Moreover, it considered that the special program of WIPO relating to the empowerment of SMEs revealed a remarkable potential for development and wealth creation. The Delegation emphasized that the conduct of these activities both within WIPO's regular budget as well as via the extra budgetary provisions such as the Japan Funds-in-Trust, and through WIPO's cooperation with the Government of Australia, the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organization (WTO), the United Nations Development Programme (UNDP) and the World Bank had been instrumental in achieving program objectives. Asia had been in the forefront in recognizing that maintaining the creative instincts of people by establishing a favorable intellectual property (IP) environment was crucial for economic development. Furthermore, it said that notwithstanding the well-acknowledged efforts that WIPO had made, further assistance in the region was needed to establish modern IP infrastructures and build lasting institutions. It finally urged the International Bureau to provide enhanced allocation of resources for the Asian region under WIPO's Cooperation for Development Budget, particularly in human resource development, modernization, infrastructure development and in enhancing the capacity of countries to effectively enforce IP protection.

12. The Delegation of Algeria, speaking on behalf of the African Group, praised the quality of the work done in the field of cooperation for development, and expressed its gratitude to WIPO for its assistance to developing countries, which should continue so that they could introduce IP systems suited to their needs in terms of economic, technological and scientific development. It mentioned the efforts made notably by the regional bureaus in matters of technical assistance in areas such as the Worldwide Academy, computerization and the modernization of the collective management of copyright. It considered that any intellectual property system had to be designed in due consideration of the general interest of society in terms of its fundamental right to food, health, education and employment. Any patent protection system had to strike a balance between private and public interests, and had to operate as an inducement system for research in science and technology. The Delegation emphasized the importance to African countries of the Doha Declaration on the TRIPS Agreement and Public Health, as an instrument establishing the priority of public policy concerns, and of the flexibility introduced to that end so that intellectual property rights might become an instrument working for development. In that connection it also mentioned the need to align the TRIPS Agreement with the Convention on Biological Diversity and the need to achieve adequate protection for traditional knowledge, genetic resources and folklore. WIPO, as a UN specialized agency, should play a leading role in the intellectual property sphere. Development-related issues should be one of its priorities. It expressed the wish that

WIPO use the reports drawn up in various intergovernmental and non-governmental forums that had concerned themselves with the question of intellectual property and development as reference material with which to devise new programs for developing countries. In order to safeguard its pioneering role, WIPO should involve itself in efforts to promote LDC development and to continue to work on coordination between WIPO and intergovernmental organizations concerned with development issues, notably the WTO, with a view to providing developing countries with appropriate technical assistance. The Delegation expressed the wish to see a reaffirmation of the principles according to which development-related issues should be taken into account by WIPO in relation to every instrument dealing with the protection and enforcement of intellectual property rights, with the flexibility necessary for developing countries nevertheless being ensured in accordance with the Doha Declaration. To that end, development-related fields should be incorporated in the activities of the Advisory Committee on Enforcement. It was the responsibility of WIPO to monitor the difficulties experienced by developing countries, including LDCs, in the implementation and effectual use of present intellectual property systems, including those that had to do with the protection of traditional knowledge and expressions of folklore. It concluded by recommending, in the name of the African Group, the creation of a multidisciplinary group of experts to draw up a report on industrial property and development, in order to guide WIPO in its technical assistance activities, and expressing the wish that the necessary financing be approved to encourage WIPO to intensify its cooperation with regional and subregional organizations concerned with intellectual property rights. Finally, it recommended yearly sessions for the Committee so that a mid-term review of WIPO's activities could be conducted.

13. The Delegation of Sweden commended WIPO for the variety, scope and coverage of the activities which had been specified in document PCIPD/3/3. It emphasized the importance of paragraph 21 which refers to professionalism, dedication of the staff of WIPO, the staff of the Regional Bureaux, the staff of the Academy and of course the staff of the national offices in developing countries. The Delegation appreciated and wished to encourage the cooperation between WIPO and WTO, since it was important that the intellectual property system and its interests and proper implementation were taken into account in the context of trade, which was governed by the WTO. The Delegation considered the NFAPs as a very important tool and of value in incorporating the new issues of genetic resources, biodiversity, traditional knowledge and folklore; secondly, the Delegation welcomed the particular attention given to LDCs in this context; and thirdly, it agreed with the necessity to include the private sector in these plans. The Delegation welcomed the attention given to the judiciary, and commended the preparation of the booklet on fundamental principles of copyright presented through comparative case law. Such material was needed in other fields of IP law too. It supported the collective management activities with regard to copyright and found the efforts of regional cooperation in this context gratifying. Furthermore, the Delegation said that demystification efforts by WIPO must be encouraged. It stressed the importance of electronic commerce as an important tool in national and international trade. WIPO's continued attention to this issue was most appropriate. The Delegation advocated the continuing of activities related to SME's and concluded by expressing its appreciation for the Collection of Laws for Electronic Access (CLEA), which had proved to be a valuable tool.

14. The Delegation of Benin, speaking on behalf of the Group of Least Developed Countries (LDCs) was pleased with the importance that the meeting had attached to LDCs, and thanked the Director General and his whole team for having done so. It pointed out that the LDC category represented 49 States and 11 percent of the world's population. It described the many problems and constraints of various kinds that LDCs had to contend with,

among the extreme poverty, their insignificant presence in world trade, the foreign debt with which already fragile economies were burdened, the weakness of human capital and the absence of a sound industrial fabric and technology base. It pointed out that those problems were compounded by others connected with geographical location and/or the internal or external shocks caused by natural disasters or conflict. The Delegation drew attention to the undertakings made by the international community in favour of LDCs, and also the many objectives and deadlines set for the ending of LDC marginalization. It noted that, with that in mind, WIPO had shortlisted five means of action whose relevance has been amply proved, namely the WIPO NET project, the Academy's human resources development program, the collective management of copyright and related rights, the protection of genetic resources, traditional knowledge and folklore and the program for SMEs. It stressed the importance of strengthening the LDC Unit with a view to increasing the services rendered to countries that needed it so much. It added that such support had to involve not only an increase in the budget of the Unit within WIPO, but also the provision by the industrialized countries, which had undertaken to reduce LDC marginalization, of multilateral funds -in-trust earmarked for intellectual property cooperation with LDCs. It went on to say that the present new age of the knowledge economy made the efficient use of knowledge the most important factor of international competitiveness, wealth creation and social welfare improvement. Moreover, the progress of LDCs currently depended on the development of technology, which was why it was necessary for them to encourage their active population to create, acquire, disseminate and use knowledge more efficiently for the benefit of economic and social development. The Delegation noted that national intellectual property entities, regarded as the pillars of knowledge-based economies, could enable national research and innovation operators to adapt to demand by providing them with innovative ideas. With the aid of the incentives provided by such entities, the countries in question could invest more in research and development and benefit accordingly. Consequently the Delegation wished to see WIPO assistance to LDCs directed also towards support for the establishment of well-structured national intellectual property bodies capable of administering and enforcing intellectual property rights in those countries. It ended by welcoming the joint WIPO and WTO initiative on the one hand, and the joint WIPO -WTO workshop on the implementation of the TRIPS Agreement held in Dar es Salaam in April 2002 on the other. On behalf of the LDCs, it expressed its support for the action initiated by WIPO, and requested it to continue on the same lines for the sake of a better future for LDCs.

15. The Delegation of Switzerland commended WIPO for the quality of working documents and the overview presentation made by Mr. Casarcello, and stated that decision-makers, economic operators and the general public should understand better what could be derived from IP as a precious tool for economic development. For illustration, the Delegation mentioned the work of the International Bureau in the field of genetic resources, traditional knowledge and folklore that had helped to highlight the positive role of IP in developing countries as well as in LDCs. The Delegation indicated that Switzerland was active in IP development cooperation and wished that WIPO had enough resources to continue. The Delegation also expressed the importance of specific care as such as enforcement and use of information technology (IT) in national IP offices. Concerning the cooperation program, the Delegation said that its Government felt encouraged to participate in WIPO activities, such as training, PCT searching or a new workshop on innovations support services launched in 2001 in cooperation with the Directorate of Development and Cooperation (DDC), in addition to bilateral activities which were more focused. It cited a cooperation program with the Government of Viet Nam, launched in June 2001 for three years, to develop an IP system in various areas encompassing compliance with the TRIPS Agreement, including four seminars in the areas of TRIPS, copyright, industrial design and plant varieties. Other activities

included study visits of Vietnamese experts to Europe, developing the IT network, translation of international treaties into the local language, English-language courses, establishing a modern library and training of judges. These activities, once concluded positively, might lead to other useful activities.

16. The Delegation of Egypt also supported the statement conveyed by the Delegation of Algeria on behalf of the African Group. The Delegation underlined the importance which it attached to this Committee, namely in making the development dimension play a central role in the protection of IP while taking into consideration the special needs of each country. The Delegation referred to the report of the Commission on Intellectual Property Rights established by the United Kingdom Secretary of State for International Development, dealing with the integration of IP in national development policies. The Delegation welcomed the holding of a Forum on Strategic Issues for the Future (see document PCIPD/3/2 Prov.). The PCIPD documents contained important information reflecting the importance of IP in serving economic, social and cultural objectives. Egypt had benefited from WIPO's activities in the field of the use of IT, development of collective management and awareness programs in the various sectors, undertaken by the Cooperation for Development Bureau for Arab Countries, and looked forward for further intensified cooperation after the promulgation of Law No. 82 in June 2002, on the protection of IP, which was considered a historical turning point within the framework of Egypt's effort to fully comply with the requirements of the TRIPS Agreement. This Committee should not only confirm the activities of WIPO, but also stress, as a priority, the various flexibility aspects which were available to help developing countries to comply with international commitments. Document PCIPD/3/3 did not refer to the Doha Ministerial Declaration, which in its parts related to the issue of public health was relevant for the legislative advice provided by the WIPO to its Member States. In preparing the Program and Budget of 2004-2005, resources should be increased for the cooperation with those developing countries which would be passing the stage of continuous modernization and development of IP with a long-term perspective in the areas of training of human resources, upgrading national institutions and intensification of SME's, traditional knowledge and genetic resources, in order for countries to avail themselves of the mechanisms that have been made available by WIPO. Cooperation with non-governmental organizations and civil society should also be intensified. The Delegation also underlined the need of providing translation of WIPO technical meetings in the Arabic language. Finally, the Delegation expressed appreciation for the International Bureau's achievements.

17. The Delegation of the Democratic People's Republic of Korea supported the statement made by the Delegation of India on behalf of the Asian Group. The progress and achievements made during the period under review in the cooperation for development sector were commendable. These achievements had contributed to strengthening the capacity of developing countries, LDCs in particular, to fully utilize the intellectual property system for their economic, social and cultural development. In addition to WIPO meetings on a variety of issues related to intellectual property, organized at international, regional and national level, the NFAP had served as an effective strategic and policy tool for enhancing technical cooperation, and the NFAP implementation activities had practically contributed to meeting the specific challenges in modernizing the intellectual property system in both developing and LDCs. The Delegation expressed appreciation of other activities, such as WIPONET, the WIPO Worldwide Academy, collective management of copyright and related rights, intellectual property issues related to genetic resources, traditional knowledge and folklore and SMEs. It stressed the important role of innovation promotion and of patent information services provided by WIPO. In conclusion, the Delegation looked forward to WIPO further expanding its assistance to developing countries in the field of intellectual property, and asked

the International Bureau to consider increasing allocation for the participation of Asian countries in meetings held in Geneva.

18. The Delegation of Italy congratulated WIPO on its ambitious Cooperation for Development program, successfully implemented thanks to the support of multilateral and bilateral donors and the vision of its Director General. During the reporting period, the Government of Italy had closely cooperated with WIPO in a wider range of activities, particularly in the area of SMEs, with the adoption of the Milan Action Plan in February 2001, and in training, with high-level activities implemented, together with the WIPO Worldwide Academy, in Turin in the past two years. These projects had been duly reported in the documents. The Government of Italy attached great importance to the intellectual property domain, bearing in mind that intellectual property was a key element in economic development, especially for LDCs. For the future, in addition to continuing to work with WIPO in the areas referred to, the Government of Italy would be open to exploring the possibility of cooperation in other sectors, with particular attention to the needs of developing countries.

19. The Delegation of Malaysia supported the statement made by the Delegation of India on behalf of the Asian Group. In its view, the International Bureau had achieved the objective of improving national capacities, promoting international cooperation for development, modernizing and utilizing the IP system for economic, social, cultural and technological advancement of developing countries. The Delegation expressed satisfaction with the implementation of the Cooperation for Development program at the national and regional levels and commended Mr. Sabharwal for providing continuous support to the country. It stressed that the IP issues should not be confined to protection, but should also be used as a tool for economic, social and cultural development. The Delegation was encouraged by the number of interregional, regional and national meetings organized, the holding of several high-profile activities in the region, and by the utilization of WIPO's regular budget, but also the Japan Funds-in-Trust, UNDP and the World Bank which added richness and diversity. Malaysia has benefited from the Japan FIT for training of Malaysian officials in Tokyo. The Delegation informed the Committee that Malaysia had actively promoted the Internet treaties. As a result, it was in the final process of acceding to both the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). In the area of collective management, the Delegation acknowledged the preliminary study on ASEAN regional collective management undertaken by WIPO upon a request from the ASEAN Group Consultations (AGC) in Geneva. The Delegation assured the Committee that Malaysia would join the PCT next year. Finally, the Delegation underscored the meaningful participation of developing countries in WIPO activities held in Geneva, and expressed its wish that activities in Asia and the Pacific be further enhanced and expanded.

