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Code of Copyright and Related Rights (No. 45/85 of September 17, 1985, as last amended by Law No. 114/91 of September 3, 1991) (*Articles 107 to 218*) Text 1-01

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Normative Activities of WIPO in the Field of Copyright

Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Fourth Session

(Geneva, July 6 to 14, 1992)

The Committee of Experts on the Settlement of Intellectual Property Disputes Between States held its fourth session at the headquarters of WIPO from July 6 to 14, 1992.

The following 53 States and one intergovernmental organization were represented at the session: Algeria, Angola, Argentina, Australia, Austria, Brazil, Cameroon, Canada, Chile, China, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, Gabon, Germany, Greece, Guinea, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Mexico, Netherlands, New Zealand, Pakistan, Peru, Portugal, Republic of Korea, Romania, Spain, Swaziland, Sweden, Switzerland, Syria, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Viet Nam, Yemen, Yugoslavia, Zambia, Commission of the European Communities (CEC).

Representatives of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the General Agreement on Tariffs and Trade (GATT) participated in the session in an observer capacity.

Representatives of the following three non-governmental organizations participated in the session in an observer capacity: International Chamber of Commerce (ICC), International Federation of Industrial Property Attorneys (FICPI), International Literary and Artistic Association (ALAI). The list of participants follows this Note.

Discussions were based on a document prepared by the International Bureau of WIPO and entitled "Draft Treaty for the Settlement of Disputes between States in the Field of Intellectual Property" (document SD/CE/IV/2). The draft Treaty consists of 18 Articles preceded by a Preamble. Each Article is accompanied by explanations and, in some cases, alternatives are presented.

The Committee of Experts examined the Preamble and the first eight Articles of the draft Treaty containing the substantive provisions of the Treaty. Articles 9 to 14 (administrative provisions and final clauses) were not examined at the session.

The Committee noted that the program and budget for the 1992-93 biennium provides for a Diplomatic Conference to be convened in 1993 to adopt a Treaty. Notwithstanding the progress achieved during its fourth session, the Committee considered that another (fifth) session was necessary. The International Bureau was asked to prepare for that session a new draft of Articles 1 through 8 in order to give effect to the directions given by the Committee of Experts in the course of its fourth session as well as draft Regulations under the Treaty.

LIST OF PARTICIPANTS*

I. States

Algeria: S. Abada. **Angola:** P.A. da Silva. **Argentina:** N.F. de Sturla; A.G. Trombetta; S. Savoini. **Australia:** M.A. Borthwick. **Austria:** T.M. Baier. **Brazil:** P. Tarrago. **Cameroon:** J.-O. Tigbo. **Canada:** B. Couchman; W. Ehrlich. **Chile:** P. Romero; S. Escudero. **China:** Wu Zhenxiang. **Democratic People's Republic of Korea:** Pak Chang Rim. **Denmark:** T. Jakobsen. **Ecuador:** M. Guerrero. **Egypt:** S. Kamef; N. Gabr. **Finland:** M. Aalto-Setälä; K. Luotonen; S.I. Ruokola. **France:** F. Moury; L. Guénot; P. Delacroix. **Gabon:** P.-S. Onanga-Anyanga; M. Nziengui. **Germany:** A. von Mühlendahl; D. Schennen; J. Schemel. **Greece:** E. Manoussakis. **Guinea:** C.A. Loua. **Hungary:** P. Gyertyánfy. **India:** L. Puri; K.C. Kailasam. **Indonesia:** B. Kesowo; R. Siahaan; K.P. Handriyo. **Iran, (Islamic Republic of):** M. Khaleghi; M.-H. Moayedoddin; H.R. Heravi Maghadam. **Ireland:** G. Burke. **Israel:** M. Gabay; A. Kerem. **Italy:** P. Iannantuono. **Japan:** T. Yasuda; Y. Takagi; A. Yoshikawa. **Kenya:** I. Omolo-Okeru. **Mexico:** D. Jiménez Hernández. **Netherlands:** P.W.A. Schellekens; W. Neevoort. **New Zealand:** P. Hamilton; D.J. Walker. **Pakistan:** I. Baloch. **Peru:** M.

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

Lopez. **Portugal:** J. Mota Maia; P. Cordeiro; A. Queiros Ferreira. **Republic of Korea:** J.K. Kim; C.-W. Lee. **Romania:** E. Vasiliu; T. Mircea; L. Bulgar; T. Popescu; R. Balas. **Spain:** E. Calvo Cabello; J. Cos Codina; F. Martínez Tejedor. **Swaziland:** S.H. Zwane; A.M. Mathabela; S. Magagula. **Sweden:** S. Strömberg; H. Olsson. **Switzerland:** T. Cottier; T.-L. Tran-Thi; J. Simon. **Syria:** C. Kayali. **Thailand:** S. Sun-tavaruk; B. Limschoon; U. Buranasate. **Togo:** G.C. Germa. **Tunisia:** H. Tebourbi. **Turkey:** E. Karaahmet. **United Kingdom:** B. Simpson; H. Llewellyn; L. Siliakus; C. Robson; H. Pickering. **United States of America:** A. Zalik; L.A. Nelsen; M.T. Barry. **Uruguay:** R.J. González Arenas; C. Amarin. **Viet Nam:** Nguyen Thanh Long. **Yemen:** F. Hamood Al-Hakimi; A.-W. Shamhan. **Yugoslavia:** O. Spasić. **Zambia:** M.C.J. Kun-kuta. **Commission of the European Communities (CEC):** J.-F. Verstryne; P.A. Maier.

II. Intergovernmental Organizations

United Nations Conference on Trade and Development (UNCTAD): C. Radhakishun. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** Y. Kochubey. **General Agreement on Tariffs and Trade (GATT):** A. Otten; M. Geuze.

