

Copyright

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World Intellectual Property Organization (WIPO)

Contents

NOTIFICATIONS CONCERNING TREATIES ADMINISTERED BY WIPO IN THE FIELD OF COPYRIGHT

Convention Establishing the World Intellectual Property Organization and Certain Other Treaties Administered by WIPO. Declarations: Kyrgyzstan, Tajikistan	67
Rome Convention. Succession to Signature of the Convention: Bosnia and Herzegovina	68
Phonograms Convention	
Succession to Signature of the Convention: Bosnia and Herzegovina	68
Ratification: Colombia	68
Nairobi Treaty. Declaration: Republic of Moldova	69
Treaty on the International Registration of Audiovisual Works. Accession: Colombia	69

NORMATIVE ACTIVITIES OF WIPO IN THE FIELD OF COPYRIGHT

Committee of Experts on the Settlement of Intellectual Property Disputes Between States. Draft Treaty—Document prepared for the Sixth Session (Geneva, February 21 to 25, 1994) . . .	70
WIPO Arbitration Center	81

REGISTRATION SYSTEMS ADMINISTERED BY WIPO

The Film Register (International Registration of Audiovisual Works) Treaty in 1993	87
--	----

ACTIVITIES OF WIPO IN THE FIELD OF COPYRIGHT SPECIALLY DESIGNED FOR DEVELOPING COUNTRIES

Africa	87
Arab Countries	88
Asia and the Pacific	88
Latin America and the Caribbean	88

ACTIVITIES OF WIPO IN THE FIELD OF COPYRIGHT SPECIALLY DESIGNED FOR COUNTRIES IN TRANSITION TO MARKET ECONOMY

89

OTHER CONTACTS OF THE INTERNATIONAL BUREAU OF WIPO WITH GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS IN THE FIELD OF COPYRIGHT

90

SELECTED WIPO PUBLICATIONS	91
--------------------------------------	----

CALENDAR OF MEETINGS	92
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(Continued overleaf)

WIPO 1994

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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(INSERT)

Editor's Note

LATVIA

Law on Copyright and Neighboring Rights (of May 11, 1993) Text 1-01

Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

Convention Establishing the World Intellectual Property Organization and Certain Other Treaties Administered by WIPO

Declarations

KYRGYZSTAN

The Government of Kyrgyzstan deposited, on February 14, 1994, the following declaration:

“The Government of the Kyrgyz Republic hereby declares that

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Madrid Agreement Concerning the International Registration of Marks, of April 14, 1891, as revised at Stockholm on July 14,

1967, and amended on September 28, 1979,
– the Patent Cooperation Treaty (PCT), of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984, continue to be applicable in respect of the Kyrgyz Republic.

“The Government of the Kyrgyz Republic declares that, for the purpose of establishing its contribution, under the unitary contribution system, towards the budget of the World Intellectual Property Organization and the Unions administered by WIPO, the Kyrgyz Republic wishes to belong to Class IX.”

WIPO Notification No. 174, of February 14, 1994.

TAJIKISTAN

The Government of Tajikistan deposited, on February 14, 1994, the following declaration:

“The Government of the Republic of Tajikistan hereby declares that

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Madrid Agreement Concerning the International Registration of Marks, of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of

June 15, 1957, as revised at Geneva on May 13, 1977, and amended on September 28, 1979,

- the Locarno Agreement Establishing an International Classification for Industrial Designs, signed on October 8, 1968, and amended on September 28, 1979,
- the Patent Cooperation Treaty, of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984,
- the Strasbourg Agreement Concerning the International Patent Classification, of March 24, 1971, as amended on September 28, 1979,
- the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, of April 28, 1977, as amended on September 26, 1980,
- the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981,

continue to be applicable in respect of the Republic of Tajikistan.

“The Government of the Republic of Tajikistan declares that, for the purpose of establishing its contribution, under the unitary contribution system, towards the budget of the World Intellec-

tual Property Organization and the Unions administered by WIPO, the Republic of Tajikistan wishes to belong to Class IX.”

WIPO Notification No. 175, Nairobi Notification No. 41, of February 14, 1994.

Rome Convention

Succession to Signature of the Convention

BOSNIA AND HERZEGOVINA

The Government of Bosnia and Herzegovina deposited, on January 12, 1994, its instrument of succession to signature of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

(Rome Convention) done at Rome on October 26, 1961. The said Convention was signed by the Socialist Federal Republic of Yugoslavia on October 26, 1961,¹ but it has not been ratified by that country.

Phonograms Convention

Succession to Signature of the Convention

BOSNIA AND HERZEGOVINA

The Government of Bosnia and Herzegovina deposited, on January 12, 1994, its instrument of succession to signature of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971. The said Convention was signed

by the Socialist Federal Republic of Yugoslavia on October 29, 1971 (see Phonograms Notification No. 1²), but it has not been ratified by that country.

Phonograms Notification No. 58, of February 8, 1994.

Ratification

COLOMBIA

The Government of Colombia deposited, on February 14, 1994, its instrument of ratification of the Convention for the Protection of Producers of

Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971. The said Convention will enter into force, with respect to Colombia, on May 16, 1994.

Phonograms Notification No. 59, of February 16, 1994.

¹ See *Le Droit d'auteur (Copyright)*, 1961, p. 346.

² See *Copyright*, 1973, p. 200.

Nairobi Treaty

Declaration

REPUBLIC OF MOLDOVA

The Government of the Republic of Moldova deposited, on February 14, 1994, a declaration that the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981,

continues to be applicable in respect of the Republic of Moldova.

Nairobi Notification No. 40, of February 14, 1994.

Treaty on the International Registration of Audiovisual Works

Accession

COLOMBIA

The Government of Colombia deposited, on February 9, 1994, its instrument of accession to the Treaty on the International Registration of Audiovisual Works, adopted at Geneva on April 18, 1989.

The said Treaty will enter into force, with respect to Colombia, on May 9, 1994.

IRAW Notification No. 15, of February 9, 1994.

Normative Activities of WIPO in the Field of Copyright

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

Sixth Session

(Geneva, February 21 to 25, 1994)

DRAFT TREATY ON THE SETTLEMENT OF DISPUTES BETWEEN STATES IN THE FIELD OF INTELLECTUAL PROPERTY

1. *Background.* The Committee of Experts on the Settlement of Intellectual Property Disputes Between States (hereinafter referred to as "the Committee") has so far held five sessions, the first in February 1990, the second in October 1990, the third in September 1991, the fourth in July 1992, and the fifth in May 1993.¹

2. The first session considered a memorandum which, pursuant to WIPO's program for the 1990-91 biennium, contained issues to be solved in a possible treaty on the settlement of intellectual property disputes between States (see documents SD/CE/I/2 and 3).

3. The second session considered a memorandum containing principles for a draft treaty for the settlement of disputes between States in the field of intellectual property as well as a memorandum containing a list of treaties in the field of intellectual property and giving information on dispute settlement provisions in those treaties (see documents SD/CE/II/2, 3 and 4).

4. The third session examined a memorandum containing provisions of a draft treaty for the settlement of disputes between States in the field of intellectual property (see documents SD/CE/III/2 and 3).

5. The fourth and fifth sessions were convened pursuant to WIPO's program for the 1992-93 biennium (see document AB/XXII/2, item 03(1) and document AB/XXII/22, paragraph 197). The fourth session considered a memorandum entitled "Draft Treaty for the Settlement of Disputes Between States in the Field of Intellectual Property" but only insofar

as Articles 1 to 8 of that draft were concerned (see documents SD/CE/IV/2 and 3). The fifth session considered a revised version of those Articles and also examined Articles 9 to 18 of that draft Treaty as well as proposals submitted by the Delegation of the Netherlands and the Delegation of the Commission of the European Communities (see documents SD/CE/V/2, 4, 5 and 6). The fifth session also considered a memorandum containing draft Regulations under such a draft Treaty (see document SD/CE/V/3).

6. The present document sets forth in 18 articles, preceded by a preamble, a revised text of the draft Treaty, together with revised explanations ("Notes"),² which take into account the discussions during the fifth session (see document SD/CE/V/6).

7. The revised text of the draft Regulations, which takes into account the discussions during the fifth session, is contained in a separate document (see document SD/CE/VI/3).³

8. Pursuant to a suggestion made at the fifth session, the International Bureau has prepared a memorandum containing the provisions of the treaties in the field of intellectual property which deal with the status of intergovernmental organizations under those treaties (see document SD/CE/VI/4, Part 1).

9. *Objectives of the Proposed Treaty.* The objective of the proposed treaty is to promote the protection of intellectual property by furthering the enforcement of international obligations in the field of intellectual property and by securing the uniform interpretation and application of international rules concerning such obligations. To achieve that objective, the proposed treaty would establish, within the framework of the World Intellectual Property Organization (WIPO),

¹ For a note on the Fifth Session, see *Copyright*, 1993, pp. 121 *et seq.*

² Not published here.

³ To be published in the April 1994 issue of this review.

procedures for the settlement of intellectual property disputes between States or between States and inter-governmental organizations.

10. In addition to promoting, as such, the protection of intellectual property, the proposed treaty would be a further step in promoting the progressive development of international law.

11. The procedures set forth in the provisions of the proposed treaty would not be applicable to disputes between private parties. Such disputes are subject to the jurisdiction of the competent domestic tribunals of the States or to such other procedure permitted by national law for the settlement of disputes, as for example, arbitration.