20. The Delegation of Brazil endorsed the statement made by the Delegation of Barbados on behalf of GRULAC and congratulated the Cooperation for Development Sector for the many activities and initiatives undertaken since the last session of the Committee. It requested to put on record the need for allocating, in the future, sufficient time to sessions of the Committee to allow interaction among delegations. The Delegation further pointed out that cooperation for development related to intellectual property was of great importance to Brazil. Because of lack of time, the Delegation only mentioned a few cooperation for development activities. In March 2002, the Government of Brazil and WIPO had signed a technical cooperation terms of reference agreement with a view to modernizing the National Industrial Property Institute of Brazil, a project that foresaw the implementation of a number of important automation measures. In April of this year, WIPO and the Community of

Portuguese-Speaking Countries (CPLP), signed a cooperation agreement. The facts were evidence of the importance of the cooperation program and of the need for increasing its budget allocation under WIPO's budget. Concerning IP-related development cooperation, the Delegation emphasized that programs must be demand-driven, and enable countries not only to meet obligations but also to exercise rights. In order to ensure the continued effectiveness and usefulness of IP systems, the objectives of IP-related activities must be subject to constant review and updating so as to remain fully consistent with the economic and social goals of the international community. The Delegation observed that the Permanent Committee should not be afraid of being innovative and creative in assessing the future of its cooperation for development activities, and in making sure that IP-related technical assistance cooperation programs would be fully integrated into national development plans of Member States. A one-size-fits-all approach to cooperation would not be helpful. The Delegation proposed that the International Bureau seek guidance from Member States, including through a holistic and synergistic process, which would involve other organizations. In this regard, the Delegation acknowledged WIPO's strategy of working in partnership with others in a number of sectors. In this respect, it noted that remarkable developments had taken place in the international arena, since the last meeting of this Committee. Among these, the Doha Ministerial Conference of the WTO. The importance of the Doha Declaration on the TRIPS Agreement and Public Health cannot be overstated. The Delegation recommended that the International Bureau's cooperation for development agenda should fully acknowledge and incorporate the provisions of the Doha Declaration in relation to public health. Moreover, the IP initiatives should also fully take the Declaration into account and help to enable countries to benefit from the flexibilities that were available under the TRIPS Agreement, for example the use of compulsory licensing in the pursuit of public health objectives. Member States must be aided in operationalizing those flexibilities. Another area of equal importance that could be explored by WIPO in partnership with Member States was the role of competition policy in the enactment of a regulatory framework related to intellectual property rights.

21. The Delegation of Madagascar thanked WIPO and the Director General for their untiring efforts to meet the challenges facing the Organization. It was pleased with the progress made in the enhancement of the ability of developing countries, and especially LDCs, to make use of intellectual property as a factor of economic, social and cultural development. It welcomed the activities carried out under the action program for the benefit of LDCs and the joint WIPO-WTO initiative. In that respect it subscribed to the statement made by the Coordinator of the Group of LDCs, and supported their proposal of an increase in the budget of the LDC Unit in order that the services rendered to those countries might be increased. It declared its wish that in future (i) high-level meetings be extended to include countries of sub-Saharan Africa, in order that political decision-makers might be alerted to the important questions that concerned them, such as traditional knowledge, genetic resources, folklore and SMEs; (ii) regional and sub-regional workshops on SMEs be intensified in order to stimulate creativity and innovation, with a mention that Madagascar would be interested in taking part in them; and (iii) donor countries join in the funds-in-trust made available to WIPO in order that fields of activity might be diversified with the specific characteristics of beneficiary countries being taken into account.

22. The Delegation of the Republic of Korea thanked WIPO, for its excellent planning and implementation of programs. The Delegation stated that the Republic of Korea was one of the most successful beneficiaries of WIPO's activities. Thanks to WIPO, the Republic of Korea had reached an advanced level in all aspects of intellectual property. The Delegation also mentioned important achievements reached by WIPO and the Government of the Republic of Korea, namely a bilateral agreement to jointly implement certain cooperation for

development activities for the benefit of other countries, a joint study of the effect of IP in high-tech industries and a joint training program.

23. The Delegation of Tunisia thanked Mr. Castelo and the Cooperation for Development Bureau for Arab Countries for the aid and support given to its country. It endorsed the statement made by Algeria on behalf of the African Group. It had noted with interest the Director General's strategy designed to strengthen the role of national offices with a view to developing and modernizing intellectual property systems and using them more efficiently. The Delegation mentioned a certain number of operations conducted in its country with WIPO's support, namely the training and sensitizing of a number of persons in authority in Tunisia with respect to intellectual property law, the modernization and computerization of industrial property and the organization of technical seminars on the PCT following Tunisia's accession to that Treaty. In that connection, the Delegation declared itself impressed by the energy, competence and flexibility that the Bureau had shown in responding to the needs expressed. It pointed out that the very useful assistance of WIPO was at present essential to prepare other stakeholders for the new global economic changes. It added, moreover, that other operators deserved to be trained and informed more in such areas as small and medium sized industrial and craft enterprises. The Delegation requested the assistance of the International Bureau in achieving those objectives and implementing the global cooperation project with Tunisia.

24. The Delegation of Zambia associated itself with the statement made by the Delegation of Algeria on behalf of the African Group, and by the Delegation of Benin on behalf of LDCs, and commended the International Bureau for its assistance to Africa, and in particular LDCs, as well as for its initiatives implemented in the region. It acknowledged the achievements in the areas of legislation, strengthening of institutions, administration of IP and human resources development as the pillar of success. The Delegation recommended that more resources be made available for the Africa Bureau in order to enable it to carry out its outreach and demystification programs, training, modernization of IP offices and provision of assistance to research and development institutions. This way, SMEs, inventors, researchers, traditional knowledge holders, artists and other creators would be encouraged to use IP as a tool for wealth creation. The Delegation concluded that strengthening the LDC Unit might be one way to positively translate Member States' statements about their difficult situation into concrete action.

25. The Delegation of Spain pointed out that the Spanish Patent and Trademark Office was engaged in an intensive task of international cooperation in the field of intellectual property. Among the activities programmed for the current year it mentioned the Latin American meeting to publicize patent issues, organized jointly with INPI Brazil, and the seminar organized with that same country, WIPO and the European Patent Office (EPO) on industrial property information and the PCT for the benefit of Latin American countries. The seminar would make it possible for search files of Spanish -language patent documents to be compiled. The Delegation also mentioned the collaboration that the Spanish Patent and Trademark Office had started that year with Ibero -American offices, taking the form of seminars and regional workshops to publicize the new Nice Classification in Spanish and the training of patent examiners, the latter carried out jointly with IMP Mexico. Bilateral collaborative arrangements were in place with China, Mexico, Panama, Portugal, the Russian Federation, and Uruguay, and activities were being carried on in Spain itself. The Delegation spoke, moreover, of initiatives relating to the enforcement of intellectual property rights, saying that its country had joined WIPO and the EPO in sponsoring training and awareness activities for

Ibero-American judges and prosecutors. In conclusion, it repeated its country's interest in contributing to strengthening of international cooperation in the intellectual property field.

26. The Delegation of Morocco supported the proposal made by the African Group, and expressed the wish that the Group's Coordinators should submit it separately to their Committee for assessment. It mentioned the cooperative action conducted in the course of recent years, which had had a considerably beneficial effect, both in its own country and in other beneficiary countries. That action consisted, on the one hand, in the computerization of the Moroccan Industrial and Commercial Property Office, which had significantly improved the performance of economic operators, and on the other hand the cooperation between the Worldwide Academy and the Law Faculty of Casablanca, which had resulted in the introduction of the graduated diploma in intellectual property studies (DESS). The Delegation also informed the Committee that the development of intellectual property structures had been made possible thanks to WIPO's support, and in turn had contributed to the conduct of a number of initiatives that fitted into the framework of South-South cooperation. Among those initiatives, it mentioned the participation of officials of Arab and African countries in training sessions, and also study tours. The Delegation finally invited WIPO to consider the possibility of introducing a training system for trainers at regional and sub-regional level for all areas of intellectual property, and said that its country would be willing to host an initiative of that kind.

27. The Delegation of Uruguay subscribed to what had been said by the Representative of GRULAC, and recognized the important part played by the Cooperation for Development program in the demonstrable improvement of all aspects of intellectual property in the countries of the region. It acknowledged the valuable support that WIPO had given its country in the upgrading of its copyright legislation, which could be expanded to include the preparation of training and general information material on the principles of the new copyright and related rights legislation that was going to be implemented shortly. It likewise pointed to the benefits derived from these seminars and forums organized by its Government in concert with WIPO, and the study on the relevance of cultural industries to the Gross Geographical Product of MERCOSUR countries. It concluded with a mention of the need to increase the resources set aside for the Cooperation for Development program, in order that the ever more complex difficulties represented by intellectual property might be contended with, and acknowledged the importance of the Permanent Committee for the discussion of such problems.

28. The Delegation of Jamaica thanked Mr. Castelo for his presentation and Mr. Roca Campañá and his team in the Cooperation for Development Bureau for Latin America and the Caribbean for their continued support of Jamaica's cooperation activities. It recalled that at the last session of the Committee, the Jamaican Intellectual Property Office (JIPO) had just been established one month prior. Since then, JIPO had benefited tremendously from WIPO's technical assistance to build its capacity, and to respond to Jamaica's intellectual property needs. The Delegation emphasized that further assistance, particularly in the area of automation and training, was critical as the Office consolidates its efforts to ensure that it delivers quality services to Jamaica's intellectual property stakeholders. The Delegation informed the Committee that national seminars were required to further sensitize IP officials in the area of protection and preservation of biological diversity, traditional knowledge and expressions of folklore as well as for SMEs. The Delegation stated that on March 12, 2002, Jamaica had deposited the instruments of accession to the WCT and the WPPT. The Delegation said that a national seminar was needed to implement action on these treaties, as well as a workshop for inventors and one on the benefits of the PCT, to which Jamaica would

be acceding in the near future. The Delegation indicated that World Intellectual Property Day and Jamaica's national intellectual property week were part of Jamaica's efforts to increase awareness and understanding of intellectual property rights (IPRs) and their importance to nation building and socio-economic development. On these occasions, outreach programs were executed with tertiary institutions, the Jamaica Federation of Musicians and law enforcement officers. The Delegation thanked WIPO for the assistance provided in favor of collective management in the Caribbean. Finally, the Delegation expressed its gratitude to WIPO for supporting the WIPO Ministerial -Level Meeting on IP for Caribbean countries. The WIPO Ministerial Meeting on IP for Caribbean Countries provided Caribbean Ministers with the opportunity to reflect on the IP needs of the sub-region, and to devise strategies for addressing them. At the last meeting held in Suriname, on June 3 and 4, 2002, Ministers recognized the need for developing a strategy to assist Caribbean countries in promoting respect for IPRs, and the use of the IP system by Caribbean countries. The Delegation informed the Committee that at the Fourth Ministerial -Level Meeting, Ministers adopted a resolution requesting WIPO to commit the requisite resources to assist Caribbean countries with the planning and implementation of public awareness and enforcement campaigns in individual countries. The Delegation expressed the hope that this and other resolutions adopted by Ministers would be implemented.

29. The Delegation of Costa Rica endorsed the statement made by the Representative of GRULAC, and pointed to the importance that its country attached to the development of intellectual property, as it was through its protection that human creativity, science and technology were stimulated and the world of literature and the arts enriched. It was especially supportive of WIPO's priorities regarding such things as the demystification of intellectual property, the modernization of infrastructures, the digital program, the broadening of programs concerning traditional knowledge, genetic resources and folklore, electronic commerce and assistance to SMEs. It emphasized its country's desire to continue to reinforce its cooperation with WIPO in training, the development of software and electronic commerce and the acquisition of technical documents. It thanked the Director General and the Cooperation for Development Bureau for Latin America and the Caribbean for the cooperation and assistance received in the organization of seminars and visits to its country by experts and officials from the Secretariat.

30. The Delegation of Cuba expressed its thanks to the International Bureau for the cooperation work done in its country, mentioning especially the holding of World Intellectual Property Day, the creation of the International Industrial Property Aulaforthetrainingof trainers and also the support for the holding of national seminars, the industrial property mastership program and computerization activities. It highlighted the importance of the Regional Meeting of Heads of Offices of Latin American Countries as a forum for debate and the exchange of experience, which in addition provided the opportunity of devising strategies for future cooperation. It considered it necessary to increase the funds set aside for the training of human resources through the WIPO Worldwide Academy, and promoting the more active participation of countries of the region in the WIPO ^{NET} project. It suggested strengthening and reshaping patent information services and extending state-of-the-art searches by supplying copies of scientific and technical news articles on such subjects as traditional knowledge and natural products. It also referred to the necessity of increasing cooperation on programs that had to do with innovation in SMEs and building up activities associated with the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. It ended by endorsing the statement made by the Representative of GRULAC.