III. International Non-Governmental Organizations

International Chamber of Commerce (ICC): J.H. Kraus; X.A. de Mello. **International Federation of Industrial Property Attorneys (FICPI):** B. Catomeris. **International Literary and Artistic Association (ALAI):** G. Roussel.

IV. Officers

Chairman: J. Mota Maia (Portugal). *Vice-Chairmen:* S. Kamel (Egypt); P. Gyertyánfy (Hungary). *Secretary:* R. Satele (WIPO).

V. International Bureau of WIPO

G. Ledakis (*Legal Counsel*); R. Satele (*Assistant Legal Counsel*).

Activities of WIPO in the Field of Copyright Specially Designed for Developing Countries

Africa

Seminars

National Seminar on Copyright and Neighboring Rights (Kenya). In July 1992, a National Seminar on Copyright and Neighboring Rights was organized by WIPO in cooperation with the Government of Kenya in Nairobi. Two hundred and twenty participants from, among others, government institutions, film, music and publishing circles, collecting societies and the legal profession attended. The Seminar was opened by the Attorney-General of Kenya. Presentations were made by the Registrar-General of Kenya, two WIPO consultants from Switzerland and the United Kingdom and a WIPO official.

Roving National Seminars on Copyright and Neighboring Rights (Malawi). In July 1992, WIPO organized three National Seminars on Copyright and Neighboring Rights in Lilongwe (July 20 and 21), Blantyre (July 22 and 23) and Zomba (July 24) in cooperation with the Government of Malawi. Seventy, 50 and 40 participants respectively, including government officials, performers, authors, publishers, lawyers and professors, attended these Seminars. Presentations were made by two WIPO consultants from Hungary and Switzerland and by government officials of Malawi.

The National Seminars were preceded by one week's practical training in Lilongwe on collective administration of copyright and neighboring rights for 10 officials of the Copyright Society of Malawi. The training was conducted by the same WIPO consultant from Switzerland and a WIPO official.

National Seminar on Copyright and Neighboring Rights (Zambia). In July 1992, WIPO organized in Lusaka, in cooperation with the Government of Zambia, a National Seminar on Copyright and Neighboring Rights. Sixty-five participants, including government officials, musicians, writers, artists, publishers and broadcasting officials attended the Seminar. Presentations were made by a WIPO consultant from Switzerland, two officials from Zambia and a WIPO official.

Assistance with Legislation and Modernization of Administration

Angola. In July 1992, Mr. Pedro Antonio da Silva, Chairman of the Administrative Council of the Angolan Society of Authors (SADIA), visited WIPO and had discussions with WIPO officials on future development cooperation between WIPO and Angola in the field of copyright.

Kenya. In July 1992, a WIPO official and a WIPO consultant from Switzerland had discussions in Nairobi with the Attorney-General and the Registrar-General, as well as with the Board of the Music Copyright Society of Kenya (MCSK) on possible cooperation activities with Kenya in the field of collective administration of copyright.

Also in July 1992, at the request of the national authorities, WIPO prepared proposals for amendments to the Copyright Act of Kenya to make the law of that country compatible with the Berne Convention, taking into account the latest technological advances and applications and recent copyright legislation in other countries.

Lesotho. In July and August 1992, a WIPO consultant from Switzerland and a WIPO official visited Maseru and had discussions with government officials concerning, *inter alia*, the implementation of certain provisions of the Copyright Order of Lesotho of 1989, the establishment of a Copyright Office and of the Lesotho Society of Authors and Artists.

Malawi. In July 1992, a WIPO consultant and a WIPO official participated in a celebration marking the establishment of the new Copyright Society of Malawi and held discussions with government officials on matters of common interest.

Sudan. In July 1992, a WIPO official visited Khartoum and held discussions with the Dean of the Faculty of Law of the University of Khartoum regarding the evolution of the teaching of intellectual property law at that Faculty.

African Prize for Leadership for the Sustainable End of Hunger. In July 1992, a WIPO official

attended a ceremony in Berne (Switzerland) for the 1992 Announcement Ceremony of the African Prize for Leadership organized by the Hunger Project, New York, under the auspices of the Governments of Senegal and Switzerland and the Organization of African Unity (OAU). The ceremony was presided over by Mrs. Abdou Diouf, First Lady of Senegal, and held in conjunction with a satellite TV presentation transmitted from Ethiopia and the United Nations in New York.

African Intellectual Property Organization (OAPI). In July 1992, a WIPO official visited Niamey and held discussions with the President of the Council of Ministers of OAPI regarding possible future assistance to OAPI.

Also in July 1992, a WIPO official visited Yaoundé and held discussions with the Director General a.i. of OAPI on cooperation between the two organizations. Further discussions will be held in Geneva in September 1992.

Asia and the Pacific

Training Course

Training Course on Intellectual Property for Developing Countries in Asia and the Pacific (Sri Lanka). In July and August 1992, WIPO organized in Colombo a Training Course on Intellectual Property for Developing Countries of Asia and the Pacific, in cooperation with the Government of Sri Lanka and the Sri Lanka Foundation and with the financial support of the United Nations Development Programme (UNDP). Eighteen government officials from Bangladesh, Bhutan, China, the Democratic People's Republic of Korea, Fiji, India, Indonesia, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, the Republic of Korea, Singapore, Thailand and Viet Nam participated. Sixteen participants from the government and private sectors of Sri Lanka also attended. Lectures were given by eight WIPO consultants from Canada, Egypt, Finland, France, India, the Republic of Korea, Sri Lanka and Switzerland and by two WIPO officials.