12. In the provisions of the draft Treaty and in the Notes, the terms "this Treaty" or "the Treaty" or "the proposed Treaty" refer to the draft Treaty.

**DRAFT TREATY ON THE SETTLEMENT OF
DISPUTES BETWEEN STATES IN THE
FIELD OF INTELLECTUAL PROPERTY**

Contents

Preamble

[Substantive Provisions]

- Article 1: Use of Terms and Abbreviated Expressions
- Article 2: Sphere of Application
- Article 3: Consultations
- Article 4: Good Offices, Conciliation, Mediation
- Article 5: Panel Procedure
- Article 6: Reporting on the Compliance with the Recommendations of the Panel
- Article 7: Arbitration

[Administrative Provisions]

- Article 8: Establishment of a Union
- Article 9: Assembly
- Article 10: International Bureau
- Article 11: Regulations
- Article 12: Revision of the Treaty by Conferences of Revision
- Article 13: Amendment of Certain Provisions of the Treaty by the Assembly

[Final Clauses]

- Article 14: Becoming Party to the Treaty
- Article 15: Entry Into Force of the Treaty
- Article 16: Denunciation of the Treaty
- Article 17: Languages of the Treaty; Signature
- Article 18: Depositary

Preamble

The Contracting Parties

Desiring to promote the protection of intellectual property by furthering the enforcement of international obligations and securing the uniform interpretation and application of international rules in the field of intellectual property,

Bearing in mind that disputes between States or between States and intergovernmental organizations may arise out of the enforcement of such international obligations and the interpretation or application of such international rules,

Recognizing the need for such disputes to be resolved through appropriate multilateral institutional arrangements,

Convinced that a treaty, administered by the World Intellectual Property Organization, establishing procedures for the amicable settlement of such disputes would promote the protection of intellectual property,

Have agreed as follows:

Article 1

Use of Terms and Abbreviated Expressions

For the purposes of this Treaty, unless expressly stated otherwise:

(i) "Contracting Party" means a State or an intergovernmental organization that is party to this Treaty;

(ii) "Union" means the Union referred to in Article 8;

(iii) "Assembly" means the Assembly referred to in Article 9;

(iv) "Organization" means the World Intellectual Property Organization;

(v) "International Bureau" means the International Bureau of the Organization;

(vi) "Director General" means the Director General of the Organization;

(vii) "Regulations" means the Regulations under this Treaty that are referred to in Article 11;

(viii) "prescribed" means prescribed in the Regulations;

(ix) "dispute" means a disagreement between parties as to the existence or breach of an obligation that relates to a matter or to matters of intellectual property and that is binding on those parties;

(x) "party" in the expression "party to a dispute" means a State or an intergovernmental organization;

(xi) the expression "a party to a dispute" shall be construed as including also cases where there are several parties;

(xii) “source treaty” means the treaty containing the provision or provisions concerning intellectual property, the interpretation or application of which provision or provisions is in issue in the dispute;

(xiii) a reference to an “instrument of ratification” shall be construed as also including an instrument of acceptance and an instrument of approval;

(xiv) “national” or “nationals” of a party to a dispute or of a Contracting Party means, where the party to the dispute or the Contracting Party is a State, a national or the nationals of that State and, where the party to the dispute or the Contracting Party is an intergovernmental organization, a national or the nationals of a State member of that organization.

Article 2

Sphere of Application

(1) [*Disputes Between Contracting Parties Under Multilateral Treaties*] This Treaty applies only to the issue or issues the resolution of which in a dispute between Contracting Parties requires the interpretation or application of one or more provisions in a multilateral treaty

Alternative A: [no further words].

Alternative B: in the field of intellectual property.

Alternative C: that is administered by the Organization alone or that is administered by the Organization in association with one or more intergovernmental organizations.

Alternative D: that is administered by the Organization alone.

(2) [*Other Disputes*] Where a dispute does not fall within the scope of paragraph (1), the provisions of this Treaty shall nevertheless be applicable to that dispute but only in respect of the issue of the dispute that relates or to the issues of the dispute that relate to a matter or to matters of intellectual property, if the dispute

- (i) arises under a source treaty
 - the provisions of which require, or
 - the parties to which decide, or
 - the provisions of which permit the parties to the dispute to agree, and they so agree,

that the dispute shall be submitted to one or more of the procedures for the settlement of disputes established by this Treaty, or

(ii) concerns an obligation the source of which is other than a treaty and the parties to the dispute agree to submit their dispute to one or more of the procedures for the settlement of disputes established by this Treaty, provided that, in the cases provided for in item (i) or in the case provided for in item (ii), above,

Alternative A: all the parties to the dispute are Contracting Parties.

Alternative B: at least one of the parties to the dispute is a Contracting Party.

(3) [*Non-Applicability of the Treaty to Certain Disputes*] Notwithstanding paragraphs (1) and (2), this Treaty, or any procedure established therein, shall not apply

(i) where the parties to a dispute agree that, for the purposes of that dispute, this Treaty, or a specified procedure established therein, shall not apply; or

(ii) where the dispute arises under a source treaty that does not permit the parties to the dispute to resort to dispute settlement procedures other than those provided for in that treaty.

(4) [*Exhaustion of Local Remedies*] (a) A party to a dispute may not invoke any procedure for the settlement of a dispute established by this Treaty where the dispute concerns the alleged existence or breach by the other party to the dispute of an obligation concerning the treatment to be accorded by that other party to a national or to the nationals of the party invoking the procedure unless that national has or those nationals have exhausted local remedies in accordance with rules of international law.

(b) The rule stated in paragraph (a) shall not be applicable where the obligation requires the other party to the dispute to enact a law on a matter affecting the status or rights of a national or the nationals of the party invoking the procedure and the other party to the dispute has not enacted that law or has enacted a law on the matter but the law is not in conformity with that obligation.

Article 3

Consultations

(1) [*Invitation to Enter into Consultations*] Before making a request for a procedure before a panel pursuant to Article 5, a party to a dispute shall, subject to Articles 2(3)(i), 4(1) and 5(1)(ii), invite the other party to the dispute to enter into consultations with it in respect of that dispute. The invitation shall indicate that the invitation is made with a view to initiating consultations pursuant to this Treaty, set forth the obligation or obligations the alleged existence or breach of which has given rise to the dispute and state the facts and the legal grounds on which the allegation against the other party to the dispute is based.

(2) [*Reply to the Invitation*] Unless the parties to the dispute otherwise agree, the party to the dispute to which the invitation to enter into consultations is addressed shall reply to the invitation within two months from the date of the receipt of the invitation

and shall, subject to Article 4(1), for a date within three months from the date of the receipt of the invitation, offer to the other party an adequate opportunity for the consultations.

(3) [*Consultations*] A party to a dispute shall proceed in good faith with a view to settling the dispute through agreement not only when extending to the other party to the dispute an invitation to enter into consultations or when replying to an invitation to enter into consultations but also in the course of the consultations with the other party to the dispute.

(4) [*Notification of the Invitation*] The party to the dispute that extends the invitation to enter into consultations shall

Alternative A: send a copy of the invitation to the Director General. The Director General shall notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that an invitation to enter into consultations has been made and of the names of the parties to the dispute. The Director General shall transmit, on request, to any member of the Assembly or party to the source treaty, a copy of the said invitation.

Alternative B: , if the other party to the dispute so agrees, send a copy of the invitation to the Director General. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that an invitation to enter into consultations has been made and, if the parties to the dispute so agree, of the names of the parties to the dispute. The Director General shall, if the parties to the dispute so agree, transmit, on request, to any member of the Assembly or party to the source treaty, a copy of the said invitation.

(5) [*Notification of the Results of the Consultations*] Each of the parties to the dispute shall

Alternative A: inform the Director General whether the result of their consultations is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the results of their consultations.

Alternative B: , if the parties so agree, inform the Director General whether the result of their consultations is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source

treaty, the parties to that treaty, the information received from the parties to the dispute concerning the results of their consultations.

(6) [*Privileged Nature of the Conduct and Contents of Consultations*] Subject to paragraphs (4) and (5), and unless the parties to the dispute otherwise agree, no party to the dispute shall divulge the way in which the consultations are or have been conducted or divulge any other statement made or any information furnished in the course of the consultations, by any party to the dispute, except such information that, prior to the consultations, has been disclosed by a party to the dispute or that is generally known or that is in the public domain. When a party to the dispute furnishes such information, it may nevertheless declare that the fact that it has furnished that information or that its content shall be kept confidential. In addition, in any procedure other than the said consultations, including the procedures provided for in Articles 4, 5 and 7 of this Treaty, any such divulgence shall be without prejudice to the rights of any party to the dispute.

Article 4

Good Offices, Conciliation, Mediation

(1) [*Recourse to Good Offices, Conciliation or Mediation*] (a) The parties to a dispute may, by common agreement, made at any time, that is, before, during or after the consultations provided for in Article 3, and even during the panel procedure established under Article 5, submit their dispute to the procedure of good offices, conciliation or mediation of an intermediary jointly designated by them.

(b) Where a party to a dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, it may request the good offices, conciliation or mediation of the Director General

Alternative A: prior to the making by either party to the dispute of a request for a procedure before a panel:

(i) if within the time limit specified in, or otherwise agreed to by virtue of, Article 3(2), an invitation to enter into consultations made by the said Contracting Party to the other party is not replied to by the other party, or the opportunity for consultations is not offered by the other party, or the parties to the dispute are unable to agree that their consultations shall commence; or

(ii) if all parties to the dispute agree that the consultations provided for under Article 3 shall be dispensed with; or

(iii) if the consultations under Article 3 do not result in the settlement of the dispute within six

months from the date of the receipt of the invitation referred to in Article 3(1) or within any other shorter or longer period agreed upon by the parties.