31. The Delegation of India stated that the Government of India was committed to IP protection as a tool for growth and development and informed the Committee that a modern IPR legislative system had been put in place. The Delegation pointed out that the new IP laws on patents, designs, trademarks, geographical indications and layout designs of integrated circuits complied with the TRIPS Agreement and were among the most stringent in the world. This had been acknowledged by several organizations, including the eBusiness Software Alliance. The Delegation stated that its Government had embarked on a major modernization program for the intellectual property Offices. It had committed more than 20 million dollars to upgrading the infrastructure in patents, designs and trademark offices to enable them to provide user-friendly IT services. This initiative, combined with the legislative measures taken, underscored the Government's commitment to establish a world-class legal and administrative IP framework. The Delegation also stated that the commitment of the Government of India to strengthen the IP framework had benefited greatly from the cooperation received from WIPO. This support had been critical in putting into place the new legal and administrative infrastructure. It informed the Committee that India had recently signed a Framework Agreement of Cooperation with the International Bureau, the first of its kind in Asia, which could become a model for similar cooperation between WIPO and other countries. Referring to the collaboration with the Worldwide Academy, the Delegation informed the Committee that the Indira Gandhi National Open University was launching a distance education program on intellectual property. The Delegation extended the facility of distance education on IP to other developing countries in Asia. These countries could benefit by sharing the expertise and knowledge that would be available as a result of the Indian cooperation with WIPO. It invited the International Bureau to consider devoting to this distance learning program its resources allocated to programs at the regional and sub-regional levels in Asia. The Delegation appreciated the programs instituted through NFAPs and expressed the wish to see these mechanisms further strengthened. It considered WIPO's initiative on IP protection in relation to the preservation of biological diversity, traditional knowledge and folklore as a great step forward, as well as the initiative to harness both information technology and electronic commerce in relation to IP, as India had flourishing software, multimedia, music, film and publishing industries. It was important for developing countries to recognize the economic opportunity that these copyright-based industries represent. The International Bureau could help developing countries to establish the infrastructure to provide protection for the IPRs of these industries to enable them to succeed. The Delegation expressed the wish to see the International Bureau develop appropriate solutions to the problems faced in different areas of IP, taking into account the interest of all stakeholders. WIPO might also consider organizing further awareness programs for certain categories of professionals, civil servants, policymakers, enforcement officials, patent attorneys, academicians, teachers and students. The Delegation recognized the impact of the cooperation for development programs of WIPO on strengthening the IP framework in developing countries and concluded by stressing that these programs had produced substantial benefits. It stated that it foresaw no difficulties for the International Bureau to enhance the financial outlay for the development program, when embarking on the budget exercise early next year.

32. The Delegation of Haiti subscribed to the statements made by the Delegation of Barbados on behalf of GRULAC and by the Delegation of Benin on behalf of the LDCs. It considered the work achieved by the Cooperation for Development Sector remarkable, at the same time admitting that much had yet to be done and that, for substantial progress to be made, additional resources both financial and human would have to be made available to the relevant departments of WIPO, especially the Bureau for Latin America and the Caribbean and the LDC Unit. Haiti had in recent years enjoyed the support of WIPO in a number of

areas, among them the creation of the Haitian Copyright Office, the alignment of the country's national legislation on its international obligations and its inclusion in the WIPO project. For the future, the Delegation requested WIPO assistance in the following areas: human resource training, notably with respect to traditional knowledge, electronic commerce and the facilities of universities; demystification of intellectual property issues, and the collective management of copyright.

NET

33. The Delegation of Colombia said that its country attached great importance to intellectual property as an instrument of economic, social and cultural development, which was why technical assistance was imperative for the modernization and adaptation of national systems. It mentioned the need to promote and encourage innovation in SMEs, especially with regard to the training and strengthening of human resources for the implementation and enforcement of intellectual property rights. It ended by thanking WIPO for the training programs and the computerization and modernization projects that had benefited its country.

34. The Delegation of China expressed its appreciation for WIPO's Development Cooperation Program and its commitment to strengthen intellectual property in China. The Delegation observed that intellectual property matters had assumed critical importance in a globalized economy, and China would need continuing cooperation from WIPO to meet the challenge of rapidly upgrading its intellectual property system. During the past 20 years, China had revised its intellectual property legislation in order to comply with international standards. The Delegation attached much importance to the Sino-African Forum which had been held in China, as it helped to create a better awareness of intellectual property rights. It advocated the continued strengthening of the Academy. It also stressed the importance of encouraging regional and sub-regional cooperation on intellectual property issues.

35. The Delegation of Nicaragua referred to the significant achievements that its country had made in terms of the modernization of its intellectual property thanks to the support received from WIPO and the Government of Sweden. In particular it mentioned the results achieved in the collective management of copyright, and also the need for such cooperation activities to continue in the region. It urged the approval of the regional project on collective management at the next Meeting of Heads of Offices of Latin American and Caribbean Countries which was shortly to be held in Chile, and asked the Secretariat for assistance in identifying new projects that would benefit the protection of its country's intellectual assets.

36. The Delegation of Congo thanked WIPO for the breadth, quality and scope of its cooperation activities, and expressed pleasure with WIPO's growing commitment on issues of major importance such as genetic resources, traditional knowledge and folklore as well as information technology. It expressed the wish that the present situation in Congo would nevertheless allow cooperation activities in the country to be built up, and thanked the Africa Bureau for the training and awareness activities that had taken place recently. It ended by supporting the proposal made by the Delegation of Algeria on behalf of the African Group for the formation of a group of experts responsible for reflecting on the future direction of cooperation for development.

37. The Delegation of Kenya expressed its appreciation and support for WIPO's Development Cooperation program and thanked the Africa Bureau for its continued efforts in assisting African countries in modernizing their intellectual property systems. The Delegation acknowledged the continuous and substantive assistance received from WIPO in drafting and enacting new legislation on intellectual property rights to accommodate changes in the local, regional and international scene. It also confirmed the benefits received from WIPO's support

in computerizing and automating Kenyan Industrial Property Institute (KIPI) and the Copyright Office. The Delegation added that KIPI had started to use WIPO NET facilities and, recently, WIPO approved the location of staff at KIPI who will work closely with IP offices in the region. The Delegation also confirmed the importance it attached to the protection of folklore and traditional knowledge and highly supported WIPO's cooperation activities in this area. It acknowledged and supported the cooperation activities for SMEs and advocated the continued strengthening of the Academy and, in particular, that of the programs of cooperation with universities. On this matter, the Delegation informed the Committee that a Kenyan university had been recommended to participate in the WIPO University Initiative, that was about to be launched with a focus on increasing awareness in IPR in universities as well as in research and development (R&D) institutions.

38. The Delegation of Senegal thanked WIPO for the activities undertaken in favor of Senegal in fields such as genetic resources, traditional knowledge and folklore and, speaking in its country's capacity as President of the Administrative Council of OAPI, expressed satisfaction with the collaboration between the two Organizations. It emphasized the importance of cooperation for development in international relations and that of intellectual property as a fundamental development tool, and urged WIPO to pay particular attention to developing countries. The Delegation expressed the wish that cooperation activities rest on conceptual bases, that WIPO engage in a partnership policy with organizations of the United Nations system, notably WHO as an obvious partner, as indicated by the Doha Declaration, and that the Permanent Committee on Cooperation for Development hold annual sessions. It ended by supporting the proposal made by the Delegation of Algeria on behalf of the African Group for the creation of a policy review group to guide WIPO's future activities in the field of cooperation.

39. The Delegation of Sudan endorsed the intervention of the Delegation of Algeria on behalf of the African Group. It referred to the main activities carried out in Sudan on intellectual property related matters, supported by the Government and WIPO. One of the main achievements during this last period was the establishment of two Sections within the Commercial General Register, one of them dedicated exclusively to the registration of industrial property rights. In addition, a new intellectual property library was recently established, but more reading material was needed. The Delegation informed that all laws on intellectual property matters had been amended and sent to WIPO to be commented. It recognized and appreciated WIPO's assistance to Sudan, in particular in the field of training activities, which had permitted the training of more than 100 legal advisers in the last two years, and by supplying office equipment. These activities had been provided mainly through the Academy and the Arab Bureau of WIPO. The Delegation requested the International Bureau to assist in establishing a training institute for intellectual property rights.

40. The Delegation of Australia believed that WIPO's technical cooperation program was one of the most significant and critical elements in its overall responsibility to promote the use of intellectual property systems worldwide, for the effective protection of intellectual property rights and the consequent economic benefits to society. Australia would continue to support WIPO's technical cooperation activities. It commended the extent and range of cooperation for development undertaken by the International Bureau and noted the desirability of using the occasion of the Committee meetings to engage in more interaction with Member States' delegates to promote better targeting of individual needs, more strategic planning of future programs and more effective measurement of the outcomes of this work. It welcomed the new format and agenda of this session as a positive move to address these aspects of the Committee's work.

41. The Delegation of Mexico said that cooperation for development was an important element in the strengthening and efficient administration of national intellectual property systems. It expressed its support for what had been said by the Representative of GRULAC to the effect that greater human and financial resources should be set aside for the Cooperation for Development Program. It expressed its appreciation of the work conducted by WIPO in the cooperation for development sector, and also the close collaborative relations enjoyed by its Government with the Latin America and Caribbean Bureau.

42. The Delegation of Qatar expressed its thanks to the Director General and to the Arab Bureau for their continued efforts in assisting Qatar in modernizing its intellectual property system. It reiterated its interest in the continued assistance of the Arab Bureau and requested that more awareness-building programs in promoting understanding of intellectual property be implemented, such as the two regional meetings which had been held in April 2002, hosted by Qatar. The Delegation expressed the view that the Cooperation for Development Program should embark on more activities and benefit from the allocation of more funds.

43. The Delegation of Venezuela pointed to the substantial amount of work that the International Bureau had done since the previous meeting of the Committee, and said that its Government was pleased with and grateful for the assistance received from WIPO. It recognized that the great number of activities carried on during the period in question had been possible thanks to the dedication and professionalism of the staff of the International Bureau. It urged the Secretariat to continue with those activities, emphasizing that greater budgetary resources would be necessary for the purpose. It expressed the desire that WIPO, as part of its legislative assistance to developing countries, might alert them to the necessity, when they adopted new legal provisions, of making the most of the flexibility allowed by international agreements. It suggested that WIPO should continue with its assistance in the establishment and maintenance of appropriate infrastructures in the intellectual property field, an activity from which its country had benefited. It recognized the importance of the studies carried on by WIPO on the relation between intellectual property and the conservation of biological diversity, on the protection of traditional knowledge and expression of folklore and on electronic commerce adding that work on them should continue. It emphasized the importance that its Government attached to the collaboration necessary between WIPO and WTO, and urged stronger relations with UNCTAD. It also recognized the relevance of the work conducted by the Worldwide Academy. It said that much remained to be done, and acknowledged the need to support small and medium-sized enterprises as the driving force of innovation activities. It added that, in its opinion, WIPO cooperation activities should incorporate the work program contained in the Doha Ministerial Declaration on the TRIPS Agreement and Public Health. It pointed out that the Declaration had recognized issues of particular interest to developing countries inasmuch as they had to do with the latitude afforded by the Agreement for the pursuit of active policies of productive development. It also mentioned the need for effort to be made in all related fields, including the corporate, industrial and research fields, in all of which there was a call for more cooperation. It ended its statement with a request to the Secretariat that future reports give an account of cooperation activities conducted in each region, in such a way that the annual achievements of the Program might be more readily assessed.

44. The Delegation of Argentina thanked the International Bureau for the efforts that it had been carrying on in the various fields of cooperation for development, especially through the Latin America and Caribbean Bureau, and endorsed the statement made by the Representative of GRULAC, especially with regard to the need to heighten awareness of the importance of intellectual property. It stressed the usefulness of the WIPO training courses addressed not only to the owners of rights but also to users, magistrates, agents of the security forces and customs personnel. It urged the continuation of those activities, and thanked WIPO for the support that it had given to the University of Buenos Aires in the holding of postgraduate courses on copyright and related rights, at the same time asking for that support to continue in the future. It highlighted the need for cooperation to be tailored to the particular characteristics of each country and region and to its needs and level of development. It particularly appreciated the activities of the International Bureau concerning small and medium-sized enterprises, a subject area in which it asked for its country to be more actively considered for the various programs, and those concerning technology transfer, which it regarded as a major contribution to developing countries.