Assistance with Legislation and Modernization of Administration

Regional. In July 1992, the UNDP Resident Representative in the Philippines had discussions in Geneva with WIPO officials on the holding of a regional consultative meeting in Manila, in October 1992, in connection with the proposed UNDP-financed regional project on intellectual property for the Asian and the Pacific region under the Fifth Inter-Country Programme (1992-96) (ICP5) of UNDP.

Democratic People's Republic of Korea. In July 1992, a group of 16 researchers, professors and trade specialists visited WIPO headquarters in Geneva and were briefed by WIPO officials on the work of the Organization.

Indonesia. In July 1992, a government official discussed with WIPO officials, in Geneva, questions of mutual interest on development cooperation activities.

Japan. In July 1992, three government officials had discussions with WIPO officials, in Geneva, on the activities to be undertaken under a Japanese funds-in-trust agreement for the year 1992/93.

Philippines. In July 1992, the UNDP Resident Representative in the Philippines discussed with WIPO officials in Geneva the program of activities of WIPO in the Philippines, in particular the proposal for a UNDP-financed country project aimed at the modernization of the Bureau of Patents, Trademarks and Technology Transfer, and a proposed national meeting on the teaching of intellectual property law.

Viet Nam. In July 1992, two WIPO officials visited Hanoi and Ho Chi Minh City and met with government officials and officials of the Vietnamese Copyright Agency (VINAAUTEUR) and the representatives of authors, publishers and academic circles to discuss and finalize the draft copyright law of Viet Nam. The WIPO officials also discussed cooperation between WIPO and Viet Nam in the collective administration of copyright.

Latin America and the Caribbean

Seminar

Uruguay. In July 1992, a WIPO official attended a Regional Seminar on Collective Administration of Copyright held in Montevideo and organized by the Interamerican Committee of the International Confederation of Societies of Authors and Composers (CISAC) and the General Authors' Society of Uruguay (AGADU) under the sponsorship of the Uruguayan Copyright Council. The Seminar was attended by 17 participants from authors' societies of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Paraguay, Peru and Venezuela and 13 local participants from AGADU. Papers were presented by a WIPO official and by the heads of the copyright offices of Argentina, Brazil, Mexico and Uruguay.

Assistance with Legislation and Modernization of Administration

Brazil. In July 1992, a WIPO official visited Rio de Janeiro and Brasilia and had discussions with government officials on future development cooperation activities between WIPO and Brazil.

Paraguay. In July 1992, a WIPO official and a WIPO consultant from Venezuela visited Asunción and discussed the organization of the VIIIth International Congress on the Protection of Intellectual Rights (of the Author, the Artist and the Producer) to be organized by WIPO in cooperation with the Ministry of Foreign Affairs and the Supreme Court of Paraguay in Asunción in March 1993.

Uruguay. In July 1992, a WIPO official visited Montevideo and had discussions with members of the Senate, government officials and members of the Authors' Society of Uruguay (AGADU), the Interpreters' Association (SUDEI), the National Recording Chamber and the Broadcasting Association, on the new draft copyright law.

Latin American Economic System (SELA). In July 1992, two WIPO officials participated in the third session of the Latin American and Caribbean Forum on Intellectual Property Policies which was organized by the SELA Permanent Secretariat in Caracas. The meeting was attended by government representatives of 15 member countries of SELA, as well as five intergovernmental organizations and two non-governmental organizations concerned with intellectual property. The WIPO officials made presentations on recent changes and trends in patent legislation worldwide and on the Patent Cooperation Treaty (PCT) and the advantages that SELA member countries would derive from accession to the PCT. The Forum adopted a recommendation which calls on the SELA member countries that are not party to the Paris Convention or the PCT to study the advantages of acceding to those treaties.

Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA). In July 1992, a WIPO official had discussions in Guatemala City with SIECA officials on possible cooperation between the two organizations in the field of intellectual property.

Development Cooperation (in General)

Interagency Cooperation

United Nations. In July 1992, a WIPO official had discussions in New York with Mr. Ji Chaozhu, Under-Secretary General, Department of Economic and Social Development, on matters of common interest.

Also in July 1992, two WIPO officials attended the high-level segment meeting of the Economic

and Social Council of the United Nations (ECOSOC) in New York.

United Nations Development Programme (UNDP). In July 1992, two WIPO officials held discussions in New York and Geneva with senior UNDP officials and officials from all the regional bureaux of UNDP headquarters.

Activities of WIPO in the Field of Copyright Specially Designed for European Countries in Transition to Market Economy

Regional Activities

General Agreement on Tariffs and Trade (GATT). In July 1992, three WIPO officials made presentations at the headquarters of WIPO to 25 GATT trainees from Eastern and Central Europe on WIPO activities in general, and on the industrial property and copyright situation in Eastern and Central European countries in particular.

National Activities

Estonia. In July 1992, Mr. Matti Päts, Director General of the Patent Office of Estonia, accompanied by two officials of that Office, visited WIPO to discuss with the Director General and several WIPO officials the preparation of industrial property legislation for Estonia and to receive information on procedures for accession to WIPO-administered treaties.

Also in July 1992, at the request of the national authorities, the International Bureau sent its comments on the new draft copyright law of Estonia.

Romania. In July 1992, a representative of the Literary Fund of Romania visited the headquarters of WIPO in the course of a study tour organized by WIPO and the Society of Authors and Composers of Dramatic Works (SACD) after practical training

on collective administration of dramatic works on the premises of SACD in Paris.