Alternative B: at any time during or after the consultations have taken place or after they should have occurred, as provided for in Article 3, or at any time during the procedure before a panel under Article 5.

(c) The Director General shall transmit a copy of the request referred to in paragraph (b) to the other party to the dispute and shall transmit a copy of the response of that party to that request to the party making the request.

(2) [*Cooperation with the Intermediary*] The parties to the dispute shall cooperate in good faith with the intermediary in order to enable the latter to carry out the functions necessary to bring about the settlement of the dispute through agreement.

(3) [*Notification of Submission to Good Offices, Conciliation or Mediation*] Each of the parties to a dispute that is submitted under paragraph (1)(a) to the procedure of good offices, conciliation or mediation shall [, if the parties to the dispute so agree,] inform the Director General of that submission. The Director General shall

Alternative A: notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1)(a) or that a request has been made under paragraph (1)(b) and of the names of the parties to the dispute and the name of the intermediary.

Alternative B: , if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1)(a) or that a request has been made under paragraph (1)(b) and, if the parties to the dispute so agree, of the names of the parties to the dispute and the name of the intermediary.

(4) [*Notification of the Results of Good Offices, Conciliation or Mediation*] Each of the parties to a dispute that has been submitted to good offices, conciliation or mediation under paragraph (1)(a) shall

Alternative A: inform the Director General whether the result of those means is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the

results of the good offices, conciliation or mediation carried out under paragraph (1)(b).

Alternative B: , if the parties so agree, inform the Director General whether the result of those means is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the results of the good offices, conciliation or mediation carried out under paragraph (1)(b).

(5) [*Privileged Nature of the Conduct and Contents of the Procedure*] Subject to paragraphs (3) and (4), Article 3(6) shall apply, *mutatis mutandis*, to both the parties to the dispute and the intermediary also in respect of the procedure of good offices, conciliation or mediation.

Article 5

Panel Procedure

(1) [*Recourse to a Panel*] Any party to a dispute may request a procedure before a panel:

(i) if, within the time limit specified in, or otherwise agreed to by virtue of, Article 3(2), an invitation to enter into consultations made by that party to the other party is not replied to by the other party, or the opportunity for consultations is not offered by the other party, or the parties to the dispute are unable to agree that their consultations shall commence; or

(ii) if all parties to the dispute agree that the consultations provided for under Article 3 shall be dispensed with; or

(iii) if the consultations under Article 3, or the good offices, conciliation or mediation, if any, referred to in Article 4, do not result in the settlement of the dispute within six months from the date of the receipt of the invitation referred to in Article 3(1) or from the date of the conclusion of the common agreement referred to in Article 4(1)(a) or from the date of the request for good offices, conciliation or mediation referred to in Article 4(1)(b), respectively, or within any other shorter or longer period agreed upon by the parties.

(2) [*The Request*] (a) The request for a procedure before a panel shall be addressed to the Director General.

(b) The said request shall

(i) set forth the terms of the invitation to enter into consultations made under Article 3(1), unless the parties to the dispute have agreed

to dispense with the said consultations, in which event the request shall set forth the obligation the alleged existence and breach of which has given rise to the dispute and state the facts and the legal grounds on which that allegation is based,

- (ii) state the relevant facts concerning the attempted settlement of the dispute through the consultations, if any, provided for under Article 3 or through any procedure provided for under Article 4,
- (iii) be accompanied by a summary of the dispute, drawn up in the prescribed manner and with the prescribed content.

(c) The Director General shall, within fourteen days of its receipt, send a copy of the said request and of the summary of the dispute to the other party to the dispute. Within the said period, the Director General shall also send to all parties to the dispute a copy of the roster of potential members of panels that is established in the prescribed manner and shall offer to the said parties the possibility of his drawing up from the said roster a list of persons with particular expertise appropriate to the subject matter of the dispute.

(3) [*The Answer*] (a) Within two months of the sending by the Director General of the copy of the request for a procedure before a panel referred to in paragraph (2)(a), the other party to the dispute [shall] [may] send to the Director General an answer stating which of the facts and legal grounds in the request the said party admits or denies and, in respect of the latter, on what basis. The answer may contain other facts and legal grounds upon which that other party to the dispute relies.

(b) Within seven days of the receipt of the answer, the Director General shall send a copy of that answer to the party to the dispute that made the request.

(c) The failure of a party to a dispute to submit an answer shall not be considered as an admission or denial of the allegations or of the facts or legal grounds set forth in the request for a procedure before a panel and shall not be regarded as in any way prejudicing the position of that party.

(4) [*Transmission of Summary of Dispute, the Request and the Answer to the Members of the Assembly and Parties to the Source Treaty*] The Director General shall, within fourteen days of the receipt of the request for a procedure before a panel, transmit to the members of the Assembly as well as, if there is a source treaty, to the parties to that treaty a copy of the summary of the dispute. Within fourteen days of the receipt of an answer to that request, the Director General shall inform the members of the Assembly and, if there is a source treaty, the parties to that treaty of the receipt of that answer. The

Director General shall, on request, also transmit to any member of the Assembly and to any party to the source treaty a copy of the request for a procedure before a panel and of the answer thereto.

(5) [*Designation and Convocation of the Panel*] (a) Within two months from the date of the sending by the Director General of the copy of the request referred to in paragraph (2)(c), or within such other time limit as may be agreed to by the parties to the dispute, the parties to the dispute shall agree on the total number of members of the panel, which number shall be either three or five, as well as on the number of members of the panel to be designated by each. Within the said time limit, the parties to the dispute shall also designate the member or members of the panel agreed upon between them as the member or members of the panel to be designated by each. Unless the parties to the dispute otherwise agree, the member or members so designated must be persons whose name or names appear on the roster, established by the Assembly, of potential members of panels. If the parties to the dispute fail to agree on the total number of the members of the panel, the number shall be three. If any party to the dispute fails to designate as a member or members of the panel the member that was or the members that were agreed by the parties to the dispute to be designated by that party or, if the parties fail to designate the member that was or the members that were agreed by the parties to the dispute to be designated by them jointly, then, at the request of either party to the dispute, the Director General shall designate, within one month, the said member or members of the panel.

(b) Where at least one of the parties to the dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, the Director General shall, at the request of any such party to the dispute that is so regarded, designate, within one month, one or more persons from one or more countries regarded as developing countries as member or members of the panel, the number of them being fixed in the Regulations.

(c) The members of the panel designated by the Director General pursuant to paragraph (a) or (b) shall be persons whose names appear on the roster, established by the Assembly, of potential members of panels. The member or members of the panel designated by the Director General shall be a national of a Contracting Party, whether it be a party or not to the source treaty, if any, but may not be a national of any party to the dispute. The member or members so designated shall have an expertise in the field of intellectual property.

(d) The Director General shall convene the panel not later than two months from its designation.

(6) [Task of the Panel] (a) The panel shall examine the dispute.

(b) The panel shall express an opinion in a written report on the question whether an obligation relating to a matter or to matters of intellectual property exists and was breached and, if so, to what extent. The report shall contain a finding of the facts and a statement of the law on which the opinion is based, and a summary of the panel's proceedings and of the submissions of the parties to the dispute. The report shall be adopted by a majority of the members of the panel.

(c) In the event that the panel is of the opinion that a party to the dispute has breached an obligation relating to a matter or matters of intellectual property, the panel shall make a recommendation, in the said report, that the said party bring its legislation or practice in conformity with that obligation; however, the panel shall not make any recommendation as to how a party to the dispute should enact or amend its legislation or change its practice, unless that party requests the panel to make such a recommendation.

(d) The panel may make recommendations, in the said report, as to such other measures that the party which has breached the said obligation should take, as well as make recommendations as measures that the other party to the dispute should take, in the light of the opinion of the panel.

(e) The panel shall conclude its proceedings, adopt its report and transmit its report to the Director General within six months from the date of its first meeting or within such longer period not to exceed twelve months from that date, as the panel, after consultation with the parties to the dispute, may decide.

(f) Whenever a party to the dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, the panel shall take into account, in making its findings of fact and statement of the law, in expressing its opinion and in making its recommendations, the relevant provisions in the source treaty, if any, that contain special measures for developing countries, and the special circumstances and needs of the developing country party to the dispute [, as well as the impact of the recommendations of the panel on the economy and trade of that developing country].

(7) [Procedural Rights of the Parties to the Dispute] (a) In the course of the examination of the dispute by the panel, each party to the dispute shall have the right

- (i) to be heard by the panel and be present when the other party or any intervening party is being heard,
- (ii) to submit to the panel arguments in writing, including any written rebuttals of such arguments,

(iii) to receive copies of the submissions of arguments and rebuttals of the other party to the dispute,

(iv) to receive copies of the submissions expressing the views of an intervening party on the matter in dispute,

(v) to comment in writing on the draft of the report that the panel intends to make.

(b) If the parties to the dispute so request, the panel shall stop its proceedings.

(8) [Intervention by Parties to a Source Treaty]

(a) Any party to a source treaty that is not a party to the dispute under that treaty, provided it is a Contracting Party and has a substantial interest in the dispute, may intervene, in the prescribed manner, in the proceedings before the panel in order to express its views on the matter in dispute. Any such party wishing to intervene shall so notify the Director General within one month from the sending of the information referred to in paragraph (4) and shall state in its notification the nature of its interest in the dispute.