45. The Delegation of El Salvador said that it subscribed to the statement made by the Representative of GRULAC, especially with regard to the need to channel more resources towards WIPO cooperation activities. It recognized the importance of the Program, which had helped strengthen its country's intellectual property potential, and emphasized the recognition that had been given at the previous Meeting of Heads of Industrial Property Offices of Central American Countries to the various cooperation activities conducted by the International Bureau for the benefit of countries of the region. The Delegation reported on specific activities carried on in its country under the auspices of WIPO, and thanked the International Bureau for the assistance that had been given to El Salvador, especially in the modernization and strengthening of its national legal framework, in the development and strengthening of computerized patent and trademarks systems and in the training of collective copyright and related rights management societies, to name only those. It ended by pointing to the importance that its country attached to the Committee as a forum for decisions on and the planning and channeling of cooperation activities for the benefit of developing countries.

46. The Delegation of Algeria declared itself pleased with the activities carried on by WIPO in the field of cooperation, and in particular with the assistance received in the adaptation of Algeria's intellectual property system, both in legal terms and with respect to the enforcement of rights. It said that its country's cooperation needs formed part of the WTO accession negotiations currently going on, and it made a special mention of the assistance received from WIPO to bring its intellectual property legislation into line with the TRIPS Agreement. The Delegation also announced Algeria's intention to ratify the WCT and WPPT, and spoke of the need to focus cooperation programs on the fight against piracy and counterfeiting. It said that Algeria would be willing to sign a cooperation agreement with WIPO.

47. The Delegation of the United States of America commended WIPO for its ongoing efforts to provide training and technical assistance in the area of intellectual property. It welcomed WIPO's focus on enforcement of intellectual property rights, as evidenced by the work of the International Bureau in conjunction with the Advisory Committee on Enforcement. The Delegation said that one of the core functions of WIPO was to encourage training activities. Over the past year, officials from the United States of America had also participated in the training of officials from more than 75 countries through 120 seminars, workshops and training programs, which had taken place both in host countries and in the United States of America, some in conjunction with the International Bureau.

48. The Delegation of Nigeria endorsed the statement of the Delegation of Algeria on behalf of the African Group. It expressed its gratitude to WIPO and thanked the Deputy Director General and the Director of the Africa Bureau for their personal commitment to strengthening intellectual property systems in the African region. The Delegation also mentioned the support it received from WIPO especially with regard to training the staff of the Nigerian Copyright Commission, which had led to building greater capacity in the Organization. It emphasized the need to strengthen the capacity of collective administration and to reintroduce the Hologram Scheme to fight piracy. The Delegation also observed that Nigeria attached special importance to the linkage of the Intellectual Property Offices to the WIPONET.

49. The Delegation of Lesotho commended WIPO for its ongoing efforts and initiatives in the area of development cooperation. It pointed out that it faced infrastructure constraints regarding its intellectual property system and would like to appeal for WIPO's support on this issue, in addition to assistance in the field of WIPO NET, the TRIPS Agreement, collective management, and other global intellectual property issues, such as e-commerce, traditional knowledge, genetic resources, etc.

50. The Delegation of Malawi endorsed the statement made by the Delegation of Algeria on behalf of the African Group. It also thanked WIPO for the support and assistance given to Malawi and to the Copyright Society of Malawi (COSOMA) which had received, during its ten years of existence, full cooperation in different forms. It expressed the wish that this assistance could continue as COSOMA intended to improve its services to creators in the country and to increase cooperation with other collective management organizations. The Delegation called upon WIPO to include in its annual program a regional intensive training course on copyright and collective management currently organized by COSOMA on an *ad hoc* basis, and to strengthen its assistance to collective management organizations in Africa. The Delegation warmly welcomed the extension of AR IPO's mandate to include copyright and related rights and appealed for WIPO's assistance in that respect.

51. The Delegation of Peru thanked WIPO for the support that its country had received for the strengthening of its intellectual property. It mentioned that its Government was working at various levels on the development, exploitation and enforcement of intellectual property rights. At one level it was developing a teaching program for primary school staff which would enable them in turn to impart the knowledge and observance of intellectual property rights to their pupils. It was also at a very early stage of organizing workshops with SMEs which highlighted the advantages of using and respecting intellectual property rights, and in that connection the country was very interested in WIPO cooperation to bring such events to the notice of SMEs. Another level, which required greater emphasis, was that of support for inventors and researchers; the Delegation said that the National Inventors' Contest was organized every year in Peru, which relied on WIPO's patronage for the purpose. It mentioned that a national seminar on Industrial Property and Technological Information would also be held that year for the benefit of academic and institutional researchers which would likewise be relying on WIPO and EPO assistance. Finally there was the level of policing: its country had channelled its efforts into the fight against piracy and counterfeiting, both serious problems in Peru. It added that seminar had been held on the subject for police forces and also magistrates and prosecutors. The Delegation welcomed the initiative taken by WIPO, the SPTO and the EPO in organizing a seminar for magistrates and prosecutors which was due to be held shortly, and emphasized the need for due continuity to be imparted to such events. It considered it important to have WIPO support for the holding of seminar on enforcement and border measures. It ended by giving its support to the statement made by the

Representative of GRULAC which emphasized the need to allocate more human and financial resources for cooperation activities.

52. The Delegation of Trinidad and Tobago commended WIPO on the innovative format adopted for the meeting of the Committee with the introduction of the focused afternoon sessions. It also commended the Bureau for its ongoing activities and initiatives in the area of technical cooperation, and expressed its deep appreciation for the activities implemented in Trinidad and Tobago. It stressed the need to reinforce and intensify not only North/South cooperation but also South/South cooperation in the field of intellectual property. The Delegation endorsed the statement made by the Delegation of Barbados on behalf of the Group of Latin American and Caribbean countries. It voiced its support for the Delegation that had spoken in favor of an intensification of WIPO technical assistance to developing countries with a view to enhancing collective management activities, automation of intellectual property offices, and demystification of intellectual property. Since intellectual property had become such a cross-cutting issue, it called for widening of WIPO's cooperation net to bring in other agencies and ministries, the private sector and academia. It stressed the critical importance of the NFAPs which allowed individual countries to focus on their specific needs and to identify the areas in which society could reap socio-economic benefits from the intellectual property system. The Delegation expressed deep appreciation for WIPO's assistance in collective management and urged WIPO to continue to assist in the development and expansion of the Caribbean Copyright Link (CCL) and to help establish collecting societies in all countries of the region where there was none yet. It acknowledged WIPO's assistance in developing a trademark database for Caribbean Countries, successfully implemented in Trinidad and Tobago and Barbados, and encouraged its extension to other Caribbean islands. The Delegation also looked forward to rapid implementation of the automation project in developing a patent database for its country, and by extension, for the Caribbean. The regional meeting of patent experts needed to deal with this matter should be convened soon. In this regard, the Delegation recalled the offer made by the Government of Trinidad and Tobago to host the regional meeting. The Delegation, in addition, requested hosting a Regional Trademark Training Course for the Caribbean once every two years.

53. The Delegation of Chile thanked WIPO for the significant support that it had received for the conduct of various intellectual property activities. It fully endorsed the statement made by the Representative of GRULAC, and agreed with other delegations that WIPO's agenda should give due consideration to the Doha Ministerial Declaration on the TRIPS Agreement and Public Health. It supported the proposal by the Delegation of India for the extension of WIPO cooperation activities to other areas such as universities, research centers and political circles, and insisted that problems detected by industrial property offices should be settled in a systematic way.

54. The Delegation of Mozambique endorsed the statement of the Delegation of Algeria on behalf of the African Group. It expressed its gratitude to WIPO and congratulated the International Bureau on the intensity of the activities conducted since the setting-up of the Committee. In view of the adoption of new laws, the Delegation requested more specialized training especially for judges, police officers and customs authorities. It informed of this considerable interest of public and private institutions in Mozambique for issues of intellectual property, the lack of qualified teachers for implementing training programs and the lack of appropriate teaching programs. Consequently, it requested that the Academy should develop training programs in Portuguese.

55. The Delegation of Nepal referred to ongoing WIPO assistance to Nepal, essentially in the field of copyright law and institutions. While a new Copyright Act was already in place, Nepal needed further assistance in staff training and establishment of collective management, as well as through WIPO NET participation and intellectual property office automation. Nepal was preparing its accession to the WCT and the WPPT.

56. The Delegation of Bolivia reported on the efforts that its country was making to modernize its intellectual property legislation so that it conform ed to international undertakings. It pointed to the importance of the WIPO Cooperation for Development Program, and suggested that activities connected with traditional knowledge, the training of human resources and assistance should be expanded. It agreed that there was a need to increase the resources set aside for the various cooperation activities that could be identified, and pointed to the benefits of financing the participation of capital -based experts in WIPO meetings.

57. The Delegation of Ecuador repeated its Government's appreciation of the cooperation work done by WIPO and emphasized its importance to the intellectual property development of countries. With that in mind it wholeheartedly endorsed the statement made by the Representative of GRULAC.

58. The Representative of the African Union supported the statement made by the Delegation of Algeria on behalf of the African Group, and, in particular, the proposal for establishing a multi -disciplinary group of experts. The primary task of this Committee and the working group to be established should be to create a framework where intellectual property would be directly and fully relevant and applied to improving the welfare of all people. The framework should clearly and strongly direct the development of intellectual property, towards immediately improving human welfare. Human ingenuity would then have the practical role of devising the means for best developing intellectual property in that context. That protection of intellectual property rights should not primarily be designed to maximize profits for the holders of intellectual property rights, and only in this manner indirectly benefit society. It should rather be the other way round: Protection of intellectual property rights should primarily and directly be aimed at improving the human condition and promoting human welfare. Therefore, the framework for protection and promotion of innovation must unequivocally be designed to put human welfare first and foremost. It should not be forgotten that human ingenuity was not created by the enactment of law on IPRs. Human ingenuity had an autonomy that far surpassed any such laws, and would always be applied to finding solutions to our problems. IPR regimes should recognize this with a fresh perspective taking into account the challenges that face particularly developing countries. The African Union urged WIPO to continue its good work, in proactively being engaged with ARIPO and OAPI. Cooperation between these organizations was one of several ways in which developing country concerns could be addressed.

59. The Representative of ARIPO thanked WIPO, in particular the Director General and the Africa Bureau, for the activities undertaken with ARIPO and its Member States which had strengthened their capacity to utilize the intellectual property system for their economic, social and cultural development. He stressed the importance of information technologies and of the WIPO NET project and expressed his satisfaction with regard to the assistance received by ARIPO and three of its Member States in this field. He expressed the wish that a full implementation of the project in all Member States of ARIPO take place. The representative also stressed the importance of NFAPs and RFAPs as a means for developing countries to modernize their intellectual property systems integrating new global challenges such as the

protection of traditional knowledge, genetic resources, and folklore and the preservation of biodiversity. He praised the WIPO/WTO Joint Initiative for LDCs and the establishment of a special unit to assist these countries. He concluded his statement by expressing the wish that the existing cooperation be further strengthened, particularly in view of the implementation of ARIPO's new mandate in the field of copyright and related rights.

60. The Representative of OAPI thanked WIPO, and especially the Africa Bureau, for the diversity and effectiveness of the activities conducted by them. The Representative endorsed the statements made by the Delegation of Algeria on behalf of the African Group, and was pleased with the effective cooperation that had established itself between WIPO and OAPI, while at the same time wishing that it might be increased in the area of training, the dissemination of technical and scientific information and above all the exploitation of inventions. It said that, following a Ministerial Conference that had been held in Libreville, OAPI expected to become involved in the protection and exploitation of traditional medicines, which entailed harmonization of the marketing approval procedures for such medicines. As it regarded the exploitation of traditional medicines to be consistent with the logic of the Doha Declaration, it expressed its desire to receive WIPO support in that connection.

61. The Representative of the League of Arab States expressed his gratitude to WIPO and thanked the Deputy Director General and the Director of the Arab Bureau for their personal commitment to strengthening intellectual property systems in the Arab region. He also acknowledged the support received from WIPO under the memorandum of understanding between the League of Arab States and WIPO. To complement its efforts, the League of Arab States would seek WIPO's cooperation in certain specific areas, including: human resources development through the establishment of national training and development of a legislative framework concerning traditional knowledge and folklore.

62. The Representative of ICSID informed the Committee that ICSID represents industrial designers in the broadest sense, who are increasingly SMEs from developing countries. It emphasized that as the economies of these countries developed and grew, so did indigenous design capability, and IPRs gained also in importance commercially, socially and culturally. The Representative congratulated the International Bureau for the impressive number of meetings held and contacts made which must have stimulated calls for ever-increasing financial assistance. It suggested that with limited resources, definition of priorities and focus was essential. Referring to the report of the British Commission on Intellectual Property Rights which contained many of the arguments used against the system, the Representative suggested to produce figures about the actual benefits to developing countries, to demystify and simplify the issue for the public, including creators, and to encourage the use of patent and other registered databases to solve problems as they arise, in order to avoid waste of talent and inspiration.