Ukraine. In July 1992, Mr. Valeriy L. Petrov, Chairman of the State Patent Office of Ukraine, accompanied by an official of that Office, visited WIPO and met with the Director General and several WIPO officials to discuss the preparation of industrial property legislation for Ukraine and the application, by that country, of WIPO-administered treaties. The visitors were given, at their request, a copy of a model declaration of continued application to Ukraine of the treaties to which the former Soviet Union was party, and also a draft announcement on the protection of industrial property rights in Ukraine pending the entry into force of the national industrial property legislation.

Also in July 1992, at the request of the national authorities, the International Bureau sent its comments on the compatibility of the draft copyright law of Ukraine with the Berne Convention for the Protection of Literary and Artistic Works, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms. It was agreed that Mr. Vladimir Drobiazko, President of the Ukrainian Copyright Agency, would visit WIPO at the end of August 1992 to discuss the draft law.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Copyright

United Nations

United Nations Joint Staff Pension Board (UNJSPB). In July 1992, two WIPO officials attended the 44th session of the UNJSPB in Montreal.

Consultative Committee on Administrative Questions (Personnel and General Administrative Ques-

tions) (CCAQ(PER)). In July 1992, a WIPO official attended the 77th session of the CCAQ(PER) in London.

International Civil Service Commission (ICSC). In July 1992, a WIPO official attended the 36th session of the ICSC in London.

Other Intergovernmental Organizations

Commission of the European Communities (CEC). In July 1992, an official of the CEC visited WIPO to discuss the proposed Protocol to the Berne Convention.

Society of Authors and Composers of Dramatic Works (SACD). In July 1992, a WIPO official visited SACD in Paris for consultations and discussed, among other things, the development of joint cooperation activities for developing countries concerning collective administration of dramatic works.

Non-Governmental Organizations

International Confederation of Societies of Authors and Composers (CISAC). In July 1992, a WIPO official visited CISAC in Paris and discussed with the Secretary General and other officials questions of mutual interest, including development cooperation activities.

National Contacts

United States of America. In July 1992, at the invitation of the United States Chamber of Commerce, a WIPO official gave an address in Brussels before the Intellectual Property Subcommittee, European Communities (EC) Committee, of the United States Chamber of Commerce, on WIPO activities in the field of copyright.

Miscellaneous News

The Role of Non-Governmental Organizations in the Work of the World Intellectual Property Organization

I. In General

In most countries and most cases, the holders of intellectual property rights are either individuals or enterprises. It is therefore not only natural but also necessary for WIPO to be in contact both with those who represent the interests of the owners of intellectual property and with the representatives of enterprises which, without being the owners of intellectual property rights, make, use or distribute creative works as licensees of the owners. Again in most countries and most cases, the licensees are individuals or privately-owned enterprises. There are naturally important exceptions. In some countries, factories, publishing and broadcasting are owned or controlled by the government. But governments are *ipso facto* represented at meetings organized by WIPO.

Owners of intellectual property, users of protected works and lawyers of both owners and users are grouped in numerous national, regional or worldwide organizations. The present practice is to refer to such organizations—which are not controlled by the government—as “non-governmental” or “private,” or, in the case of lawyers,

engineers and other scientific or specially skilled persons, “professional.”

II. The Contribution of Non-Governmental Organizations to the Work of the Organization

Non-governmental organizations contribute to the work of the Organization in many ways, and their influence is apparent in the process whereby the activities of the Organization are proposed, initiated, developed and carried out.

Non-governmental organizations are invited to send representatives to meetings that WIPO convenes and services in the industrial property, copyright and neighboring rights fields, whether they are meetings of the Governing Bodies of WIPO or of the Unions administered by WIPO or meetings dealing with a specific legal question or other intellectual property matter. The latter are usually called committees of experts or working groups. Even if the meeting is that of a committee of governmental experts, representatives of non-governmental organizations participate in it.

The representatives are called observers, but they are allowed to speak at the meetings whenever they wish. The only respect in which their rights are less than those of other representatives is that they have no right to vote. But then voting happens very rarely in the meetings of the Governing Bodies, and there is practically never a vote in committees of experts or working groups.

The Director General of WIPO convenes annually, towards the end of the year, a meeting to which are invited only representatives of those organizations that are on the list of international non-governmental organizations admitted as observers to the meetings of the Governing Bodies. At that meeting, which is presided over by the Director General himself, the participants are informed of the activities in the approved program that have been carried out during the year by the International Bureau, those that will be carried out in the course of the next year of the biennium and those that the International Bureau expects to propose to the Governing Bodies for inclusion in the program to be approved by them for the following biennium. At the meeting, the representatives of non-governmental organizations are invited to present their comments on the activities that have been or are being carried out, and to state their wishes or suggestions concerning future activities. Those views are taken into account by the Director General when he directs the execution of the approved activities and prepares his draft of the program to be submitted to the Governing Bodies for approval.

There are two distinct areas of activity within WIPO in which the contribution of international non-governmental organizations deserves a special mention. The first area includes the normative activities of WIPO, and especially the contribution that non-governmental organizations make to the treaty-making process within the Organization. The diplomatic conference or conferences convened for the purposes of concluding a treaty are the culmination of a process of preparation and negotiation which usually takes place in committees of experts. International non-governmental organizations specially interested in the subject matter are invited to participate, as observers, in the meetings of the committees of experts and in the conferences. The participation of non-governmental organizations has been acknowledged because it brings into the discussions the views of highly specialized circles with outstanding expertise in certain matters, and also because it reflects the views of certain circles directly affected by the international standards that are negotiated and eventually adopted at such meetings.

For example, in the first part of the Diplomatic Conference for the Conclusion of a Treaty Supple-

menting the Paris Convention as far as Patents are Concerned—the latest Diplomatic Conference convened under the aegis of WIPO—33 non-governmental organizations participated, including some national non-governmental organizations that do not have observer status in WIPO. Thirty-nine non-governmental organizations participated in the Committee of Experts which did the preparatory work for that Diplomatic Conference.