(b) The intervening party shall have the opportunity to present written submissions to, and be heard by, the panel. If the parties to the dispute so agree, the intervening party may be present when the parties to the dispute are heard by the panel and may receive copies of the submission of arguments and rebuttals of the parties to the dispute.

(9) [Privileged Nature of the Conduct and Contents of the Procedure] Subject to the necessity to include or to refer in the findings of fact and in the summary of the submissions of the parties to the dispute to information furnished or statements made in the course of the panel procedure, Article 3(6) shall apply *mutatis mutandis*, to both the parties to the dispute and to any intervening party also in respect of the procedure before a panel.

(10) [Communication and Consideration of the Report of the Panel] (a) The Director General shall transmit copies of the report of the panel to the parties to the dispute.

(b) Each of the parties to the dispute shall inform the Director General within one month from the date of the transmittal referred to in paragraph (a), or within such other period, not exceeding three months, as may be agreed upon by the parties to the dispute, of any comments it may have on the report and what action, if any, it has taken or plans to take in respect of the recommendations in the said report.

(c) The Director General shall within one month from the expiration of the time limit referred to in paragraph (b), or within such other period, not exceeding three months, as may be agreed upon by the parties to the dispute, transmit copies of the said report and of their comments, if any, on the report, together with the information received from them on

the action taken or to be taken in respect of the said recommendations, to the members of the Assembly and, if there is a source treaty, to the parties to that treaty.

(d) The Assembly may have an exchange of views on the report of the panel and on the information thereon received from the parties to the dispute. The Assembly shall not impose or authorize sanctions for non-compliance with the recommendations contained in the report of the panel.

Article 6

Reporting on the Compliance with the Recommendations of the Panel

Each party to a dispute shall submit reports to the Assembly, in the prescribed form and manner, and with the content and within the period or periods, to be decided by the Assembly, on the implementation of the recommendation or recommendations made by the panel. Such reports shall be submitted by a party to the dispute even in the case where it disagrees with the recommendation or recommendations made by the panel.

Article 7

Arbitration

(1) [*Arbitration Agreement*] The parties to a dispute may agree, at any time, that their dispute shall be settled by arbitration in accordance with the provisions of this Article. If they agree to so settle their dispute, no other procedure for the settlement of that dispute under this Treaty may be invoked or pursued by any of the parties to the dispute.

(2) [*Arbitration Procedure*] Unless the parties to an arbitration agreement agree otherwise, the arbitration procedure shall be as follows:

(i) any party to an agreement referred to in paragraph (1) may request, in the prescribed manner, the other party to the dispute to proceed with the establishment of an arbitration tribunal. A copy of the request shall be addressed to the Director General;

(ii) the party to the dispute to which the request for the establishment of an arbitration tribunal is sent shall reply, in the prescribed manner, to the request within one month of the receipt of the request;

(iii) the arbitration tribunal shall be composed of three arbitrators: subject to item (iv), each party to the dispute shall appoint one arbitrator, and the third arbitrator shall be appointed by agreement of the parties to the dispute. No arbitrator shall be a national of, or have his domicile or habitual resi-

dence in, any State party to the dispute or any State member of an intergovernmental organization that is party to the dispute;

(iv) if, within two months from the date of receipt by the Director General of the copy of the request referred to in paragraph (2)(i), any member of the arbitration tribunal has not been appointed by the parties to the dispute as provided in (iii), above, then the Director General shall, at the request of any of the parties to the dispute, appoint, as prescribed and within one month of the request, such arbitrator or arbitrators;

(v) the arbitration tribunal shall be the judge of its own competence;

(vi) the arbitration proceedings shall be conducted in the prescribed manner and within the prescribed time limits;

(vii) the arbitration tribunal shall decide its award on the basis of the treaty or other source of international law establishing the obligation the alleged existence or breach of which has given rise to the dispute;

(viii) the adoption of the arbitration award shall require that the majority of the arbitrators vote for it.

(3) The arbitration award shall be final and binding.

(4) [*Notification of Submission to Arbitration*] Each of the parties to a dispute that agree to submit their dispute to arbitration under paragraph (1) shall

Alternative A: inform the Director General of that submission. The Director General shall notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1) and of the names of the parties to the dispute and the names of the arbitrators.

Alternative B: , if the said parties so agree, inform the Director General of that submission. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1) and, if the parties so agree, of the names of the parties to the dispute and the names of the arbitrators.

(5) [*Notification of the Results of Arbitration*] Each of the parties to the dispute that has been submitted to arbitration under paragraph (1) shall

Alternative A: inform the Director General what the outcome of the arbitration is. The Director General shall notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the outcome of the arbitration.

Alternative B: , if the parties so agree, inform the Director General what the outcome of the arbitration is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the outcome of the arbitration.

(6) [*Privileged Nature of the Conduct and Contents of the Arbitration*] Subject to paragraphs (4) and (5), Article 3(6) shall apply, *mutatis mutandis*, to both the parties to the dispute and the arbitrators also in respect of the arbitration procedure.

Article 8

Establishment of a Union

The Contracting Parties to this Treaty constitute a Union for the purposes of this Treaty.

Article 9

Assembly

(1) [*Composition*] (a) The Union shall have an Assembly consisting of the Contracting Parties.

(b) Each Contracting Party shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Subject to subparagraph (d), the Union shall not bear the expenses of the participation of any delegation in any session of the Assembly.

(d) The Assembly may ask the Organization to grant financial assistance

- (i) to facilitate the participation in sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or
- (ii) to cover the cost of any qualified legal expert referred to in Article 10(1)(v).

(2) [*Tasks*] (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;
- (ii) amend certain provisions of the Treaty in accordance with the provisions of Article 13;
- (iii) amend the Regulations in accordance with the provisions of Article 11;
- (iv) adopt, where it considers it desirable, guidelines of an administrative character for the implementation of provisions of this Treaty or the Regulations;

- (v) establish the roster of potential panelists referred to in Article 5(3);
- (vi) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Treaty;
- (vii) give directions to the Director General concerning the preparations for any conference of revision referred to in Article 12 and decide the convocation of any such conference;
- (viii) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;
- (ix) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;
- (x) determine which States and intergovernmental organizations, other than Contracting Parties [, and which non-governmental organizations] shall be admitted to its meetings as observers;
- (xi) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [*Representation*] A delegate may represent one Contracting Party only.

(4) [*Voting*] (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Provided that all its member States that are Contracting Parties have notified the Director General that their right to vote may be exercised by it, any intergovernmental organization that is a Contracting Party may so exercise the right to vote of its member States that are Contracting Parties and are present at the time of voting. The intergovernmental organization may not, in a given vote, exercise the right to vote if any of its member States participates in the vote or expressly abstains.

(c) The right to vote of a State that is a Contracting Party may not, in a given vote, be exercised by more than one intergovernmental organization.

(5) [*Quorum*] One half of the Contracting Parties that have the right to vote shall constitute a quorum.

(6) [*Majorities*] (a) Subject to paragraph (9)(b) of this Article, to Article 11(2)(b) and (3) and to Article 13(3)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [Sessions] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the Contracting Parties or on the Director General's own initiative. The Assembly shall also meet in extraordinary session, upon the convocation of the Director General, for the purpose of having the exchange of views provided for in Article 5(7)(d), or for the purpose of considering the reports called for under Article 6, if requested to do so for that purpose by any Contracting Party that is party to the dispute which is to be the subject of that exchange of views or of the said reports.

(8) [Rules of Procedure] The Assembly shall adopt its own rules of procedure.

(9) [Guidelines] (a) In the case of conflict between the guidelines referred to in paragraph (2)(a)(iv) and the provisions of this Treaty or the Regulations, the latter shall prevail.

(b) The adoption or amendment by the Assembly of the said guidelines shall require three-fourths of the votes cast.

Article 10

International Bureau

(1) [Tasks] The International Bureau shall

(i) perform the administrative tasks concerning the Union, as well as any tasks specifically assigned to it by the Assembly;

(ii) provide the secretariat of the conferences of revision referred to in Article 12, of the Assembly, of the committees and working groups established by the Assembly, and of any other meeting convened by the Director General under the aegis of the Union;

(iii) perform, in the prescribed manner, the administrative tasks that may be required by any of the procedures for dispute settlement established by this Treaty;

(iv) provide to any Contracting Party, at its request, information in respect of the dispute settlement procedures available under this Treaty and on their operation;

(v) where a Contracting Party is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations and funds of the Organization have been authorized to be used for such a purpose, make

available to that developing country, at its request, a qualified legal expert to assist the said country in respect of any procedure established by this Treaty for the settlement of any dispute to which it is a party, it being understood that the International Bureau shall act in a manner ensuring its continued impartiality.

(2) [Director General] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [Assembly and Other Meetings] The Director General shall convene the Assembly and any committee and working group established by the Assembly and all other meetings organized dealing with matters of concern to the Union.

(4) [Role of the International Bureau in Meetings] (a) The Director General and any staff member designated by him shall participate, without the right to vote, in all the meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by him shall be *ex officio* secretary in all the meetings of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [Conferences of Revision] (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for conferences of revision referred to in Article 12 and convene such conferences.

(b) The Director General may consult with inter-governmental and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and staff members designated by him shall take part, without the right to vote, in the discussions at any conference of revision referred to in subparagraph (a).

(d) The Director General or a staff member designated by him shall be *ex officio* secretary of any conference of revision referred to in subparagraph (a).