63. In responding to specific issues raised by some Delegation the Secretariat informed the Committee that the course of the Worldwide Academy in Spanish had not been cancelled, but only deferred. The next course could be expected to take place as early as February 2003. The Doha Ministerial Conference Declaration on the TRIPS Agreement and Public Health had confirmed the flexibility, which the TRIPS Agreement provided for IP legislation of developing countries. That flexibility had already been built in WIPO's legislative advice activities long before the Doha Conference. Furthermore, the Declaration allowed LDCs to defer implementation of certain provisions of the TRIPS Agreement until 2016. WIPO's legislative advice practice had been updated accordingly, to make these new options apparent for LDCs. WIPO's Internet site made the corresponding legislative advice tools accessible for everybody. The Secretariat noted that the Doha Declaration recognized that WTO

Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement. Therefore, the Declaration had requested the competent organs of WTO to find a solution. The legislative advice practice of WIPO could not anticipate the decision to be taken within the WTO. Regarding the suggestion to closer cooperation with WHO, the Secretariat stated that in various regional meetings organized by WIPO on Doha -related subjects, WHO had participated and would be further invited.

64. The Committee noted with appreciation the information contained in document PCIPD/3/3. It also noted the proposal by the Delegation of Algeria, speaking on behalf of the African Group, for the creation of a group of experts on intellectual property and development, and also the fact that the matter would be considered in consultations among regional groups.

Agenda Item 5: The WIPO Worldwide Academy: Progress Report

65. Discussion was on the basis of document PCIPD/3/6. The Secretariat outlined the progress made by the Academy since its creation and made particular reference to the growth in activities from January 2001 to June 2002. The key points made in the presentation were: the growth in the number of participants in the programs of the Academy, numbering over 7,544 in that period; the range of activities designed to meet the needs of a broad target audience and the increasing number of strategic partnerships between the Academy and key institutions designed to enhance the effectiveness and broaden the reach of the Academy.

66. The Delegation of Venezuela, while commending the Academy for its work, noted that more information was required with regard to the proposed courses to be offered via distance learning on Traditional Knowledge, Folklore and Genetic Resources. The Delegation said there had been a drop in the number of participants for the distance learning course in Spanish in the reporting period as compared to the previous one. It added that the distance learning program was the most successful, and expressed the wish that other areas and programs might continue to be promoted in the same way. The Delegation suggested that the Academy should share its experience of distance learning programs with other countries, and thanked it for the information already shared with Venezuela. It expressed the wish that the advanced courses in distance learning would be launched soon. It inquired about the number of participants in distance learning from Venezuela as well as of those who had benefited from the fellowship program, adding that such information should be received more regularly by Geneva Missions. It supported the launch, and urged the implementation as soon as possible, of a master course in intellectual property via distance learning as well as of courses on intellectual property and technology transfer, intellectual property and public policy (health and education). The Delegation also stressed the need for greater collaboration between the Academy and other institutions as well as the importance of conducting training programs within the regions rather than in Geneva. Finally, it expressed the hope that the Academy would hold close consultations with the missions in Geneva on a regular basis and provide information regarding its activities.

67. The Delegation of Sweden supported programs directed at judges, and the importance of using case studies for this purpose. It also attributed importance to the support given to the International Association for the Advancement of Teaching and Research in Intellectual Property (A TRIP) as well as to a proposed new course on licensing and technology transfer which augured well with regard to contractual practices of Traditional Knowledge. The

Delegations supported the proposed course on copyright for Librarians, and it expressed the view that joint collaboration rather than competing with other institutions was the way forward for the Academy.

68. The Delegation of Malta supported the introduction of a master program via distance learning, which in its view was particularly important for small countries, especially considering that, due to the size of the student population, there was not sufficient demand for universities to introduce a separate master program on intellectual property. It also wondered why a certificate was offered at the conclusion of each module of the UNIS A course rather than a diploma at the end.

69. The Delegation of Egypt commended the Academy for its achievements in the field of capacity building and training of human resources. This success was reflected in the significant increase in the number of beneficiaries of its programs. The Delegation supported the launching of a new distance learning course in the field of traditional knowledge and transfer of technology. It hoped that the Arabic language version of the distance learning course would be launched soon as this would certainly widen the scope of beneficiaries of the Academy's activities especially in Egypt and other Arab countries. The Delegation pointed to the need that the courses of the Academy reflect the plurality of views regarding intellectual property matters, specially at a time when intellectual property protection had an impact on other fields such as the protection of public health and the environment. The Delegation was reserved regarding the introduction of a fee structure in the Academy's activities as WIPO had an international public service vocation, which should be preserved. Seeking external funding by the Academy should be within the limits set by the UN system and the necessity of preserving its independence and integrity. The Delegation highlighted the need for increased attention to teaching and research in IP matters in the activities of the Academy. However, this should not affect the existing cooperation between the Academy and academic institutions. The Delegation called for an effective increase in the resources allocated to the Academy in the Program and Budget for the next biennium.

70. The Delegation of China stressed the fact that the Academy should include more participants from intellectual property offices and staff from enterprises in its training programs. It emphasized the need to have a comprehensive curriculum as well as teaching materials at basic and advanced levels. The program of the Academy should include those for high level officials such as judges and government officials, middle level staffs such as managers of IP offices, librarians, and elementary courses such as the summer courses for government officials, students, etc.

71. The Delegation of Mexico highlighted the importance of education for the demystification of intellectual property and said that the Academy could play a fundamental part in that task. It stressed the need to build up the program of training of trainers, adding that the proposals concerning fee and accreditation as a formal educational institution should be looked at carefully; it could not pronounce on them for the moment as it was the first time that they had been put forward. It ended by mentioning the advisability of holding an annual meeting to discuss matters such as the proposals submitted by the Secretariat.

72. The Delegation of the Republic of Korea proposed that in order to reach out to a wider audience, the Academy should create distance learning courses which could be offered without tutor assistance. It also proposed that the Summer School be made available to self sponsored students so that more persons could derive benefits from that program. In addition, the Delegation further proposed to introduce a tuition fee system on condition that WIPO

would return the fee if the participants successfully complete the course. It would serve as a good stimulus and motivation to them.

73. The Delegation of Zambia commended the policy development program of the Academy, which had been particularly useful in Africa. It asserted that the Academy should be provided more funds as it had demonstrated its success.

74. The Delegation of Sudan commended the Academy and the detailed report and expressed satisfaction with the cooperation between the Academy and Sudan. It considered that it would be useful for the Academy to provide more detail in terms of the qualifications obtained by its students.

75. The Delegation of Canada inquired whether the Academy had conducted an impact assessment following each program and expressed satisfaction at the increase in the level of participants now selected for the program jointly organized with the Canadian Intellectual Property Office.

76. The Delegation of the Russian Federation expressed its satisfaction for the conclusion of the Framework Agreement of Cooperation between WIPO and ROSPATENT. The Agreement had already been bearing fruit with the recent holding of an Academy session on the teaching of intellectual property in Moscow. It also expressed its appreciation for the offering of the DL101 course in Russian.

77. The Delegation of India expressed its satisfaction at the recent signing of the Framework Agreement between WIPO and the Ministry of Human Resource Development, Government of India. Through this Agreement, a joint diploma course had been envisaged to be offered with the Indira Gandhi National Open University, which offered great potential for the participants both in India and other countries of the sub-region. It expressed satisfaction about the fact that some 30% of the participants in the DL course in English were from India.

78. The Delegation of Ethiopia highly valued the various training programs of the Academy in which nationals of Ethiopia had participated and requested more information to be provided regarding the Summer School application procedures and the Long-term Fellowship Program.

79. The Delegation of Thailand suggested that the courses offered by the Academy should meet local university requirements and courses should focus on subjects like traditional knowledge and e-commerce. As regards the fees structure the Delegation added that participants from developing countries, countries with economies in transition, as well as the LDCs, should be exempted from any fees that WIPO might establish.

80. The Delegation of Uruguay suggested maintaining a proper balance between the number of courses offered by the Academy in industrial property and copyright by increasing the range of available options for participation in the latter branch of intellectual property. It highlighted the need for more information to be supplied to Member States on the programs offered by the Academy. It considered that an increase in fellowships was an essential means of supporting research and the training of professionals and trainers. It ended by emphasizing the importance of the distance learning program and recommending that it continue in greater depth.

81. The Delegation of Morocco inquired about the background of persons participating in the Distance Learning Program of the Academy and requested for a breakdown of the participants per region. It mentioned the proposal made under the previous agenda item concerning the trainer training system, and asked the Academy what role it could play in the design and implementation of that system with the support of WIPO.
82. The Delegation of Colombia expressed satisfaction at the progress report provided by the Academy and emphasized that training was one of the main instruments for lending greater strength to intellectual property. It shared the view that trainings should focus on strengthening the human resources of national patent offices, adding that one should not disregard the importance, for their leveraging effect, of the cooperation agreements that could be signed with universities and other institutions in the academic sector; it asked for more information on the terms of such bilateral cooperation. It ended by wholeheartedly supporting the free-of-charge character of the cooperation afforded by WIPO.
83. The Delegation of Nigeria noted the importance of Academy sessions as functional tools for the creation of networks especially among professors of intellectual property in Africa. In this connection, it recalled the Academy session held in Abuja in 1999 and expressed the need to plan a similar program in Nigeria.
84. The Delegation of Cuba expressed its appreciation for the courses offered by the Academy and especially the Distance Learning Program. It expressed concern at the decrease in the number of participants in the Academy programs and sought a high level of funding for the same. It suggested an increase in the number of participants in the face-to-face training programs, as these programs cannot be replaced by distance learning. It suggested further that there was a need to maintain close collaborative ties between the Academy and WIPO's regional cooperation bureaux, which would make for a better selection of national candidates for International Bureau fellowships. It recommended that any substantive change that one might wish to make to the work of the Academy should be promptly submitted to all Member States for consultation. It ended by recommending that the representatives of developing countries should not pay fees for their participation in Academy courses.
85. The Delegation of Kenya expressed its appreciation for the programs conducted by the Academy and made a specific reference to the recently concluded program for university professors held in Eldoret. It also looked forward to concluding a partnership agreement with the Academy.
86. The Delegation of Peru commended the WIPO Worldwide Academy for the work done in the course of its four and a half years of existence. It was grateful for the opportunity that its country had had of benefiting from the Academy's programs; they had made it possible to strengthen intellectual property in Peru through the training of human resources. It mentioned its interest in the conduct of programs at the regional level, and its willingness, with that in mind, to take part in the organization of Spanish-language programs for Latin America. It added that, while WIPO's Copyright Collective Management Division had held seminars and meetings on the subject in Latin America, more emphasis needed to be placed, in its opinion, on the conduct of training courses for collective management societies, which had an important part to play in the protection of authors' and composers' rights, and supported the holding of a training program for trainers, as proposed by the Delegation of Algeria.
87. The Representative of OAPI referred to the Agreement concluded with the Academy in 1999 and expressed its satisfaction at the way it had been implemented. He supported the

activities relating to the training of judges and expressed the wish to initiate more activities in cooperation with the Academy.

88. The Representative of ARIPO stated that ARIPO had a Framework Agreement of Cooperation with the Academy and added that, within the framework of that agreement, it had been involved with the distance learning course of the Academy from its inception. He expressed his appreciation for the cooperation his organization had received from the Academy and looked forward to continuing cooperation, especially in view of the proposed establishment of the regional training center following its establishment.

89. In response to some of the issues raised, the Secretariat reiterated that advanced courses in distance learning as well as the other language versions of the DL 101 would be launched soon. It observed that a number of universities were incorporating the DL 101 into their curriculum and awarding the appropriate credit to the students who took the course. With regard to the drop in the Spanish participation in the DL 101, it noted that the course was offered free of charge and there were no restrictions on the number of participants. It therefore encouraged delegations to assist the Academy in disseminating information on the course in their respective regions. It confirmed that the UNISA program would offer a diploma following completion of the required modules. The Academy was considering an impact evaluation of its programs in addition to the extensive evaluations it undertook, and another Session of the Academy for diplomats had been planned to take place before the end of the year. It stressed that the Academy was ready to increase the number of fellowships to allow greater participation in its courses, but that human as well as financial resources were a major constraint.

90. The Committee noted with appreciation the information contained in document PCIPD/3/6.

Agenda Item 6: WIPO Collective Management Activities

91. The item was discussed on the basis of document PCIPD/3/5.

92. The Delegation of Sweden thanked WIPO for the extensive and diversified activities undertaken in the field of Collective Management of Copyright and Related Rights that it considered much needed and indispensable for the copyright system to work. The Delegation expressed its great satisfaction with the development of the Caribbean Copyright Link (CCL) project. It said that it was important to deal not only with traditional collective management of music but to also consider other fields such as literary and works of arts, performing artists as well as future regime in the field of traditional knowledge and folklore. The Delegation was of the view that close cooperation with the private sector, like the Confederation of Societies of Authors and Composers (CISAC), was significant; therefore it hoped that WIPO would cooperate with non-governmental organizations. It added that there was a need to ensure compatibility with international technical standards, such as work identification. Collective management systems would need to take into account the interests of all interested stakeholders and to avoid conflicts with present and future competition law.