In addition to their involvement in the treaty-making process, international non-governmental organizations have participated in and contributed to the registration activities of WIPO. They participated in the development of the international systems set up by the Patent Cooperation Treaty (PCT), the Madrid Agreement Concerning the International Registration of Marks, the Hague Agreement Concerning the International Deposit of Industrial Designs and the Treaty on the International Registration of Audiovisual Works (Film Register Treaty or FRT). The contribution of non-governmental organizations, particularly those representing the interests of users, is particularly important to the International Bureau's continuing efforts to improve and strengthen the services that it provides under the PCT, Madrid, Hague and FRT systems.

One example in the further development of the PCT system is a working group of non-governmental organizations convened in early 1992 to consider the possibility of adding new features to the PCT system that would further simplify the application for and grant of patents with a view to making the patents more cheaply and rapidly obtainable while increasing the legal security that they offer.

The International Bureau automatically, regularly and without charge mails to interested non-governmental organizations the preparatory papers of all WIPO meetings to which such organizations are invited.

In exchange, the non-governmental organizations usually invite the International Bureau to their meetings if the meetings deal with intellectual property matters as well as their own internal concerns.

Most of the non-governmental organizations invited by the International Bureau to the meetings organized by it are given what is officially called "observer status."

III. Constitutional and Other Legal Bases for the Participation of Non-Governmental Organizations in the Work of the Organization

The Convention Establishing the World Intellectual Property Organization (WIPO) provides that the WIPO General Assembly and the WIPO Con-

ference determine what international non-governmental organizations are to be admitted to their meetings as observers. There is no comparable provision in the Convention concerning the WIPO Coordination Committee. The treaties establishing Unions administered by WIPO, including the Paris and the Berne Conventions, and also the special agreements between countries party to the Paris Convention that have established Unions and set up Assemblies, Executive Committees or other governing bodies, contain a provision similar in import to that in the Convention establishing WIPO, which empowers the bodies concerned to determine what international non-governmental organizations are to be admitted to their meetings as observers.

In addition, the Convention establishing WIPO provides that the Organization may make suitable arrangements, with the approval of the WIPO Coordination Committee, for consultation and cooperation with international non-governmental organizations. The Convention further provides that, with the consent of the governments concerned, and the approval of the WIPO Coordination Committee, the Organization may make also such arrangements with national organizations whether governmental or non-governmental.

With regard to attendance at meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO, each body decides, on a proposal by the Director General, whether a given non-governmental organization is to be regarded as an "international" non-governmental organization and admitted to its meetings as an observer. Each body has moreover established a set of principles to be applied by the Director General in extending invitations to an international non-governmental organization that is admitted to attend the meetings of that body with observer status.

The list of the 109 international non-governmental organizations admitted as observers to the meetings of one or more of the Governing Bodies of WIPO and of the Unions administered by the Organization is given below. The non-governmental organizations in the list are divided into three categories: those concerned essentially with industrial property (29), essentially with copyright and neighboring rights (57) and with more than one field of intellectual property (23). The 109 organizations represent a full range of interests connected with intellectual property questions, including on the one hand the interests of owners of intellectual property rights—whether inventors, industrial designers or holders of trademarks, service marks or other commercial designations, authors, composers, artists, sculptors or other creators of intellectual works—and on the other hand the interests of manufacturers, producers, publishers, broadcasting or-

ganizations or others making, distributing or using creative works covered by intellectual property protection. The number of 109 international non-governmental organizations is almost three times the number of such organizations that had observer status in the meetings organized by BIRPI, the predecessor of WIPO. At the first series of meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO, 15 international non-governmental organizations in the field of industrial property and 21 international non-governmental organizations in the field of copyright and neighboring rights, with which BIRPI at that time maintained relations, were admitted as observers.

The principles to be applied by the Director General in inviting those organizations to the meetings of the Governing Body concerned were adopted in 1970 and have been modified by the Governing Bodies in subsequent years. Those principles afford guidance as to whether all organizations or a given category of organizations, or specified organizations in a given category, are to be invited to the meetings of the Governing Body concerned. Of all the Governing Bodies there is only one, namely the WIPO Coordination Committee, the meetings of which non-governmental organizations are not invited to attend. In contrast, all organizations on the list are invited to attend the meetings of the WIPO Conference. As for the other Governing Bodies, the principles are that organizations on the list, a given category of those organizations, or certain organizations specified by name or otherwise defined, will be invited to attend the meetings of the Governing Body concerned. Even where a principle dictates that only certain organizations on the list are to be invited, the Director General is usually empowered to invite an organization to the discussions on a specific item or items on the agenda of the meetings of that body if that should be in the interest of either the body or the organization.

Once it has been decided that an international non-governmental organization is to be given observer status at the meetings of one or more of the Governing Bodies and thus included in the list of those organizations, the Director General of WIPO is then also authorized to invite the organization to participate, as an observer, in other meetings convened by him. Those meetings may be meetings of committees of experts or working groups convened to prepare the revision of an existing treaty or draft a new treaty, or to make suggestions or give advice to the Director General on the carrying out of some other activity in the program approved by the WIPO Conference or the Assembly of a given Union.

The decision by the Governing Body concerned on the admission of an international non-govern-

mental organization to the meetings of that body as an observer is generally taken at the two-yearly sessions of the Governing Bodies of WIPO and of the Unions administered by WIPO.