Article 11

Regulations

(1) [Content] The Regulations annexed to this Treaty provide rules concerning

(i) matters which this Treaty expressly provides are to be "prescribed";

(ii) any details useful in the implementation of the provisions of this Treaty.

(2) [*Entry into Force and Majorities*] (a) The Assembly shall determine the conditions for the entry into force of each amendment to the Regulations.

(b) Subject to the provisions of paragraph (3), the adoption of any amendment to the Regulations and the determination of the conditions for its entry into force shall require three-fourths of the votes cast.

(3) [*Requirement of Unanimity*] (a) The Regulations may specify rules which may be amended only by unanimous consent.

(b) Exclusion, for the future, of any rules designated as requiring unanimous consent for amendment from such requirement shall require unanimous consent.

(c) Inclusion, for the future, of the requirement of unanimous consent for the amendment of any rule shall require unanimous consent.

(4) [*Conflict Between the Treaty and the Regulations*] In the case of conflict between the provisions of this Treaty and those of the Regulations, the former shall prevail.

Article 12

Revision of the Treaty by Conferences of Revision

(1) [*Revision Conferences*] This Treaty may be revised by the Contracting Parties in conferences of revision.

(2) [*Provisions That Can Be Amended Also by the Assembly*] The provisions referred to in Article 13(1) may be amended either by a conference of revision or according to Article 13.

Article 13

Amendment of Certain Provisions of the Treaty by the Assembly

(1) [*Amending of Certain Provisions by the Assembly*] The Assembly may amend the provisions in Articles 3(2), 4(1)(b) (Alternative A, item (iii)), 5(1)(iii), 5(2)(c), 5(3)(a) and (b), 5(4), 5(5)(a) and (b), 5(6)(e), 5(8)(a) and 5(10)(b) and (c), as well as 7(2)(iii), as far as the time limits mentioned in them are concerned, provided that a time limit may not be extended for a duration that exceeds the period stated in that time limit. The Assembly may also amend the provisions in Articles 9(1)(c) and (d) and 9(7).

(2) [*Initiation and Notice of Proposals for Amendment*] (a) Proposals for amendments under paragraph (1) may be made by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least

six months in advance of their consideration by the Assembly.

(3) [*Adoption and Required Majority*] (a) Amendments under paragraph (1) shall be adopted by the Assembly.

(b) Adoption by the Assembly of any amendment under this Article shall require three-fourths of the votes cast, provided that any amendment to Article 9 shall require four-fifths of the votes cast.

(4) [*Entry Into Force*] (a) Any amendment adopted under paragraph (3) shall enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Contracting Parties members of the Assembly at the time the Assembly adopted the amendment.

(b) Any amendment to the said provisions thus accepted shall bind all States and intergovernmental organizations that were Contracting Parties at the time the amendment was adopted by the Assembly or that become Contracting Parties thereafter, except Contracting Parties which have notified their denunciation of this Treaty in accordance with Article 16 before the entry into force of the amendment.

Article 14

Becoming Party to the Treaty

(1) [*Eligibility*] The following may become party to this Treaty:

(i) any State that is a member of the Organization and any other State member of the United Nations or of any other specialized agency brought into relationship with the United Nations;

(ii) any intergovernmental organization that is a party to a multilateral treaty in the field of intellectual property or that, without being party to it, has accepted an obligation or obligations under such a treaty.

(2) [*Signature; Deposit of Instrument*] To become party to this Treaty, the State or the intergovernmental organization referred to in paragraph (1) shall:

(i) sign this Treaty and deposit an instrument of ratification, or

(ii) deposit an instrument of accession.

Article 15

Entry Into Force of the Treaty

(1) [*Entry Into Force*] This Treaty shall enter into force three months after [two] [five] States or intergovernmental organizations have deposited their instruments of ratification or accession.

(2) [Ratifications and Accessions Subsequent to the Entry Into Force of the Treaty] Any State or intergovernmental organization not covered by paragraph (1) shall become bound by this Treaty three months after the date on which it has deposited its instrument of ratification or accession, unless a later date has been indicated in the said instrument. In the latter case, the said State or intergovernmental organization shall become bound by this Treaty on the date thus indicated.

Article 16

Denunciation of the Treaty

(1) [Notification] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [Effective Date] (a) Denunciation shall take effect one year from the date on which the Director General has received the notification of denunciation.

(b) The denunciation shall not affect the application of this Treaty to any dispute to which the Contracting Party making the denunciation is a party and in respect of which a dispute settlement procedure established under this Treaty has been initiated

or is in progress before or at the time of the expiration of the one-year period referred to in subparagraph (a).

Article 17

Languages of the Treaty; Signature

(1) [Original Texts; Official Texts] (a) This Treaty shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [Time Limit for Signature] This Treaty shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 18

Depositary

The Director General shall be the depositary of this Treaty.

WIPO Arbitration Center

In December 1993, the International Bureau sent to non-governmental organizations and interested parties forms entitled "Offer to Serve as WIPO Mediator and/or Arbitrator" (document ARB/APP/93), for the purpose of establishing a list of mediators and a list of arbitrators. Nominations of mediators and arbitrators could be chosen from that list in cases submitted to the WIPO Arbitration Center where the parties do not independently agree on the person of the mediator or the arbitrator and the Director General of WIPO is requested to nominate the mediator or arbitrator. Details of the mediators and arbitrators who offer their services will be maintained by the WIPO Arbitration Center in a searchable data base. Copies of the form of offer are available on request from the WIPO Arbitration Center.

THE WIPO ARBITRATION CENTER AND ITS SERVICES

*document prepared by
the International Bureau of WIPO*

Introduction

1. On September 23, 1993, the General Assembly of the World Intellectual Property Organization (WIPO)

unanimously approved the establishment of the WIPO Arbitration Center. The Center will offer services for the resolution of intellectual property disputes between private parties, that is, individuals or enterprises. It will commence operations on July 1, 1994.

2. The present document is intended to give general information about the Center, the services that it will provide and the advantages that those services offer.

Who May Use the Services of the Center?

3. *Particular National Affiliations Not Required.* The services of the Center are available to all persons, regardless of national affiliation. There is no requirement that a person be connected in a particular way (such as by nationality or residence) with a State that is a member of any particular treaty.

4. *Individuals and Enterprises.* Both individuals and enterprises or other entities having a recognized juridical personality may bring disputes to the Center.

5. *State Entities.* A State entity may be party to a dispute referred to the Center, provided that, of

course, the State entity has, like any other party to a dispute that is referred to the Center, validly expressed its consent in writing to refer the dispute to the Center.

What Sort of Disputes May Be Referred to the Center? What If the Dispute Involves Matters Other Than Intellectual Property?

6. The Center will offer specialized services in relation to intellectual property disputes. However, the dispute-settlement procedures offered by the Center will not be limited to dealing with disputes involving only intellectual property questions. Thus, it will not be necessary for parties to decide whether the intellectual property component of a dispute is sufficiently significant to characterize the dispute as an "intellectual property dispute" in order to bring it to the Center. Nor will it be possible to raise, in the context of a particular dispute referred to the Center, an argument that the arbitral tribunal or mediator is not competent to proceed to hear or to act in respect of the dispute because matters other than intellectual property are involved.

7. The decision not to include any limitation to purely intellectual property matters has been taken in order to ensure that disputes may be resolved efficiently, effectively and comprehensively. The inclusion of such a limitation would open the door to delays occasioned through arguments over the competence of the arbitral tribunal or mediator or through the need to refer matters that are not able to be characterized directly as "intellectual property matters" to other fora for resolution.

8. It will thus be for the parties themselves to decide, in the exercise of their own judgment, whether any dispute or type of dispute has a sufficient intellectual property character to warrant referring it to the Center.

How Will Disputes Be Resolved? The Dispute-Settlement Procedures That Will Be Available Through the Center

9. The Center will offer services in relation to several procedures, each of which represents an alternative to court litigation. The procedures are voluntary, in the sense that they will apply to any given dispute only if the parties to that dispute freely choose by contract to adopt one or other of them as the means for resolving the dispute.

10. Initially, the WIPO Arbitration Center will make available services in relation to four dispute-settlement procedures:

- mediation,
- arbitration,
- expedited arbitration, and
- mediation and default arbitration.

Each of those procedures is described briefly in the following paragraphs.

11. *Mediation.* Mediation is a procedure in which a neutral intermediary, the mediator, endeavors, at the request of the parties to a dispute, to assist them in reaching a mutually satisfactory settlement of the dispute. The mediator does not have any power to impose a settlement on the parties. Rather, the role of the mediator is to assist the parties in understanding their respective positions in relation to the dispute and, in so doing, to bring the parties to the point where they themselves can arrive at an agreed settlement. Such a settlement is then expressed in the form of an enforceable contractual agreement between the parties as to the resolution of the dispute. Each party may, however, if it so chooses, abandon the mediation process at any stage prior to the signing of such an agreed settlement. Thus, in order to be successful, mediation depends very much upon the will and good faith of the parties to reach a satisfactory settlement, the impartiality and skill of the mediator, and the confidence that the mediator is able to inspire in the parties.