93. The Delegation of Togo emphasized the importance of the assistance that its country had received from WIPO, that had contributed to the establishment of the Togolese Copyright Office (BUTODRA), which for four years had been taking care of the proper distribution of authors' royalties. It was thankful to that assistance that collective management had been

computerized. It referred to the computer hardware that had been installed and to the logistical support provided by a technician to ensure the proper functioning of the computerized collective management system. The Delegation noted the effectiveness of the system installed, which for the last four years had allowed copyright royalties to be distributed without recourse to an outside company, as was the case for other countries. It highlighted the relevance of the assistance of WIPO to the least developed countries in general, and Togo in particular, as a means of settling the collective management of copyright on a sound basis. It thanked the International Bureau for having produced the documents supplied to delegations.

94. The Delegation of Cuba thanked the Secretariat for the documentation presented on activities undertaken in the field of collective management, and expressed its appreciation of the work done by WIPO's Collective Management Division and the Latin America Bureau. It said that its country had been a beneficiary in that important area, having organized, together with WIPO, two national seminars and one regional seminar on the visual arts, which was to take place from November 19 to 22. It maintained that a copyright system at the national level could not develop to its fullest extent without strict management of rights, and it was for that reason the country had been working actively on that aspect. It therefore attached the utmost importance to the creation of the Division and also to the lines of cooperation that were being developed in connection with collective management. The Delegation said that there were two management bodies in Cuba at present, one for music and drama, which in the near future would include audiovisual works, and the other, recently created, for the visual arts.

95. The Delegation of Jamaica concurred with the idea that collective management was at the centre stage for commercial development of the cultural industries in developing countries in terms of enhanced export performance and opportunities for employment. It noted that support for the regional system had strengthened. The Delegation expressed gratitude to WIPO and the General Society of Authors in Spain (SGAE) for the technical assistance granted to the Caribbean Copyright Link to ensure its effective functioning. It said that the Caribbean Copyright Link (CCL) had been accepted as an associate member of the International Confederation of Societies of Authors and Composers (CISAC). The Delegation stated that this important step would allow the regional centre to be included in CISAC's international works file, and further facilitate the processing of royalty distributions. The Delegation drew the attention of the meeting to the fact that, at the present time, only JACAP, the authors' society for musical rights, was a CCL member. It expressed the need for WIPO to take the necessary steps to integrate JAMCOPY, the Jamaican Society that had been set up to manage reprographic rights, and JAPAS that managed the rights of performers, as well as JAMRAS, which represented record producers, into the regional system and CCL. It welcomed the initiatives already undertaken by WIPO in that regard with JAPAS. The Delegation felt that the system should be extended to other categories of rights including reprographic and photographic works. Additionally, it considered that greater training was required for staff using the collective management software (SGS).

96. The Delegation of Nigeria stressed that collective management was critical to the effective protection of copyright and related rights. It suggested WIPO undertake a fact-finding mission in conjunction with CISAC to streamline the operations of existing collective management organizations in its country. It said that an organization to manage reprographic rights had recently been established in Nigeria. It added that the establishment of a society for the rights of the film industry was also under consideration.

97. The Delegation of Nicaragua congratulated the Secretariat on the documents submitted on such an important subject, which drew on the main activities conducted in connection with collective management. It said that its country had its Law 312 fully in force on the protection of copyright and related rights, which made proper provision for the composition of collective management societies. The present situation was that the main national authors and performers had created the first collective management society, called OCARINA, for music rights, but it was open to all other genres. It pointed out that the creation of management societies was for its Government a rich source of job creation. The Delegation asked the Secretariat to set in motion the regional project for Central America concerning management societies, and asked for it to be approved at the next Meeting of Heads of Offices of Latin American and Caribbean Countries, which would shortly be taking place in Chile. It encouraged the Secretariat to arrange for its implementation to start as soon as possible. The Delegation also spoke of the progress made towards its country's accession to the WCT, WPPT and PCT.

98. The Delegation of Uruguay commended the Collective Management Division for its activities, and thanked it for its efforts. It said that Uruguay was a valid testimony to the concern of the Division and its efficiency and dedication in handling the subject of collective management, because, as was clearly apparent in the document, Uruguay had contributed with the organization, and had been host to, a number of meetings at which the problems and concerns of collective management had been analyzed. It said that its country had a clear perception of the importance of collective management, not only from the point of view of theory but also because it had tested its practical advantages: Uruguay had copyright and related rights management societies that had been active for more than 60 years, and the General Association of Authors of Uruguay, with its Argentine counterpart, had for years been holding training courses for the officials of societies. The Delegation pointed out that the results achieved to date by the Division foreshadowed still more success in its future operation, and with that in mind it requested WIPO to continue to support its work.

99. The Delegation of China thanked WIPO for its assistance in helping its country in establishing the first collective management for musical works and reported that the society had been in place for 10 years and in full operation. It said that recent developments, such as multimedia networks, institutions and new media and its respective authors, had to be taken into account in this field of collective management. The Delegation shared the view of the Delegation of Sweden that works other than music, such as literary works and films, should also be given attention and the stakeholders also needed collective mechanisms to be able to work together. To keep up the pace in the legal and technical developments, the Delegation expressed the wish that WIPO undertake a study on new IT in order to set up societies in developing countries. It proposed that alliances could be set up in order to overcome the potential problem if every category of right holder establishes its own society. It said that thematic studies were needed also on the new digital issues in relation to collective management. The Delegation pointed out that the cooperation relations between developed and developing countries needed to be reinforced. It added that rights of performers were to be addressed and an adequate infrastructure was to be set up. It reiterated the readiness of its country to work in this area. The Delegation suggested that WIPO further strengthen its cooperation with IFPI, IFRRO, CISAC and other interested non-governmental organizations.

100. The Delegation of the Russian Federation informed on the legislative developments in its country. In October 2002, the copyright issues had been examined at the governmental level in order to bring the law in line with the international treaties and to be in a position to accede to the WTO, the Rome Convention (1961) and the WCT and WPPT. The Delegation expressed its support for collective management in this context and advised that the Patent Office would have responsibility for coordinating developments including the implementation of a single registry that had recently been approved.

101. The Delegation of Malaysia considered it necessary to maintain work on collective management on the agenda of the Cooperation for Development Sector. It said that exchange of experiences should be encouraged and more regional cooperation and seminars to be undertaken, such as the event held in India in December 2001. The Delegation referred to the ASEAN study on possible regional cooperation in collective management produced by WIPO and offered to hold a meeting in its country to discuss that preliminary draft study. Malaysia would wish that a workshop be held as a follow-up.

102. The Delegation of Malawi considered that collective management was still in its infancy in Africa, and that training in collective management was an essential element in development. Currently the collective management organization of Malawi (COSOMA) had been providing training on an *ad hoc* basis. It mentioned the organization of a two-week training course on copyright and collective management as the type of training that was required in the circumstances and expressed the wish that the course be programmed to take place annually. The Delegation reported that some African societies experienced problems of sharing copyright documentation required for their collective management operations. It suggested the establishment of a network to overcome the problems and facilitate electronic transmission of information between African collective management organizations. It supported WIPO activities in this area.

103. The Delegation of Algeria pointed to the rich content of the documents submitted by the International Bureau, which encouraged support for the strengthening of collective copyright and related rights management activities in developing countries. Although Algeria had since 1973, the year of the creation of the ONDA, accumulated a wealth of collective management experience, it was essential to consolidate those foundations and pass through a qualitative stage which would involve upgrading management tools in line with the evolution of information technology and changes in international standards. The Delegation mentioned certain objectives for collective management, namely the modernization of computer tools, the necessity of taking due account of the collective management of related rights — which had existed in its country since 1998 — and the need to provide for proper staff training. The Delegation referred to the sub-regional workshop on the collective management of copyright and related rights that had been held in Rabat in June 2001, at the end of which a plan of action had been adopted in favor of Egypt, Lebanon, Morocco, Tunisia and its own country. It requested a follow-up to that plan of action that highlighted the regional dimension. It wished to see cooperation activities for developing countries continue in such a way as to afford better protection to copyright and related rights, develop collective management and create an environment conducive to intellectual creation. The Delegation was pleased to note the cooperation agreement concluded between WIPO and CISAC.

104. The Delegation of Egypt said that it fully supported the policy of WIPO in the field of collective management of copyright and related rights in favor of developing countries which it considered as a tool for economic, social and cultural development of countries. It referred to the plan of action adopted at the sub-regional workshop in Morocco in June 2001 and was looking forward to its implementation. The Delegation emphasized the importance of increasing cooperation, exchange of views and experience between countries of the region in the field of collective management.

105. The Delegation of Saint Lucia congratulated WIPO on the excellent work it had done to date in the field of collective management of copyright and related rights. Thanks to the collaboration between the region and WIPO, Saint Lucia had moved in a relatively short period of time from a country where no system for managing such rights was in place to one where a strong collective management environment was now established. It considered the Caribbean Copyright Link (CCL) to be an innovative and successful solution for the Caribbean region as a whole and added that WIPO should accelerate and deepen its support for the CCL. The Delegation felt it was necessary to consolidate the first phase of the Regionally Focused Action Plan (RFAP) for the Caribbean region and to move into the second phase which should include assisting new societies in the region, for instance in Suriname and Antigua and Barbuda, where local initiatives were already in motion. It noted that several countries in the region including Dominica, Saint Kitts and Nevis and Saint Vincent and the Grenadines, had no infrastructure and proposed that WIPO and the Organization of Eastern Caribbean States (OECS) consider a collaborative initiative under the OECS-WIPO Agreement to establish collective management societies in OECS countries. Finally, the Delegation noted that it was essential to a development project to program educational seminars directed specifically at users of copyrighted works and the public as a means to raise copyright awareness but also to facilitate the activities of new collective management organizations.

106. The Delegation of Namibia expressed its full support for the WIPO program for establishment of collective management organizations in developing countries. It referred to the collecting society of its country which had come into existence nine years ago and which was in complete operation. It said that the national collective management organization provided not only royalties but also moral support to authors and composers, who were encouraged to create more works. The Delegation was of the view that activities related to collective management should be extended beyond the field of musical works to other categories of works, such as literary works, films and photographs.

107. The Delegation of Thailand congratulated WIPO for its work and thanked all Member States for electing Thailand as Vice-Chair of this Permanent Committee Meeting. It underlined the important role to be played by WIPO in establishing collective management organizations. It mentioned problems of convincing music users to pay royalties. It said that such a problem did not confine to its country. It was of the view that the rights owners and users should be more informed of their rights and obligations, and experience from other countries like Australia or from Europe could benefit developing countries. It suggested that a study could be undertaken on the experience of countries in controlling the potential monopoly of authors of music. The Delegation further supported WIPO's assistance to organize a workshop in one of the ASEAN countries on a regional framework on collective management, as a follow-up to the Draft Preliminary Study on the Feasibility of the Establishment of an ASEAN Collective Management System.

108. The Delegation of India joined the Delegation of Malaysia in praising the Regional Symposium on Collective Management of Copyright and Related Rights for Asia and the Pacific Countries held in Mumbai in December 2001. It recalled that its country had flourishing software, multimedia, music, film and publishing industries, and that it was important for developing countries to recognize the economic opportunities that these copyright-based industries represent. The Delegation stated also that, to take advantage of a country's potential in these fields, those industries must be given adequate protection. It expressed the wish that WIPO help developing countries to establish the infrastructure to provide protection for the intellectual property rights of those industries. It said that collective management activities should be kept on the agenda of the Cooperation for Development.

109. The Representative from the European Patent Office (EPO) referred to the conclusions of a report of an ASEAN meeting on copyright, related rights and collective management. One of the conclusions drawn in that report was that national laws were required to balance the monopoly rights of collective management organizations. It quoted the example of the German legislation.

110. The Committee noted with appreciation the information contained in document PCIPD/3/5.

Agenda Item 7: The Digital Agenda: Implementation of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT)

111. The item was discussed on the basis of document PCIPD/3/9.

112. The Delegation of Costa Rica said that its country attached great importance to the entry into force of the two treaties, and had deposited its instruments of ratification in the course of the current year. The treaties had made provisions available that would not only protect the interests of creators but also make it possible for works to be created, distributed and monitored in the digital environment with greater confidence. It added that their implementation would generate new benefits for States by establishing an adequate legal framework that would guarantee foreign investment and contribute to the promotion of electronic commerce. It encouraged countries that had not yet ratified the treaties to do so, and the International Bureau to continue its work of advice and assistance with a view to bringing about their implementation.

113. The Delegation of Sweden congratulated WIPO for the comprehensive and diversified activities undertaken to promote the WCT and WPPT. It underlined the importance of these treaties for the protection of local creativity and folklore. The Delegation expressed its appreciation for the efforts of the International Bureau to evaluate the economic importance of intellectual property and, in particular, copyright in the national economy. It underscored the efficiency of such studies in convincing reluctant policymakers to have a positive attitude towards intellectual property. Referring to paragraph 29 of document PCIPD/3/9, the Delegation pointed out that the implementation of these treaties would not require any revolution, but the most important issues were to ensure proper implementation of technical protection measures and rights management information. Sufficient policy options were available that would bring balance in the benefits.