A non-governmental organization interested in acquiring observer status at meetings of the Governing Bodies of WIPO or of the Unions administered by WIPO or at other meetings organized by WIPO must express its interest to the Director General, provide information on its objectives and activities and on its structure, including its membership and the composition of its governing body or bodies and its officers, and specify the field or fields of intellectual property in which it has an interest. On the basis of that information, the Director General makes a preliminary assessment of whether the organization qualifies as an "international" non-governmental organization, that is, whether its membership consists of individuals, enterprises, associations, federations or groupings thereof that are located in different countries throughout the world or in a given region of the world, whether the members of its governing body or bodies and its officers are drawn equitably from among those countries and whether, in the pursuit of its objectives, it carries out in various countries activities that have a bearing on the protection of one or more forms of intellectual property. If the Director General is of the view that the non-governmental organization having requested observer status at meetings of a Governing Body is an "international" non-governmental organization, the International Bureau of WIPO prepares the necessary documentation for submission to the Governing Body concerned, together with the Director General's recommendation that the organization be admitted to its meetings as an observer, that it be placed in the relevant category in the list of international non-governmental organizations so admitted and that it be made subject to the principles governing the invitation of such organizations to attend the meetings of the Governing Body concerned. If, on the other hand, there is some doubt as to whether the organization meets the criteria referred to and the organization nevertheless insists that it does, the Director General puts the matter before the Governing Body or Governing Bodies concerned; in such cases he may also recommend that, should the Governing Body or Bodies concerned decide not to admit the organization to its or their meetings, he be authorized to consult it when preparing documentation for certain meetings, and to invite it to participate in meetings of *ad hoc* committees of experts or working groups organized in pursuance of the program.

As far as diplomatic conferences convened to revise an existing treaty or adopt a new treaty are concerned, the Assembly of the Union founded by

the existing treaty, the Governing Body or Bodies approving the program of activities for the preparation of the new treaty or a committee of governmental representatives established by the Assembly or Governing Body or Bodies will decide on what States and what organizations are to be invited to participate in the diplomatic conference and in what capacity. On the proposal of the Director General and the delegations of States, a number of international and also national non-governmental organizations have been invited to designate representatives to participate in diplomatic conferences in an observer capacity.

Since it is desirable that non-governmental organizations with mainly or exclusively developing countries in their membership play an increasing role in the discussions on substantive intellectual property issues taking place in the committees of experts or working groups convened by WIPO, the Director General invited the governments of developing countries to assist him in identifying non-governmental organizations, whether international or national, in their countries that were interested in intellectual property matters, had their headquarters in developing countries and could be invited to attend WIPO-organized meetings as observers. In response to that invitation, 70 non-governmental organizations in 12 developing countries were identified, and any of those organizations that has expressed an interest in attending a given meeting of a committee of experts or working group convened by the Director General in implementation of the program of activities of the Organization has been invited, by the Director General, to be represented at that meeting. Such non-governmental organizations have also been invited to diplomatic conferences convened to revise or to adopt a treaty.

*International Non-Governmental Organizations
Admitted as Observers to the Meetings
of the Governing Bodies*

A. Organizations Essentially Concerned With Industrial Property

Arab Society for the Protection of Industrial Property (ASPIP)

Asian Patent Attorneys Association (APAA)

Association for the Protection of Industrial Property in the Arab World (APPIMAF)

Association of European Trademark Proprietors (Marques)

Benelux Association of Trademark and Design Agents (BMM)

- Center for International Industrial Property Studies (CEIPI)
- Committee of National Institutes of Patent Agents (CNIPA)
- Council of European Industrial Federations (CEIF)
- European Association of Industries of Branded Products (AIM)
- European Chemical Industry Council (CEFIC)
- European Communities Trade Mark Association (ECTA)
- European Federation of Agents of Industry in Industrial Property (FEMIP)
- European Federation of Pharmaceutical Industries' Associations (EFPIA)
- European Industrial Research Management Association (EIRMA)
- Industrial Biotechnology Association (IBA)
- Institute of Professional Representatives Before the European Patent Office (EPI)
- Inter-American Association of Industrial Property (ASIPI)
- International Federation of Industrial Property Attorneys (FICPI)
- International Federation of Inventors' Associations (IFIA)
- International Federation of Pharmaceutical Manufacturers Associations (IFPMA)
- International Group of National Associations of Manufacturers of Agrochemical Products (GIFAP)
- Latin American Association of Pharmaceutical Industries (ALIFAR)
- Licensing Executives Society International (LESI)
- Pacific Industrial Property Association (PIPA)
- Patent Documentation Group (PDG)
- Union of European Practitioners in Industrial Property (UEPIP)
- United States Trademark Association (USTA)
- World Federation for Culture Collections (WFCC)
- World Federation of Engineering Organizations (WFEO)
- Association for the International Collective Management of Audiovisual Works (AGICOA)
- Coordination of European Independent Producers (CEPI)
- Council of the Professional Photographers of Europe (EUROPHOT)
- European Alliance of Press Agencies (EAPA)
- European Broadcasting Union (EBU)
- European Computing Services Association (ECSA)
- European Federation of Audiovisual Filmmakers (FERA)
- European Tape Industry Council (ETIC)
- Ibero-American Television Organization (OTI)
- Ibero-Latin-American Federation of Artists, Interpreters and Performers (ILAFP)
- Independent Film Producers International Association (IFPIA)
- Inter-American Copyright Institute (IIDA)
- International Affiliation of Writers' Guilds (IAWG)
- International Alliance for Distribution by Cable (AID)
- International Association for Mass Communication Research (IAMCR)
- International Association of Art (IAA)
- International Association of Audio-Visual Writers and Directors (AIDAA)
- International Association of Authors of Comics and Cartoons (AIAC)
- International Association of Broadcasting (IAB)
- International Association of Conference Interpreters (AIIC)
- International Association of Entertainment Lawyers (IAEL)
- International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM)
- International Confederation of Music Publishers (ICMP)
- International Confederation of Societies of Authors and Composers (CISAC)
- International Copyright Society (INTERGU)
- International Council on Archives (ICA)
- International Dance Council (IDC)
- International Federation of Actors (FIA)

