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Millennium Message from Dr. Kamil Idris, Director General of WIPO



At midnight on December 31, 1999, hundreds of millions of people around the world were able to welcome in the new millennium with unprecedented precision. The most accurate timepiece available, the atomic clock, redefines the second as "9,192,631,770 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the cesium-133 atom." The fact that at the end of the previous millennium the weight-driven mechanical clock had not even been invented is a salutary reminder of just how far science and technology have progressed.

Timekeeping is only one field in which there has been remarkable, exponential scientific, technological and cultural progress. The last thousand years has seen, to name but a few, the printing press, the telescope, the steam engine, penicillin, and the internal combustion engine. Not to mention, in only the last four decades, the moon landing, genetic engineering, the Internet and the remarkable display, at the 1999 Frankfurt Book Fair, of no less than 385,000 titles from 113 countries.

It is the ingenuity and creativity of humankind that has brought technology to the point where it can provide adequate food and shelter and education for billions of people. To the point where a cultural event on one side of the world can be simultaneously viewed on television by the inhabitants on the other side. To the point where some of the world's most horrific diseases

have been eradicated. The correlation between the progress of the human race and its ability to invent, innovate and imagine a better world is indisputable. These facts are undoubtedly cause for unambiguous celebration.

And yet, celebration should not be confused with complacency. This remains a world in which every year five million people die from nutrition-related diseases, and half a million children go blind from lack of vitamin A. Inventiveness is not the sole answer to such problems. But it is a key component. Ingenuity, then, should not only be applauded; much more than this, it must be actively encouraged and its benefits spread to every part of the world, for there is still a great deal of work to be done. It is for this reason that the World Intellectual Property Organization regards its mission in the 21st century as more urgent than ever before.

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WIPO's fundamental mission is to protect intellectual property rights. It is in order to stimulate the creation of intellectual property such as inventions and works of art, and to ensure the dissemination of their benefits, that the concept of intellectual property rights exists. These rights, enshrined in the 1948 United Nations' Universal Declaration on Human Rights, are worth repeating:

“Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”

and

“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.”

Happily, there exists an elegant equation by which both these rights can be assured, so that on the one hand people will be encouraged to invent and create, and on the other, people will be assured of enjoying the benefits of innovation and imagination. This is the offering of a limited right to the creator by which he or she may expect to have a clearly defined term of protection from piracy or counterfeiting, after which the creation enters the public domain.

WIPO helps to facilitate this beautifully simple, win/win equation on the international stage, in particular by ensuring that expertise is provided when laws or systems need upgrading to take into account novel areas of invention (such as providing protection for the fruits of genetic



Photo: Steve Allen/TIB

research or new mediums such as the Internet). We facilitate the meetings of our 171 member States in their efforts to provide harmonized rules in the global economy. We provide support to developing countries and countries in transition, to ensure that the benefits of ingenuity may be felt in all parts of the world, without exception. And additionally, we administer international patent, trademark, and industrial design registration systems which greatly ease the complexity of seeking protection in more than one country simultaneously.

However, we are in no doubt that the turn of the millennium is unequivocally a time to look forward, not back. Seeing the unprecedented wealth of new technology entering the marketplace today, we have every reason to believe that intellectual property rights and the assurance of their enforceability have never been more important. In closing, I would like to give a few concrete examples to support this assertion.

Biotechnology

As stated, every year five million people die from nutrition-related diseases. This harrowing figure would be even higher if major agricultural and pharmaceutical advances, including new strains of rice and new medicines, had not appeared in recent years. It could be significantly lowered if other new techniques and processes can be safely and equitably brought to the international market. This means respect for the innovator, and respect for the sources of the discovery. Fair and universally acceptable terms by which all may benefit from the remarkable potential of modern biotechnology must be found.

The Internet and information technology

A recent estimate suggests that the global Internet economy will rise to a value of 3,200 billion US dollars in 2003 - or less than half that if security and regulatory obstacles persist. Among such

obstacles are questions concerning:

- domain names and trademarks on the Internet, which must be effectively protected if potential activity is to be maximized;
- the protection of business processing techniques allowing new methods of doing business over the Internet - such as "reverse auctions" or "one-click technology";
- protecting digital items such as software, sound, and video recordings which are relatively easily pirated on the Internet (the software industry alone cites current losses of 11 billion US dollars per year);
- database protection; and
- how to maximize the potential of the medium for making patent information - the vast resource of all the world's millions of registered patents - easily available as reference materials to inventors around the world.

All these are critical, and all are of relevance to WIPO.

TRIPS implementation

World exports increased after eight GATT rounds of negotiations from 60 billion US dollars in 1950 to 5.3 billion in 1998, representing some 20 percent of world economic output. Much of the world's wealth depends on international trade, and efficient intellectual property regimes are considered vital to continued expansion. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO) is expected to provide a major boost. It required developing country-members to implement its provisions by January 1, 2000. By the first half of 1999, WIPO had assisted 84 countries by preparing