114. The Delegation of the United States of America expressed satisfaction about the entering into force of the WCT and WPPT this year, and appreciated the efforts of WIPO to

promote their implementation. It added that it was gratifying to see the universal acceptance of these treaties, since more than half of the members were from developing countries, 40% from countries in transition and only 5% from developed countries. In this regard, the Delegation noted the leadership taken by developing countries in embracing the digital age, hence, showing their recognition that the way forward in economic development began with creating a conducive environment. The Delegation further pointed out that the critical phase with regard to these two treaties was the implementation and enforcement of the established standards so that the Internet and digital environment would be protected against piracy. Finally, the Delegation stated that it looked forward to working with current and new members of the treaties to ensure a seamless and piracy-free web.

115. The Delegation of Sudan commended the many positive aspects and advantages which can be drawn from the WCT and the WPPT. However, some issues remained outstanding and they were to be dealt with as a matter of priority in the pursuit of international protection of creative works and performances. The Delegation expressed that access to digital networks was a prerequisite for a well-functioning system for the protection of intellectual property in a digital environment, but access to digital networks was not affordable to many developing countries, particularly in Africa. Thus it stood as a stumbling block on the way of these countries to make real progress towards establishing institutions of creators, performance producers and producers capable of meeting the challenges of the digital environment to the extent that they can explore advantages of the treaties to derive benefits. Building digital networks required expertise and know-how, connectivity and basic infrastructure requirements which were not within easy reach of many countries. The Delegation believed that the protection provided under the WCT and the WPPT was equally important to be extended to traditional knowledge and expressions of folklores since they depict an embodiment of creativity and inventiveness. The Delegation emphasized that the work of the Intergovernmental Committee on Traditional Knowledge, Genetic Resources, and Folklore should be supported and guided towards delivering concrete outcomes. It added that while the WCT and WPPT provided protection to certain works of folklore and arts, it remained the concern that obligations under those treaties would not have the desired effects by many developing countries, that local creators and traditional knowledge holders generate income and benefits from their works in order to improve their social living conditions. The Delegation remained sceptical as to whether investments in a considerable number of developing countries would lead to job creation for the local population in substantial proportions, because more often investors were keen on guaranteeing the abundance of modern infrastructure, advanced technology and expertise to run their investments, and hence the preferable option would be to import them from abroad.

116. The Delegation of the Republic of Korea acknowledged the important role which the WCT and WPPT can play in the digital era. It observed that the fact that the membership of these treaties so far was largely composed of developing countries and countries in transition sent both a positive and negative signal. The Delegation requested WIPO to encourage developed countries to join these treaties.

117. The Delegation of Algeria highlighted the advantages of accession to the WCT and WPPT as a means of meeting the challenges represented by the spread of digital technology, preserving the interests of creators in order to protect them against unauthorized use of their works and promoting creativity. It announced Algeria's firm intention to adapt its legal system to the new technological environment and to international standards in order to be in a position to accede to the WCT and WPPT. It encouraged WIPO to pursue its cooperative

work for the implementation of the treaties, not only in terms of the upgrading of legislation but also to create an environment conducive to the observance of the rights enshrined in them.

118. The Delegation of Senegal commended WIPO for the activities carried on in connection with the implementation of the WCT and WPPT. It announced Senegal's ratification of the treaties and its intention to ask WIPO for technical assistance in adapting its legislation to their provisions. The Delegation wondered at the small number of ratifications on the part of industrialized countries. It insisted by way of conclusion on the need for WIPO to focus its action on publicizing the treaties and bringing them to the notice of the interested parties, namely creators, who quite often had only a very limited knowledge of the rights written into international instruments for their benefit.

119. The Secretariat, responding to issues raised, said that the International Bureau, and in particular its Copyright Sector, would continue to promote the treaties, and organize for a etc. on implementation issues, also targeting developed countries to the extent required. The fact that, for instance, countries in Western Europe had not become parties to the treaties so far, was apparently due to the need to go first through a regional copyright harmonization process within the European Union and to subsequently adopt national implementing legislation. He agreed with the Delegation of Senegal in that, in addition to establishing implementing legislation, more had to be done to sensitize the general public, as well as professional circles concerned in WIPO Member States, and raise awareness about the benefit of a modern copyright protection system. WIPO's Cooperation for Development Program extended to these areas, as well. In response to the Delegation of Sudan, he agreed that the new protection provided for by the WPPT for performances of folklore did not totally accommodate the need to protect folklore at international level. The International Bureau had sympathy with the view of the Delegation that the Intergovernmental Committee dealing with this important issue should bring about concrete results. With respect to the balance between technical measures to control access to copyrighted material and limitations and exceptions for users, which national legislation could provide for, he confirmed that the TRIPS Agreement provision on limitations and exceptions had been taken over in the two WIPO treaties; however, balancing these rules against the treaties' provisions on legal protection for access control techniques was a new challenge, which the International Bureau took into account in its legislative assistance as well as in its workshop etc. on implementation issues.

120. The Committee noted with appreciation the information contained in document PCIPD/3/9.

Agenda Item 8: IPO Office Automation Activities

121. Discussions were based on document PCIPD/3/4.

122. The Delegation of Spain expressed its interest in the automation project, recognizing it as a means of improving work in the IP offices. It made reference to the positive impact of the Seminar held in Brazil on Industrial Property, the PCT and electronic communication. The Delegation reiterated Spain's interest in automation projects as a tool for exchange of information on patents and lodging of patent applications electronically, as well as a link for the LAC region with the Patent Office of the United States of America and the rest of the world.

123. The Delegation of Cuba expressed appreciation for the technical support provided by WIPO to the LAC region, urging the national offices to play a more proactive role. It thanked the Organization for the deployment of the WIPO NETS system, and suggested that the equipment for its use should be integrated into national offices' existing technological infrastructures, which would make it possible for the patent and trademark software to be installed. It welcomed and supported the electronic publications project, which would give Ibero-American countries the benefit of full-text publication of patent documents in Spanish, and also the work done on that project by WIPO and the Spanish Patent and Trademark Office.

124. The Delegation of Saint Lucia expressed its commitment to the automation of IP offices, as it improved the productivity of the offices. It expressed satisfaction with the Regional Trademark Information System for the Caribbean, which had already been deployed in the IP offices of Barbados, Trinidad and Tobago and Jamaica, pointing out that the same system would be installed in Saint Lucia within the next couple of months. The Delegation, however, expressed concern regarding the WIPO NET kit which could not be used for other activities in the office, thus placing a strain on small IP offices. It urged the International Bureau to initiate discussions with suppliers of the kits so that this problem could be resolved.

125. The Delegation of Ethiopia thanked WIPO for all the technical assistance and capacity building support provided to Ethiopia over the years and expressed particular appreciation for the inclusion of Ethiopia in the six pilot countries for the IPO Office Automation Project in Africa.

126. The Delegation of Nicaragua pointed out that the important investment Nicaragua had made in human resources for automation of its IP office. In this regard it paid tribute to Sweden and Spain for their assistance in favour of this project. The Delegation expressed support for the WIPO NET project.

127. The Delegation of Colombia thanked WIPO for its work in the LAC region which resulted in Colombia being one of these seven countries where WIPO sent automation missions. It stressed the importance of strengthening the IP offices and urged for the signing of more cooperation agreements with other developed countries wishing to assist developing countries.

128. The Delegation of Kenya recognized, and expressed satisfaction with, the long standing cooperation between WIPO and Kenya and made particular reference to the automation assistance dating back since 1995. In this regard the Delegation expressed its thanks to WIPO for Kenya being selected as one of the six pilot countries for the IPO Office Automation Project in Africa. The Delegation also noted with appreciation the assistance received from WIPO through the NFAPs and the WIPO NET project and reiterated its commitment for future cooperation.

129. The Delegation of Nigeria acknowledged with appreciation the assistance given by WIPO to the Nigerian Patents, Designs and Trademarks Office as well as the deployment of the WIPO NET kits. It requested that this assistance be extended to the Nigerian Copyright Commission and the two approved collecting societies based in Nigeria.

130. The Delegation of Jamaica expressed satisfaction with the assistance given by WIPO and referred to the meeting held in Barbados in 2001 which had resulted in the development and deployment of the trademark system for the Caribbean. It thanked WIPO for undertaking the three automation missions to the Jamaican IP Office and the assistance provided through the NFAP. The Delegation emphasized that automation and training remained priority areas for Jamaica, and specific activities would be pursued through the NFAP.

131. The Delegation of Egypt underlined the importance of the automation project as it contributed to the effectiveness of the IP Offices. It thanked the International Bureau for its technical support in this regard which had resulted in the successful completion of the automation of the Egyptian Patent Office. The Delegation emphasized the need for an exchange of information in this area.

132. The Delegation of Peru thanked WIPO for the automation of IP Offices and expressed its appreciation regarding the next WIPO NET Seminar to be held in Peru. It expressed Peru's interest in, and support for, the electronic publication of industrial property information.

133. The Delegation of Mozambique pointed out the significant impact which automation can have on the modernization of IP Offices in developing countries and particularly in Mozambique, adding that Mozambique had invested much in terms of infrastructure and administrative arrangements for the WIPO NET project. In the same regard the Government of Mozambique was committed to conducting a national survey of its industries with the aim of possible adaptation to new technologies. In that way, the information technology that would be provided by the WIPO NET project, would be a crucial contribution. The challenge facing WIPO and the IP Offices was the transformation of the paper-based Offices within adequate infrastructure and technical tools into modern fully automated Offices. The Delegation stressed the need for human resource training being one of the key components for the automation projects. The Delegation reiterated Mozambique's interest in benefiting from this Program.

134. The Delegation of Sweden, referring to paragraph 22 of document PCIPD /3/4, expressed satisfaction that the automation activities covered both industrial property Offices and the collective management systems. Pointing out that although there was no registration per se in the collecting societies, they had to handle enormous amounts of information on rights, works and users which would be facilitated through automation. The Delegation considered office automation as an important element for the IP Offices also in the light of Article 62 of the TRIPS Agreement which stipulated that in the acquisition of IP rights there had to be procedures which permit the granting or registration of the right within a reasonable period of time so as to avoid unwarranted curtailment of the period of protection.

135. The Representative of OAPI expressed his gratitude to Mr. Castelo and the Director General of the French Institute of Industrial Property for their support and advice in the implementation of the automation of OAPI from the reception to the publication of its official Industrial Property Gazette. He indicated the particular interest of OAPI in the automation of its Member States' Offices for a closer working relation. He urged WIPO to take these concerns into consideration as the automation of the national Offices and linking to the OAPI systems would bring closer cooperation and integration in intellectual property issues in the region.

136. The Representative of ARIPO reiterated the importance which ARIPO attached to the automation of intellectual property offices, particularly that of its Secretariat in Harare and its Member States, and thanked WIPO for the successful implementation of the WIPO ^{NET} project in its Secretariat. ARIPO was looking forward to the successful implementation of the automation projects in Kenya, Lesotho, Zimbabwe and Namibia. The Representative urged WIPO to accelerate the development of the software for deployment in the automation projects in its Member States so that they could take advantage of the IT systems and so that an online link between the ARIPO database and those of Member States would be established. This was particularly desirable as ARIPO's own POLITE software (developed by EPO) was being tested and would be operational by January 2003. The Representative referred to the five year information technology plan (ARIVISION) adopted last year in November by its Administrative Council which, building on WIPO ^{NET} and POLITE, sought to ensure that ARIPO would be ready for electronic filing by the year 2006. That year was chosen specifically because, firstly, by 2006 the majority of ARIPO's Member States would have to comply with the TRIPS Agreement and, secondly, under the Patent Law Treaty (PLT), some IP offices might cease to accept applications in paper form by June 2, 2005.

137. The Secretariat welcomed the constructive and encouraging remarks and comments of the Delegations on this item and reiterated WIPO's commitment with respect to implementation of the Intellectual Property Office Automation Project. It informed the Committee that the deployment of the automation project in Africa was beginning with Kenya, one of the pilot countries, in November 2002.

138. The Committee noted with appreciation the information contained in document PCIPD/3/4.

Agenda Item 9: Positive Aspects in the Use of the Global Protection Systems

139. Discussions were based on documents PCIPD/3/7 and PCIPD/3/8.

140. The Delegation of India highlighted the fact that since India's accession in December 1998, India had witnessed the highest growth rates in terms of use of the PCT system. More and more sectors of the population: researchers, inventors, companies and universities, had been using the PCT system for seeking patent protection abroad. Thus figures in the filing of international applications had doubled every year. The Delegation also stressed that to date, India had emerged as the third largest user in the developing world, the fourth largest among developing countries and countries in transition and the 22nd largest worldwide. Furthermore, the Indian Council of Scientific Research ranked second among the principal users of the PCT in the developing world. The Delegation expressed its gratitude to WIPO and in particular to Mr. Castelo and his colleagues for the organization of seminars and workshops in India which had been very beneficial for all stakeholders in the system. The Delegation made recommendations for the maintaining and strengthening of cooperation to supplement efforts of the Indian Government. It further recommended the organization of specialized training programs geared to civil servants, policymakers, academicians, enforcement officials, patent attorneys, teachers and students.