B. Organizations Essentially Concerned With Copyright and Neighboring Rights

Asia-Pacific Broadcasting Union (ABU)

- International Federation of Associations of Film Distributors (FIAD)
- International Federation of Audiovisual Workers (FISTAV)
- International Federation of Film Producers Associations (FIAPF)
- International Federation of Journalists (IFJ)
- International Federation of Library Associations and Institutions (IFLA)
- International Federation of Musicians (FIM)
- International Federation of Newspaper Publishers (FIEJ)
- International Federation of Press Clipping and Media Monitor Bureaus (FIBEP)
- International Federation of Reproduction Rights Organisations (IFRRO)
- International Federation of the Phonographic Industry (IFPI)
- International Federation of Translators (FIT)
- International Group of Scientific, Technical and Medical Publishers (STM)
- International Hotel Association (IHA)
- International Institute of Communications (IIC)
- International Literary and Artistic Association (ALAI)
- International Organisation of Hotel and Restaurant Associations (HoReCa)
- International Organization of Journalists (IOJ)
- International P.E.N.
- International Publishers Association (IPA)
- International Radio and Television Organization (OIRT)
- International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU)
- International Union of Architects (IUA)
- International Union of Cinemas (UNIC)
- International Video Federation (IVF)
- International Writers Guild (IWG)
- Union of African Journalists (UAJ)
- Union of National Radio and Television Organizations of Africa (URTNA)
- World Blind Union (WBU)
- C. Organizations Concerned With More Than One Field of Intellectual Property*
- European Association of Advertising Agencies (EAAA)
- European Association of Manufacturers of Business Machines and Information Technology Industry (EUROBIT)
- European Committee for Interoperable Systems (ECIS)
- European Computer Manufacturers Association (ECMA)
- International Advertising Association (IAA)
- International Anticounterfeiting Coalition, Inc. (IACC)
- International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)
- International Association for the Protection of Industrial Property (AIPPI)
- International Chamber of Commerce (ICC)
- International Confederation of Free Trade Unions (ICFTU)
- International Confederation of Professional and Intellectual Workers (CITI)
- International Council of Societies of Industrial Design (ICSID)
- International Federation for Information and Documentation (FID)
- International Federation of Computer Law Associations (IFCLA)
- International Law Association (ILA)
- International League of Competition Law (LIDC)
- International Organization for Standardization (ISO)
- Latin American Institute for Advanced Technology, Computer Science and Law (ILATID)
- Law Association for Asia and the Pacific (LAWASIA)
- Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI)
- Union of Industrial and Employers' Confederations of Europe (UNICE)
- World Federation of Advertisers (WFA)
- World Union of Professions (WUP)

The Library of the World Intellectual Property Organization

History

The origins of the Library go back to 1895, when a first collection of books was set up within the Secretariat of the predecessor of WIPO, the United International Bureaux for the Protection of Intellectual Property (BIRPI). In 1899, the archives and the Library came under the responsibility of the newly created post of Assistant Secretary of BIRPI. Over the years, the responsibility for the Library was attributed to various sectors of the Secretariat of BIRPI and later WIPO, such as the Legal Division. It was only in 1960 that the first full-time Librarian was appointed, and in 1964 a post of Assistant Librarian was created, followed by posts of Library assistant in 1966, clerk in 1975 and secretary in 1980. The Library has been under the supervision of the Office of the Director General of WIPO since March 1, 1992.

The financial origins of the Library were very modest. Its first budget in 1897 was for 226.45 Swiss francs. For the 1992-93 biennium, 926,000 Swiss francs have been allocated to the Library, approximately 240,000 Swiss francs of which for the acquisition of books and periodicals.

The Collections

The collections of the Library have increased considerably over the years; in 1954, they contained about 4,000 volumes while, in 1990, the collections comprised about 60,000 records. The collection was reduced to approximately 35,000 after computerization of the Library and is likely to remain at that figure in the future.

The collections of the Library are, of course, composed of material relating to intellectual property. In accordance with the WIPO classification, this material is grouped under the following 16 headings:

A: General Works; B: Legal, Economic and Social Sciences; C: International Organizations; D: Information Science, Documentation; E: WIPO and UPOV Documents; F: Industrial Property; G: Patents; H: Industrial Designs; J: Utility Models; K: Marks; M: Other Industrial Property Rights; N: Copyright; P: Neighboring Rights; R: Communication Rights; S: New Varieties of Plants; T: Restricted Trade Practices.

The Library subscribes to approximately 260 periodicals and acquires approximately 1,000 books per year. About 500 articles are classified and entered in the data base of the Library each year.

The material under each of the 16 headings includes all important publications in the sector concerned, both of a general and more specific nature.

Under *A: General Works*, the Library maintains an almost complete collection of encyclopedias and dictionaries in all major languages, both recent editions and older ones, as well as biographies and biographical directories.

The publications under *B: Legal, Economic and Social Sciences* include mainly works which concern legal matters in general, for instance, administrative law, labor law, civil law and procedure, commercial and international law.

The material relating to *C: International Organizations* consists of those publications which describe various aspects of the structure and activities of intergovernmental and international non-governmental organizations, of both a universal and a regional character.

Because of the growing importance of new technologies, in particular in the field of computer sciences, the Library acquires and makes available to its users a great number of publications relating to information science and documentation which are grouped under the heading *D: Information Science, Documentation*. This collection includes up-to-date information on the most recent developments in this branch of technology.