12. *Arbitration.* Arbitration is a procedure in which a dispute is submitted, pursuant to the agreement of the parties, to an arbitrator or to a tribunal of several arbitrators who give a decision on the dispute that is binding on the parties. The arbitrator or arbitrators may be chosen by the parties or appointed pursuant to a procedure approved by the parties, which is usually set out in the rules that the parties adopt to govern the arbitration. Those rules also establish the procedure pursuant to which the arbitrator or tribunal will conduct the arbitration. The parties may also choose the law in accordance with which the substance of the dispute will be decided. In contrast to mediation, once the parties have freely agreed to submit a dispute to arbitration, a party cannot unilaterally withdraw from the arbitration (assuming there is no fraud or other vitiating circumstances), but are bound by the arbitration and the decision given by the arbitrator or tribunal.

13. *Expedited Arbitration.* The procedure of expedited arbitration that will be offered by the WIPO Arbitration Center is a form of arbitration. The difference between it and the conventional form of arbitration is that the rules pursuant to which the expedited arbitration is conducted limit the choices that both the arbitrator and the parties might otherwise make with respect to the arbitration process in order to obtain a quick result at a relatively low cost.

Those rules set time limits on the actions to be undertaken by each of the parties, and envisage that the arbitration process will usually be conducted on the basis of written evidence and without an oral hearing. It is thus a procedure that might be expected to appeal particularly to parties whose financial means do not permit recourse to protracted court litigation, or to those involved in disputes over amounts that did not justify, either in terms of personnel or financial costs, resort to court litigation or to conventional arbitration.

14. *Mediation and Default Arbitration.* This procedure combines both mediation and arbitration. Where the parties agree to submit to the procedure, they must first endeavor to resolve the dispute through mediation. If a settlement is not reached through mediation (that is, in default of a settlement through mediation) within a designated period of time (60 days is recommended), the dispute will automatically be referred to arbitration for a binding decision.

What Are the Advantages of the Procedures Offered; Why Not Go to Court?

15. Compared to traditional court litigation, there are a number of advantages which the dispute-settlement procedures described above offer:

- (i) The procedures can result in considerable savings of time and cost. Parties do not have to compete with other cases in a list of cases awaiting the allocation of court time. An arbitration or other procedure may proceed immediately following the parties' decision to refer a dispute to that procedure. The arbitral or other procedure may also be conducted more expeditiously, assuming cooperation and discipline on the part of those involved, so as to obtain a result in a shorter period of time. In addition, the arbitral award (the decision rendered in the arbitration) is final and usually not subject to an appeal on the merits, thus avoiding costly appellate review.
- (ii) The procedures offer autonomy to the parties in choosing the applicable law, procedure and language of the proceedings, as well as flexibility in designing or adapting the procedure to their own particular circumstances.
- (iii) The procedures offer means for ensuring that the dispute will be settled according to a procedure that is neutral to both parties. Whereas court litigation will often take place in the country of one of the parties where the other party may be less familiar with the law, legal and institu-

tional culture and language of the proceedings, arbitration can be conducted in a neutral country.

- (iv) One of the features of the autonomy that the parties enjoy in relation to the procedures is the ability to select the arbitrators or other neutral persons to whom the dispute will be submitted. In the highly technical area of intellectual property, the capacity to ensure that specialized expertise is represented on the arbitral tribunal can offer particular advantages.
- (v) The procedures may be conducted in full confidentiality, a feature that is, again, particularly advantageous in respect of intellectual property, where the parties may wish to limit strictly the publicity given to the subject matter of the dispute and the knowledge that competitors might otherwise gain of both the existence and the subject matter of the dispute.
- (vi) In the case of arbitration, the arbitral award is often more easily enforced in foreign countries than a court judgment by virtue of the New York Convention on the Recognition and Execution of Foreign Arbitral Awards of 1958, to which over 90 States are party.
- (vii) The subject matter of an intellectual property dispute may often be an invention, trademark, industrial design, plant variety or other item that is the subject of a number of separate national titles. The dispute concerning that subject matter may also range over several countries. Arbitration or mediation represent ways of resolving the dispute by recourse to one procedure, rather than by separate court cases undertaken in each of the countries to which the dispute relates and in which a separate national intellectual property title covers the subject matter.
- (viii) In the case of mediation, the procedure is perceived to be less confrontational than court litigation and more suitable to facilitating the continuation of any business relationship that may exist between the parties to the dispute. In addition, as a less confrontational procedure, it is more compatible with the cultural attitudes to resolving disputes that are prevalent in certain countries and regions of the world.

What Services Will the Center Provide in Relation to the Dispute-Settlement Procedures Offered?

16. The first service to be provided by the Center will be to make available to parties that wish to refer

a dispute to one of the procedures administered by the Center, and to their professional advisors, models of the clauses that can be used for that purpose. There are two such types of clauses. The first type consists of clauses that may be inserted into a contract between two or more parties referring any disputes, or any of a certain class of disputes, that may arise under the contract in the future to one of the dispute-settlement procedures administered by the Center. The second type of clause is intended for use in respect of a specific dispute which has already materialized and for which a specific method of dispute-settlement has not already been envisaged, and which the parties wish to resolve by referring to one of the procedures administered by the Center.

17. The models that will be made available may, naturally, be amended or modified by the parties to suit the particular circumstances of their contractual relationship or of a given dispute. Details on the availability of the model clauses are given below (see paragraph 36(iv)). In addition to making available model dispute-settlement clauses, the Center will also provide assistance to parties wishing to use its services in drawing up such clauses.

18. A second service that the Center will provide will be to make available rules for the conduct of the dispute-settlement procedures that it administers. Drafts of such rules (the WIPO Mediation Rules, WIPO Arbitration Rules and WIPO Expedited Arbitration Rules) have been prepared with the advice of non-governmental organizations in the fields of intellectual property and arbitration. The draft rules are available for observations from interested parties. Details concerning their availability and the program for their finalization are given below (see paragraph 36).

19. The rules for the conduct of the dispute-settlement procedures that will be administered by the Center envisage that certain functions will be performed by the WIPO Arbitration Center in respect of those procedures. Those functions include the following:

- (i) In the case of mediation, the mediator will, unless the parties themselves choose the mediator or another method of appointing the mediator, be appointed by the Director General of WIPO, in consultation with the parties to the dispute. The fees to be paid to the mediator will be determined in accordance with the WIPO Mediation Rules, and the modalities for the payment of those fees will be determined by the WIPO Arbitration Center.
- (ii) In the case of arbitration, the arbitrator(s) will, unless the parties themselves choose the arbitrator(s) or another method of

appointing the arbitrator(s), also be appointed by the Director General of WIPO, in consultation with the parties to the dispute. The Director General will also, in accordance with the WIPO Arbitration Rules, rule on any challenges (on the grounds of circumstances that might give rise to justifiable doubt as to the arbitrator's neutrality, impartiality or independence) to the arbitrators.

- (iii) In the case of arbitration, the WIPO Arbitration Center will, in consultation with the arbitrator and the parties, determine the fees to be paid to the arbitrator. The draft rules contain special provisions designed to add certainty to the financial cost of arbitration and to contain those costs. Those provisions are designed to enable the parties to know in advance the amount of the arbitrator's fees for a particular arbitration (see Rule 53 of the draft WIPO Arbitration Rules (document ARB/DR/2) and Rule 52 of the draft WIPO Expedited Arbitration Rules (document ARB/DR/3)).
- (iv) On the request of the parties to a given dispute, the WIPO Arbitration Center will make arrangements, against payment of a fee, for hearing rooms and secretarial and interpretation facilities for the conduct of a mediation or arbitration.

20. The WIPO Arbitration Center will also conduct training courses and provide advice in relation to mediation and arbitration. In this regard, a World-wide Forum on the Arbitration of Intellectual Property Disputes is being organized jointly with the American Arbitration Association (AAA) on March 3 and 4, 1994. The Forum will be held in Geneva at the headquarters of WIPO.

Who Will Be the Mediators and Arbitrators?

21. Where the Director General of WIPO acts as appointing authority (which, under the draft rules, will be the case wherever a mediation or arbitration is conducted under the auspices of the WIPO Arbitration Center and the parties have not either themselves chosen the mediator or arbitrator or designated another method of appointing the mediator or arbitrator), the mediator or arbitrator will be nominated by the Director General from lists of mediators and arbitrators maintained by the WIPO Arbitration Center.

22. The nomination of persons to be listed as mediators or arbitrators on the lists to be maintained by the WIPO Arbitration Center is at present taking place in cooperation with non-governmental organizations in

the fields of intellectual property and arbitration. Details of the qualifications, specialization, training and experience of persons nominated and selected for inclusion on the lists will be available on a searchable data base maintained by the Center.

23. Where the Director General of WIPO acts as appointing authority in the mediation, the mediator will be appointed by him, in accordance with the draft WIPO Mediation Rules, only in consultation with, and with the agreement of, the parties to the mediation, since it is obviously of crucial importance that the mediator enjoy the confidence of all parties to the mediation.

24. Where the Director General of WIPO acts as appointing authority in an arbitration, the appointment will be made by him pursuant to a procedure defined in the draft WIPO Arbitration or Expedited Arbitration Rules. That procedure requires an identical list of candidates to be presented to each party, giving details of the qualifications, specialization, training and experience of each of the candidates on the list (see Rule 15 of the draft WIPO Arbitration Rules (document ARB/DR/2) and of the draft WIPO Expedited Arbitration Rules (document ARB/DR/3)). Each party will have the opportunity to strike off names from the list and to number their remaining candidates by preference. The candidate for whom the parties express the highest preference will be the person nominated by the Director General. Where a result is not produced following the consideration by the parties of the first identical list of candidates, a second identical list will be presented to the parties and, should a result still not ensue, the appointment will be made directly by the Director General.

How Does One Refer a Dispute to the Center?