141. The Delegation of the Russian Federation underlined the importance that the Government of the Russian Federation attached to the WIPO Treaties including the PCT. The Delegation stated that given the success of the implementation of the PCT in most countries, it was important to promote the use of the PCT in developing countries and countries in

transition. The Delegation recommended to reduce PCT fees for developing countries and countries in transition and called on WIPO for greater assistance in the areas of seminars, workshops and missions. The Delegation stated that a fee reduction would allow those countries to devote finances to their own national systems. The Delegation also recommended that an electronic library be created in order to accelerate the implementation of the PCT. The access to that library should be facilitated for their patent and trademark offices as well as for stakeholders in the system. The question of financing would need to be addressed since the documents contained in the electronic library would need to be translated into Chinese and Russian. The Delegation further recommended to establish cooperation links to enhance the efficiency of patent offices in the processing of applications. It also called on the International Bureau for assistance through experts in the area of evaluation and transfer of technology. The Delegation thanked the International Bureau for its cooperation and assistance especially in the field of the PCT.

142. The Delegation of Morocco thanked WIPO for the cooperation extended to Morocco in the area of the PCT. The Delegation stated that the Government of Morocco was negotiating with exporters and reiterated that it would reinforce cooperation with the International Bureau in order to promote awareness so as to enhance the success of the PCT. The Delegation described its country's positive experience with the Madrid System. The system had worked well, in particular, as reflected in the increased use and protection of foreign trademarks in Morocco. Unfortunately, the same could not be said in the reverse direction with respect to national trademarks. The Delegation therefore recommended the International Bureau for referring to the underutilization of the Madrid System by national enterprises in many developing countries. The Delegation indicated that its Government was already starting to work with national enterprises, especially exporters, in building awareness about the Madrid System and that it wished to strengthen such activities, in cooperation with WIPO, so as to correct the imbalance described and ensure that national enterprises would also be able to take better advantage of the benefits offered by the system.

143. The Delegation of Cuba underlined the excellent work done by the Developing Countries (PCT) Division especially with respect to its training course on PCT - EASY given to the staff of the Office and users of the system. The Delegation also expressed thanks to the Division for its general assistance in the implementation of the Treaty and stressed the point that Developing Country Member States needed to participate more actively in the PCT - SAFE project, which would allow for the filing of international applications online. The Delegation also thanked the Developing Countries (Madrid and The Hague Systems) Division for the assistance and cooperation they had provided to its country. The Delegation expressed its appreciation for the continued support offered concerning the implementation and administration of the Madrid System. The Delegation, in particular, congratulated WIPO for having organized earlier this year the Workshop on the Implementation and Administration of the Madrid System for developing countries and countries in transition party to the system.

144. The Delegation of the United States of America was pleased to announce the passage of legislation to ratify the Madrid Protocol and looked forward to participating in the Madrid System once the needed procedures were put into place within the next year.

145. The Delegation of Sudan mentioned that although Sudan was considered a least developed country (LDC), it had started the implementation of the PCT in the early 1990's and received numerous requests through the receiving office. The Delegation further stated that certain applicants and inventors have made enquiries with respect to the secrecy and confidentiality of the PCT system. The Delegation expressed the hope to receive the

necessary assistance in improving the service. The Delegation emphasized the fact that despite the 75% reduction of certain PCT fees, the amount was still a burden for applicants from Sudan. The Delegation requested a further review of the fees system.

146. The Delegation of Egypt stated that Egypt was proceeding to the accession of the PCT and expressed its gratitude to the International Bureau for the cooperative efforts facilitating accession. The Delegation made special reference to the national colloquium held in Egypt in 2001 which had been a very successful event. The Delegation reiterated that effective use of the system would be reflected in the ability of developing countries to take on questions related to traditional knowledge. The Delegation also made reference to the proposal to include traditional knowledge in the prior art system of the PCT. It stated that this proposal was very useful and could help extend use of the system by developing countries. The Delegation also recalled that its country was party to both the Madrid and The Hague systems and expressed its complete support for the statement made by the Delegation of Morocco. The Madrid and The Hague systems were underutilized by national enterprises in developing countries, and WIPO needed to further increase its cooperation activities to assist exporters and manufacturers in Egypt so that they could make better use of those systems, especially as far as trademark and design protection abroad was concerned. The Delegation hoped that an increased use of the systems might also lead to addressing issues related to traditional knowledge.

147. The Delegation of Nicaragua said that accession to the PCT was intended with a view to promoting national and innovative development. The Delegation expressed the hope that the instrument of accession could soon be transmitted to WIPO and that WIPO would assist in the implementation of the treaty.

148. The Delegation of Kenya emphasized the fact that the Government of Kenya recognized intellectual property rights as an important tool for trade and as a cornerstone for modern economic policy. The Delegation added that Kenya had put the necessary machinery in place for the effective management of intellectual property rights in the country. It underlined the fact that Kenya is party to many intellectual property treaties, including the PCT and the Madrid System, and that most aspects of industrial property, copyright and plant varieties could be protected in Kenya. The Delegation advocated the need for WIPO to ensure that the intellectual property system reflect the needs of developing countries, in particular as regards the impact on the socio-economic development of these countries and to avoid conflict with public health. The Delegation added that new intellectual property legislation had been adopted to accommodate changes on the local, regional and international scenes, thus improving and strengthening the protection, enforcement and management of intellectual property rights in its country and ensuring conformity with international obligations. The Delegation also highlighted the importance of the technical information disclosed in patents documents and informed that KIPi has a Patent and Documentation Centre which houses over 12 million documents on patents from all parts of the world. The Delegation informed that one of the functions of KIPi was to provide patent information to the public from this database. Kenya had continued to pursue international cooperation in the intellectual property field by becoming party to several global protection systems, as well as to the WTO, and was currently making efforts to accede to others such as multilateral arrangements.

149. The Delegation of the Republic of Korea stated that during the last five years there had been a remarkable increase in PCT applications filed in the country. In the year 2001, nationals and residents of the Republic of Korea had filed the highest number of international applications (2,318) filed in developing countries, placing the country in the eighth position in

the world in terms of the number of PCT applications. The Delegation further expressed its gratitude to WIPO for the efforts and cooperation in building awareness on the advantages of the PCT. The Delegation pointed out that the PCT fees nevertheless remained beyond the reach of most small and medium sized enterprises (SME) and individual inventors. The Delegation requested that consideration be given to the reduction of PCT fees for SMEs and individual inventors. The Delegation announced that its country was in the process of acceding to the Madrid Protocol in the very near future.

150. The Representative of ARIPO referred to the link between ARIPO and the Harare Protocol and the evolution of the accession to the PCT by ARIPO Member States (from 3 to 10), pre and post the formal link between ARIPO and the Harare Protocol. He stated that he looked forward to the day that all ARIPO Member States would be party to the PCT. The Representative expressed thanks to WIPO for the assistance rendered to Member States and ARIPO itself in the area of PCT. Here iterated the fact that despite the numerous PCT seminars, the number of PCT applications emanating from the region still remained small. The Representative requested that the Developing Countries (PCT) Division consider the organization of more seminars in the next two years.

151. The Committee noted with appreciation the information contained in documents PCIPD/3/7 and PCIPD/3/8.

Agenda Item 10: Adoption of the Draft Report

152. The draft report was unanimously adopted by the Committee.

Agenda item 11: Closing of the session

153. The Delegations of Venezuela, Egypt and Brazil, joined together to express their appreciation of the work done by the Chair and by the Secretariat, agreed that in future away should be found of recording in the report the conclusions drawn by the Chair on each agenda item. They also mentioned that important issues had been raised at the present meeting, among them the need to increase the resources available for development cooperation activities and to give a specific boost to certain programs, the specialization of the Academy and the incorporation in the Committee's activities of the points raised in the Doha Ministerial Declaration on the TRIPS Agreement and Public Health, but that none of them had gone on record as conclusions of the Chair.

154. The Delegation of Barbados, on behalf of GRULAC, expressed the desire that the Secretariat would incorporate and implement the various recommendations made during the meeting of this Committee, in particular the need to increase all kinds of resources for the cooperation for development activities. The Delegation concluded by noting that this fact should be kept in mind during the next meeting of the Program and Budget Committee.

155. The Delegation of India, speaking on behalf of the Asian group, highlighted the useful discussion that had taken place both in the plenary and in the Forum on Strategic Issues for the Future. This meeting had given the opportunity to discuss different activities in the cooperation for development sector and the related work done by other divisions of WIPO on development. The Delegation expressed its wish that the recommendations made during the meeting be incorporated in the policies of the cooperation program to strengthen them.

156. The Delegation of China highlighted as an important progress the format of the meeting. The Delegation further expressed its interest that in the future more issues should be included in the Forum to be discussed by delegations.

157. Mr. Roberto Castelo, in his closing remarks, thanked the Committee on behalf of the Director General, for the way the discussion took place. He highlighted the fact that, on this occasion, a different format for the session had been adopted and welcomed by delegations. He also referred to the fact that important conclusions had been raised from the forum that should guide the activities of the sector. He thanked all delegations for their constructive and frank participation as well as the Chair for her capacity and the work done in conducting the meeting.

158. The meeting was closed by the Chair.

[Annex follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES
(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

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TURQUIE/TURKEY

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URUGUAY

Carlos TEYSERAROUCO, Presidente, Consejo de Derecho de Autor, Montevideo

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VÉNÉZUELA/VENEZUELA

Virginia PÉREZ PÉREZ (Ms.), First Secretary, Permanent Mission, Geneva

ZAMBIE/ZAMBIA

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Edward CHISANGA, First Secretary, Permanent Mission, Geneva

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Ouagadougou

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Propiedad Industrial (OCPI), La Habana

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III. ORGANISATIONS INTERGOUVERNEMENTALES/ INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

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Mohamed Lamine MOUAKIBENANI, Counsellor, Permanent Delegation, Geneva

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Johan AMAND, Deputy Director, International Technical Cooperation, Munich

ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (OAPI)/AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

Anthioumane N'DIA YE, Directeur général, Yaoundé

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INDUSTRIELLE (ARIPO)/AFRICAN REGIONAL INDUSTRIAL PROPERTY ORGANIZATION (ARIPO)

Mzondi CHIRAMBO, Director General, Harare
Emmanuel SACKEY, Examiner (Biochemistry), Harare

UNION AFRICAINE(UA)/AFRICAN UNION(AU)

Francis MANGENI, Conseiller, Mission permanente, Genève

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON - GOVERNMENTAL ORGANIZATIONS

Confédération internationale des sociétés d'auteurs et compositeurs (CISAC)/International
Confederation of Societies of Authors and Composers (CISAC) :
Luiz SOARES (Contrôleur de gestion, Neuilly -sur-Seine)

Conseil international des sociétés de design industriel (ICSID)/International Council of
Societies of Industrial Design (ICSID) :
Geoffrey ADAMS (Consultant/Adviser on Design Protection, London)

Croplife International :
Patricia POSTIGOMcLAUGHLIN (Mrs.) (Manager, Global Political Affairs and Society
Issues, Brussels)

Fédération ibéro -latino-américaine des artistes interprètes et exécutants (FILAIÉ)/
Ibero-Latin-American Federation of Performers (FILAIÉ) :
Luis COBOS (Président, Madrid); Miguel PÉREZ SOLÍS (Conseiller juridique, Madrid);
Gloria SANZ (Mme) (Conseillère juridique, Madrid)

Fédération internationale de l'industrie du médicament (IFPMA)/International Federation of
Pharmaceutical Manufacturers (IFPMA) :
Eric NOEHRENBERG (Director, International Trade and Market Issues, Geneva)

Fédération internationale des organismes gérant les droits de reproduction
(IFRRO)/International Federation of Reproduction Rights Organisations (IFRRO) :
Véronica WILLIAMS (Mrs.) (Secretary General, Brussels)

Ligue internationale du droit de la concurrence (LIDC)/International League of Competition
Law (LIDC) :
François BESSE (Avocat au barreau, Lausanne)

Union internationale des éditeurs (UIE)/International Publishers Association (IPA) :
Benoît MÜLLER (Secretary General, Geneva); Carlo SCOLLO LAVIZZARI (Legal
Counsel, Geneva); Stéphanie TUETÉY (Ms.) (Project Manager, Geneva)

V. BUREAU/OFFICERS

Président/Chairman: Norah K. OLEMBO (Mrs.) (Kenya)
Vice-Présidents/Vice-Chairmen: Henry OLSSON (Sweden)
Supark PRONGTHURA (Thailand)
Secrétaire/Secretary: Kurt KEMPER (OMPI/WIPO)

VI. SECRÉTARIAT DE L'ORGANISATION MONDIALE DE LA PROPRIÉTÉ
INTELLECTUELLE (OMPI)/SECRETARIAT OF THE WORLD INTELLECTUAL
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