A particularly important part of the Library's collections is the *WIPO and UPOV* (International Union for the Protection of New Varieties of Plants) *documents*. The collection (under letter *E*) contains all the documents issued by the two Organizations, beginning in 1883, and is a unique source of information on the development of intellectual property during the last 110 years.

The collections under letters *F* to *P* concern *industrial property, copyright and neighboring rights* and contain a large number of books and periodicals which have been published in those fields during the last 50 years, in English, French, German, Spanish and other languages.

Thus, the works included under the heading *F: Industrial Property* deal with the general aspects of intellectual property, both relating to national and international law in this field and dealing with institutional aspects. The works on those latter aspects contain information about national industrial

property offices and about national associations, societies and institutes. The publications which deal with international law in this area contain information concerning international agreements, particularly regional ones (others are dealt with under the specific headings mentioned below). Material relating to international congresses concerning industrial property is also to be found there. The works under this heading dealing with national law comprise general studies and commentaries as well as bills, draft legislation and information on case law and national legislation. Finally, under this heading are grouped all those works which deal with the development and the contents of the Paris Convention.

Those collections of works which are grouped under letters *G* to *K* and which deal with the different industrial property rights (*patents, industrial designs, utility models and marks*) are basically structured in the same way, starting with general commentaries and definitions in the field concerned, followed by works on protection, procedures for obtaining protection, persons protected, term of validity, scope and maintenance, transfer and termination and infringement of the rights (civil and penal sanctions, etc.). Each section also contains a collection of works dealing with national law and, in particular, with international law and which describe various aspects of the special treaties in the field of industrial property which are administered by WIPO.

The heading *M: Other Industrial Property Rights* contains works which deal with those industrial property rights which are not dealt with under the previous headings, namely, trade names, indications of source, appellations of origin and unfair competition.

The collections of the Library in the other main fields of intellectual property, namely, *copyright and neighboring rights* (under letters *N* and *P*) are structured essentially along the same main lines as those in the field of industrial property.

First, works of a general character are contained under the heading *N: Copyright*, for instance, on the history of copyright. Then follow works on international conferences, conventions, international agreements, national law, formalities and rights, and works dealing with the Berne Convention and its various aspects, particularly relating to protected persons and protected works.

The publications which fall under the heading *P: Neighboring Rights* are grouped in two main categories, namely, those dealing with general mat-

ters, e.g., monographs, international conferences and model laws, etc., and those dealing with special matters, in particular publications concerning the rights of the three categories of right owners in this field, that is, performing artists, producers of phonograms and broadcasting organizations.

The material under *R: Communication Rights* deals mainly with various questions concerning the relations between copyright and newspapers and other printed publications.

Under *S: New Varieties of Plants*, publications concern the activities of UPOV and, in particular, national and international law in this field, protected persons, protected subject matter, procedures, the plant trade and associations.

The heading *T: Restrictive Trade Practices* includes material on limitations and restrictions on trade, particularly concerning the free movement of goods and the operations of various types of cartels.

Finally, it should be mentioned that the Library also maintains a collection, in English and French, of published intellectual property laws and treaties.

The Library Computer System

In 1991, a modern computerized library management system was set up using the Open Access Strategic Information System (OASIS) provided by Dawson Technology (United Kingdom). The System runs on Compaq 286 and 386 personal computers which are connected through the Novell Local Area Network. It contains seven modules, namely, Catalog, Acquisitions, Serial Control, Circulation, OPAC, Extract and full Extract and allows, through Extract, a full text search retrieval. There is one main file server with a 300 megabyte hard disc and four work stations, one of which is available to the public. This modern computer system makes it possible to perform complex searches in publications and documents for various specific subject matter in the whole field of intellectual property.

Publications

The Library publishes a bi-monthly bibliographical list containing information on new acquisitions. The list is distributed, free of charge, to all interested persons throughout the world.

Location and Use of the Library

The Library is located on the first floor of the WIPO building near the Place des Nations in Geneva. The collections have to be consulted on site in the Reading Room. Inter-library loans only are permitted; private persons may not borrow books from the Library. Photocopying facilities are available.

Practical Information

Address:

The Head of the Library
World Intellectual Property Organization (WIPO)
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Tel: (41-22) 730 9390

Fax: (41-22) 733 5428

Opening hours: Monday to Friday, 9 a.m. to 4.30 p.m.

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1992

November 2 to 6 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Tenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (April 1991) and make recommendations on the future orientation of the said Program.

Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

November 9 to 13 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Fifteenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (July 1991) and make recommendations on the future orientation of the said Program.

Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

November 16 to 20 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fourth Session)

The Committee will continue to examine a draft trademark law treaty with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.

Invitations: States members of the Paris Union, the European Communities and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

November 25 to 27 (Geneva)

Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties (Second Session)

The Working Group will continue to consider the desirability of establishing within WIPO a mechanism to provide services for the resolution of disputes between private parties concerning intellectual property rights, as well as the type of services that might be provided under such a mechanism.

Invitations: International non-governmental organizations having observer status with WIPO.

Other Meetings

1992

November 15 to 21 (Buenos Aires)

International Federation of Industrial Property Attorneys (FICPI): Executive Committee.

1993

June 7 to 11 (Vejde)

International Federation of Industrial Property Attorneys (FICPI): Executive Committee.

June 26 to July 1 (Berlin)

Licensing Executives Society International (LESI): Annual Meeting.

September 20 to 24 (Antwerp)

International Artistic and Literary Association (ALAI): Congress.

1994

June 12 to 18 (Copenhagen)

International Association for the Protection of Industrial Property (AIPPI): Executive Committee.

June 20 to 24 (Vienna)

International Federation of Industrial Property Attorneys (FICPI): Congress.