25. As mentioned above, a dispute may be referred to the Center either pursuant to a clause inserted in a contract between two parties, which provides for any dispute, or class of dispute, arising under the contract to be resolved through a designated procedure administered by the Center, or, on an ad hoc basis, pursuant to an agreement entered into by the parties to a dispute that is not otherwise governed by a contract envisaging the reference of disputes under the contract to the Center. As also mentioned above, model clauses and agreements for so referring disputes to the Center will be made available by the Center.

Where Will the Dispute-Settlement Procedures Take Place? Does One Have to Go to Geneva?

26. The reference of a dispute to settlement under a procedure administered by the Center does not

necessarily mean that the dispute-settlement procedure will take place in Geneva. It is up to the parties to decide where the place of mediation or arbitration will be, in accordance with the circumstances of the particular dispute. Those circumstances include the national affiliations of the parties, the place of execution and performance of any contract in question, the place of the alleged wrong doing, language, the law of procedure that the parties wish to apply to an arbitration and any substantive law designated by the parties as applicable to the dispute.

27. Where the parties do not themselves designate the place of arbitration, it will be determined by the Director General of WIPO in accordance with the circumstances of the dispute.

28. The WIPO Arbitration Center will provide assistance to the parties in arranging meeting, administrative, secretarial and interpretation facilities for mediations and arbitrations conducted in Geneva, as well as for those conducted outside Geneva.

What About Confidentiality?

29. Confidentiality is one of the important reasons why parties choose to settle a dispute by a procedure other than court litigation. The maintenance of strict confidentiality concerning the existence and result of any dispute is envisaged by the draft rules in respect of both mediations and arbitrations. Since such confidentiality exists for the benefit of the parties, it may also be waived to the extent agreed by the parties themselves.

30. WIPO has extensive experience in the administration of procedures for ensuring confidentiality in various circumstances. International applications filed under the Patent Cooperation Treaty (PCT), for example, are administered by WIPO in accordance with the strictest standards of observance of confidentiality before the publication of such applications.

How Does One Enforce an Arbitration Award?

31. By virtue of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, to which over 90 States are party, the execution of a foreign arbitral award (the decision of an arbitral tribunal) is usually simpler, cheaper and more expeditious than the enforcement of a foreign judgment delivered by a court. There are very few formalities. Thus, in the event that the award is, for example, made in Geneva, and the party against which the award is made refuses to comply voluntarily with the award, the award can be executed, in accordance with the New York Conven-

tion, in any State party to that Convention where the defaulting party has assets.

Who Administers the WIPO Arbitration Center?

32. The WIPO Arbitration Center is an administrative unit of the International Bureau of WIPO, an intergovernmental organization established by multi-lateral treaty. Its staff are officials of the International Bureau. The staff of the International Bureau comprises approximately 450 persons.

33. The activities of the WIPO Arbitration Center will be overseen by the WIPO Supervisory Board on Arbitration, which will be composed of six leading international experts in the fields of arbitration and intellectual property. The names of the members of the Supervisory Board will be announced in the next months.

Why Go to the WIPO Arbitration Center? Don't Other Arbitration Centers Exist?

34. A considerable number and variety of institutions offering services in administering both national and international mediations and arbitrations already exists. The competition between those institutions is beneficial in offering choice to users and in improving the quality of the services offered to users. Situated in that context, the reasons for choosing to refer a dispute to the WIPO Arbitration Center include:

- (i) *Continuity:* while arbitration is a new area of its activities, WIPO has been in existence in various forms for over 100 years, thus providing the continuity that is an essential attribute of an institution administering dispute-settlement procedures. Such a continued existence is necessary in order to ensure that, when a dispute occurs under a contract which envisages the submission of the dispute to procedures administered by a designated institution, the contractual will of the parties can be satisfied without legal uncertainty and disruption.
- (ii) *Neutrality:* as an international organization with an international secretariat, WIPO provides the assurance of neutrality that is usually sought by parties with different national affiliations.
- (iii) *Specialization:* the WIPO Arbitration Center will be the only institution offering specialized services designed for intellectual property disputes. It will offer the necessary expertise, both through its secretariat and

through its contacts with the leading non-governmental organizations specialized in intellectual property, to maintain such a service.

- (iv) *Appropriate Rules Procedures:* the rules that will govern the mediation or arbitration proceedings to be administered by the Center are up to date and designed to provide quick and cost-effective proceedings.

When Will the Center Start Operations? What is the Present State of Preparations?

35. The Center is expected to commence operations on July 1, 1994, meaning that, from that date, any dispute may be settled pursuant to a procedure administered by the Center.

36. Preparations have been undertaken over the period of the last two years, principally with the assistance of a working group of non-governmental organizations, which met on three occasions. The results of those preparations and the program for the finalization of preparations are as follows:

- (i) As mentioned above, revised draft WIPO Mediation Rules (document ARB/DR/1), WIPO Arbitration Rules (document ARB/DR/2) and WIPO Expedited Arbitration Rules (document ARB/DR/3) are available and have been circulated for further observations to a number of leading non-governmental organizations and interested parties. Following the receipt of observations, the draft Rules will be further revised and finalized in the first quarter of 1994. Copies of the documents containing the rules may be obtained, free of charge, in English, French and Spanish, from WIPO (at the address given below).
- (ii) As also mentioned above, nominations of persons to serve as WIPO mediators and arbitrators are at present being sought. The offers received will be evaluated and the lists of mediators and arbitrators prepared and entered into an electronic data base in the first quarter of 1994. Nominations of candidatures for the lists will still, however, be receivable after that time.
- (iii) It is expected that the WIPO Supervisory Board on Arbitration, referred to above, will be appointed and will assume its functions in the first four months of 1994.
- (iv) Revised drafts of the model contract clauses and arbitration agreements will also be made available shortly and are expected to be finalized in the first quarter of 1994.

Further Information

37. If you would like to obtain copies of the draft Rules or of the form entitled "Offer to Serve as WIPO Mediator and/or Arbitrator," or to be placed on the mailing list to receive further information on documents published by the WIPO Arbitration Center, please contact:

WIPO Arbitration Center
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Telephone No.: (41-22) 730 9428 or 730 9113
Facsimile: (41-22) 733 5428

Registration Systems Administered by WIPO

The Film Register (International Registration of Audiovisual Works) Treaty in 1993

New Member States. As a result of the deposit of instruments of accession or declarations of continued application of the Treaty during 1993, the following States became bound by that Treaty on the dates

indicated in parentheses, bringing the total number of States party to that Treaty to nine: Brazil (on June 26, 1993) and Chile (on December 29, 1993).

Administration. The total number of registrations effected since the opening of the Registry on September 1, 1991, is 397.

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

Africa

Training Courses, Seminars and Meetings

Mozambique. In December 1993, a WIPO official and a WIPO consultant from Switzerland presented papers at a National Copyright Workshop organized by the Book Institute of Mozambique in Maputo.

Assistance With Training, Legislation and Modernization of Administration

Mozambique. In December 1993, a WIPO official and a WIPO consultant from Switzerland held discussions with government officials in Maputo

on the strengthening of cooperation between Mozambique and WIPO.

United Republic of Tanzania. In December 1993, a WIPO official undertook a mission to Dar es Salaam to review with government officials cooperation between the United Republic of Tanzania and WIPO.

Southern African Development Community (SADC). In December 1993, a WIPO official and a WIPO consultant from Switzerland held discussions with officials of SADC in Maputo on the strengthening of cooperation between WIPO and SADC.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Kuwait. In December 1993, a WIPO official undertook a mission to Kuwait City to discuss with government officials Kuwait's possible membership of WIPO, the strengthening of Kuwait's industrial property system, and the possible organization, in 1994, of a WIPO subregional seminar on licensing and transfer of technology for the member States of the Gulf Cooperation Council (GCC).

Oman. In December 1993, a WIPO official undertook a mission to Muscat to follow up on Oman's accession to the WIPO Convention and discuss with government officials future plans for the strengthening of the industrial property system.

United Arab Emirates. In December 1993, a government official visited WIPO to discuss future cooperation between his country and WIPO and the follow-up to a WIPO advisory mission which took place in October 1993.

Asia and the Pacific

Assistance With Training, Legislation and Modernization of Administration

Bhutan. In December 1993, two government officials had discussions with the Director General and other WIPO officials in Geneva on cooperation between Bhutan and WIPO in the field of intellectual property, in particular on the draft laws on industrial property and on copyright, which had been prepared by the International Bureau, on a possible United Nations Development Programme (UNDP)-financed country project for the setting up of an intellectual property office in Bhutan and possible WIPO assistance in the organization of a national seminar on copyright and neighboring rights.

China. In December 1993, Mr. Yu Youxian, Director General of the National Copyright Administration of China (NCAC), and two other officials of NCAC had discussions with the Director General

and other WIPO officials in Geneva on cooperation between China and WIPO in the field of copyright and neighboring rights, particularly on the organization of seminars in China in 1994 and the proposed revision of the Copyright Law. The Chinese officials then proceeded on a study visit organized by WIPO to the Copyright Office of the Swiss Federal Intellectual Property Office in Berne, the Swiss Society for Authors' Rights in Musical Works (SUISA) in Zurich, the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS) in Budapest and the General Authors' Society of Spain (SGAE) in Madrid.

India. In December 1993, a WIPO official held discussions in New Delhi on various aspects of cooperation between India and WIPO on intellectual property matters with government officials and representatives of the private sector.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

Fourth WIPO Peruvian Congress on Copyright and Neighboring Rights (Peru). This Congress was

organized by WIPO and the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI) of Peru from December 7 to 9, 1993, in Lima. It was attended by some

260 participants from the judiciary, university and research centers and the private sector. Papers were presented by two WIPO consultants from Spain and Switzerland and a WIPO official.

Assistance With Training, Legislation and Modernization of Administration

Peru. In December 1993, a WIPO official had discussions with government officials in Lima on

mutual cooperation, including the possible holding of copyright meetings in Peru in 1994.

Trinidad and Tobago. In December 1993, a government official had discussions with WIPO officials in Geneva on WIPO's possible assistance in the field of copyright, in particular the organization of an advisory mission in 1994, as well as other matters related to the setting up of an organization for the collective administration of rights in the country.

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

Regional Activities

WIPO/United States Copyright Office Seminar for Eastern European and Central Asian Countries (United States of America). From December 13 to 17, 1993, WIPO organized this Seminar in cooperation with the United States Copyright Office in Washington, D.C. The Seminar was attended by 15 participants from Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, the Republic of Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. Papers were presented by 19 speakers from the United States of America, one from Poland and one from the United Kingdom, three WIPO consultants from the Czech Republic, Estonia and the Russian Federation, and two WIPO officials.

National Activities

Albania. In December 1993, Mr. Dhimiter Anagnosti, Minister for Culture, Youth and Sport, accompanied by two other government officials, had discussions with the Director General and other WIPO officials in Geneva on future cooperation between Albania and WIPO in the field of copyright and neighboring rights.

Czech Republic. In December 1993, Professor Jan Kříž, Director of the Institute for Copyright, Indus-

trial Property Rights and Competition Rights, Charles University (Prague), had discussions with the Director General and other WIPO officials in Geneva on future cooperation between WIPO and Charles University.

WIPO National Seminar on Copyright and Neighboring Rights (Latvia). From December 8 to 10, 1993, WIPO organized this Seminar in Riga in cooperation with the Governments of Latvia and Sweden. The Seminar was opened by Mr. Jānis Vaivads, Minister for Education, Culture and Science of Latvia. It was attended by some 100 government officials, representatives of authors', performers' and publishers' organizations, universities and other interested organizations. Papers were presented by two experts from Latvia, two WIPO consultants from Sweden and two WIPO officials.

Slovakia. In December 1993, a government official and a representative from a collective administration organization had discussions with WIPO officials in Geneva on WIPO's activities in the field of copyright and neighboring rights.

Also in December 1993, an official of the Protection Right Society of Performers, Phonogram and Videogram Producers (SLOVGRAM) (Bratislava) had discussions with WIPO officials in Geneva on the Organization's activities in the field of copyright and neighboring rights.

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

National Contacts

Turkey. In December 1993, the International Bureau prepared and sent to the government authorities, at their request, comments on draft amendments to the Copyright Law.

United States of America. In December 1993, a WIPO official had discussions with government officials in Washington, D.C., on possible future cooperation in the field of copyright and neighboring rights.

United Nations

United Nations. In December 1993, a WIPO official attended some meetings of the 48th session of the United Nations General Assembly held in New York.

Intergovernmental Organizations

European Audiovisual Observatory. In December 1993, a WIPO official had discussions with officials of the Observatory in Strasbourg (France) on possible future cooperation.

European Parliament. In December 1993, a WIPO official spoke on WIPO's activities in the audiovisual field at a hearing of the Intergroup "Cinema" of the European Parliament, held in Strasbourg.

Other Organizations

International Non-Governmental Organizations. On December 10, 1993, WIPO held its annual informal meeting, in Geneva, chaired by the Director General, with representatives of international non-governmental organizations interested in industrial property and/or copyright matters in order to exchange views on the activities and programs of WIPO. The following 28 international non-governmental organizations were represented: Arab Society for the Protection of Industrial Property (ASPIP), Committee of National Institutes of Patent Agents (CNIPA), European Association of Industries of Branded Products (AIM), European Communities

Trade Mark Association (ECTA), European Federation of Pharmaceutical Industries' Associations (EFPIA), 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 Societies of Authors and Composers (CISAC), International Council on Archives (ICA), International Federation of Film Producers Associations (FIAPF), International Federation of Industrial Property Attorneys (FICPI), International Federation of Inventors' Associations (IFIA), International Federation of Reproduction Rights Organisations (IFRRO), International Federation of the Phonographic Industry (IFPI), International Literary and Artistic Association (ALAI), International Organization for Standardization (ISO), International Publishers Association (IPA), International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU), International Trademark Association (INTA), International Union of Architects (IUA), International Video Federation (IVF), Licensing Executives Society International (LESI), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), Patent Documentation Group (PDG), Performing Arts Employers Associations League Europe (PEARLE), The Chartered Institute of Arbitrators (CIArb).

Association of International Librarians and Information Specialists (AILIS) (formerly, Association of International Libraries (AIL)). In December 1993, a WIPO official attended, in Geneva, AIL's annual meeting.

International Literary and Artistic Association (ALAI). In December 1993, Professor Georges Koumantos, President of ALAI, had discussions with WIPO officials in Geneva on arrangements for the ALAI Study Days to be held at the headquarters of WIPO in June 1994.

University of Montpellier (France). In December 1993, a WIPO official made a presentation, in Geneva, on WIPO and intellectual property to 50 law students from the University of Montpellier.

Selected WIPO Publications

The following new publications* were recently issued by WIPO:

Background Reading Material on the Intellectual Property System of the Philippines, No. 686/PH(E), 10 Swiss francs.

Classification internationale des produits et des services aux fins de l'enregistrement des marques, 6th edition, No. 500(P/F), No. 500(I/F), 100 Swiss francs.

Guide pour les licences en biotechnologie, No. 708(F), 50 Swiss francs.

International Classification for Industrial Designs under the Locarno Agreement, 6th edition, No. 501(E) (F), 100 Swiss francs.

Manual de información y documentación en materia de propiedad industrial, No. 208(S), 100 Swiss francs.

* WIPO publications may be obtained from the Publications Sales and Distribution Unit, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (C for Chinese, E for English, F for French, I for Italian, P for Portuguese, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Potent Agents' Manual, No. 707(E), 50 Swiss francs.

Patent Cooperation Treaty (PCT), 1994 edition, No. 274(E) (F), 15 Swiss francs.

Répertoire mondial des sources d'information en matière de brevets, 1993 edition, No. 209(F), 55 Swiss francs.

Study on Industrial Property Use in the Agricultural Machinery Industry in the Republic of Korea, No. 712(E), 20 Swiss francs.

WIPO Asian Regional Round Table on the Development of an Effective Industrial Property System, Kuala Lumpur, 1993, No. 724(E), 25 Swiss francs.

WIPO Asian Regional Training Workshop on the Use of Industrial Property and Technology Transfer Arrangements in the Electronics Industry, Beijing, 1992, No. 721(E), 30 Swiss francs.

WIPO General Rules of Procedure, No. 399(C) (S), free.

WIPO Worldwide Symposium on the Impact of Digital Technology on Copyright and Neighboring Rights, Cambridge, 1993, No. 723(E), 20 Swiss francs.

Calendar of Meetings

WIPO Meetings

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

1994

May 2 to 6 (Geneva)

Working Group on the Application of the Madrid Protocol of 1989 (Sixth Session)

The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

May 23 to 27 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Eleventh 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 (November 1992) 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.

June 1 to 3 (Le Louvre, Paris)

WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights: "The most sacred property" faced with the challenges of technology and trade

This Symposium will explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of, *inter alia*, the impact of new technologies, particularly digital technology, and of certain international norms agreed upon in the framework of trade negotiations.

Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).

June 6 to 10 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (Fourth Session)

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

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

June 13 to 17 (Geneva)

Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)

The Committee will continue to examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

June 20 to 23 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth 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 (November 1992) 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.

- September 26 to October 4 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth Series of Meetings)**
Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.
Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.
- October 10 to 28 (Geneva)** **Diplomatic Conference for the Conclusion of the Trademark Law Treaty**
The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.
Invitations: States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.

UPOV Meetings

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

1994

- November 2 to 4 (Geneva)** **Technical Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.
- November 7 and 8 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- November 9 (a.m.) (Geneva)** **Consultative Committee (Forty-Eighth Session)**
Invitations: Member States of UPOV.
- November 9 (p.m.) (Geneva)** **Council (Twenty-Eighth Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1994

- May 4 to 9 (Beijing)** Licensing Executives Society International (LESI): International Conference.
- May 8 to 11 (Seattle)** International Trademark Association (INTA): 116th Annual Meeting.
- May 23 to 25 (Turin)** International Publishers Association (IPA): Symposium on the theme "Publishers and New Technology."
- May 24 to 26 (Rio de Janeiro)** International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee.
- May 25 to 28 (Luxembourg)** European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference.
- May 28 to June 5 (Ostend)** International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress.
- June 12 to 18 (Copenhagen)** International Association for the Protection of Industrial Property (AIPPI): Executive Committee.
- June 19 to 24 (Vienna)** International Federation of Industrial Property Attorneys (FICPI): Congress.

June 27 and 28 (Geneva)	International Literary and Artistic Association (ALAI): Study Days.
July 11 to 13 (Ljubljana)	International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting.
September 18 to 22 (Washington)	International Confederation of Societies of Authors and Composers (CISAC): Congress.
September 22 to 24 (Berlin)	International League of Competition Law (LIDC): Congress.