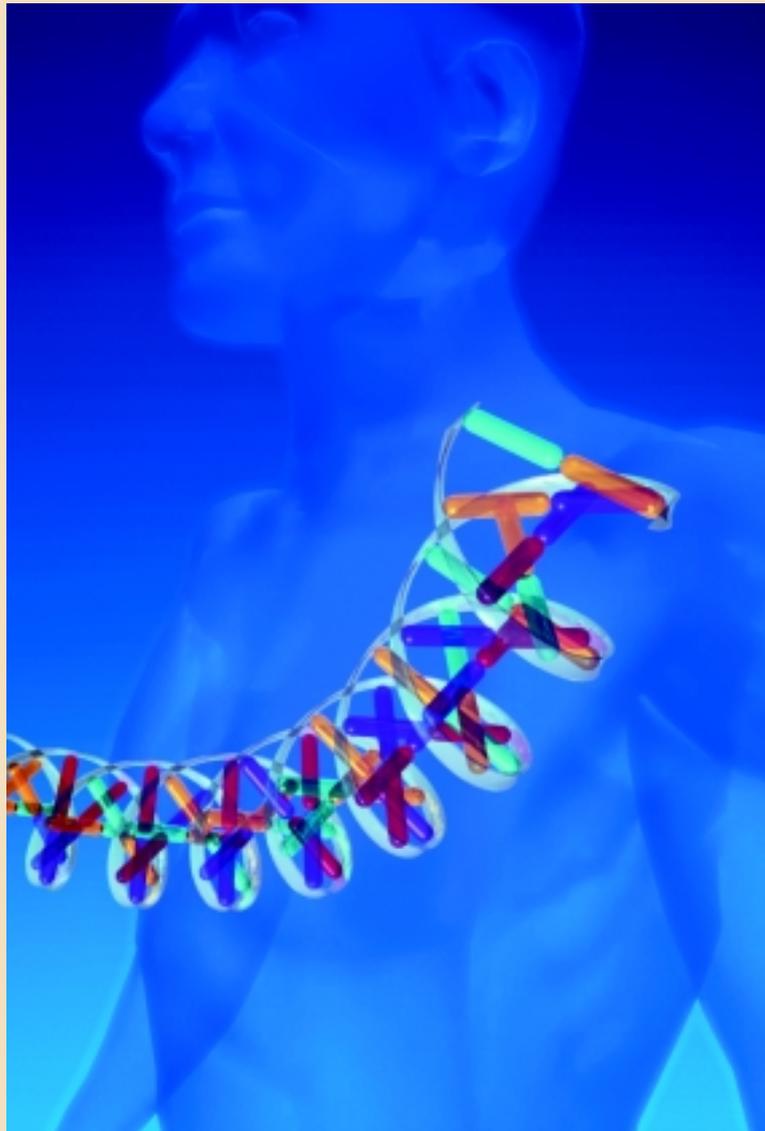


Photo: Digital Art/Corbis

A model of deoxyribonucleic acid or DNA, discovered early in the 20th century. This molecule determines our physical appearance and shapes our personalities.

154 draft laws and organizing over 50 seminars and other meetings around the world concentrating on TRIPS. But our work continues, and remains vitally important, with the deadline for implementation by the WTO's least-developed countries being January 1, 2006.

The Global patent

The patent system is the cornerstone of research and develop-

ment. Until WIPO introduced the Patent Cooperation Treaty (PCT) international registration system, each patent application had to be registered individually in each country in which protection was sought. In 1998, WIPO received 67,007 international patent applications, a 23 percent increase over the figure for 1997, which had a total equivalent effect of 3,463,147 national applications.

The saving in time and costs for the applicant is truly vast, and the success of the system is evident in the growth of its use - from only 2,625 applications in 1979. In accordance with its goal of ever-enhanced facilitation of the work of the creator, WIPO continues to move towards increased harmonization of patent registration formalities. A major step in this direction will be the diplomatic conference convened in summer of 2000 for the adoption of a Patent Law Treaty.

From these few examples (which, a short visit to our website will demonstrate, are very far from exhaustive) I hope I have conveyed some of the sense of importance and even urgency which we attach to the latest turn of the clock. For us - and consequently, in our view, for the world - the Year 2000 is not merely a symbolic turning point, it is an exceptional opportunity for growth and development. Technology has never held out so much promise. You may rest assured that the dedicated international staff working at WIPO will do everything possible to ensure that, at least from the point of view of intellectual property rights, humankind will be well and truly prepared to take full advantage of this extraordinary opportunity - an opportunity, one might even say, that comes only once in a millennium.

Sincerely yours,



Kamil Idris
Director General

WIPO receives first case under new cybersquatting procedure

Cybersquatters received a warning signal last month when the first international dispute settlement mechanism aimed at curbing the abuse of trademarks on the Internet was launched. The first dispute under the new Uniform Dispute Resolution Policy applicable to the top-level domains (.com, .net and .org) was filed with the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center on December 2, 1999, a day after the new rules took effect.

The Uniform Dispute Resolution Policy was adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999. The policy went into effect on December 1, 1999 for all accredited registrars, with the exception of America Online, the Name IT Corp. and Network Solutions, Inc., which will have to comply as of January 3, 2000. The policy essentially adopts the recommendations made in the Report of the WIPO Internet Domain Name Process, which was published on April 30, 1999. The Report recommended a uniform and mandatory administrative dispute-resolution system to address cases of bad faith, abusive registrations, also known as "cybersquatting." Using this system, panels of one or three experts, appointed by the WIPO Arbitration and Mediation Center, will apply streamlined, quick and cost-effective procedures to review multiple claims and eliminate cases of clear abuse of trademark holders' rights, leaving the more complex cases to the courts. Cases

are expected to be decided within 45 days.

The dispute filed with the WIPO Arbitration and Mediation Center concerns a domain name registered with Melbourne IT, one of the first five registrars accredited by ICANN to accept registrations, in addition to Network Solutions, Inc., in the .com, .net and .org top-level domains. It concerns an allegation that the domain name in question was registered in bad faith by the domain name registrant in abuse of the trademark rights of the complainant. The names of the parties and other details of the dispute will become available when the decision of the panel appointed to determine the case is published.

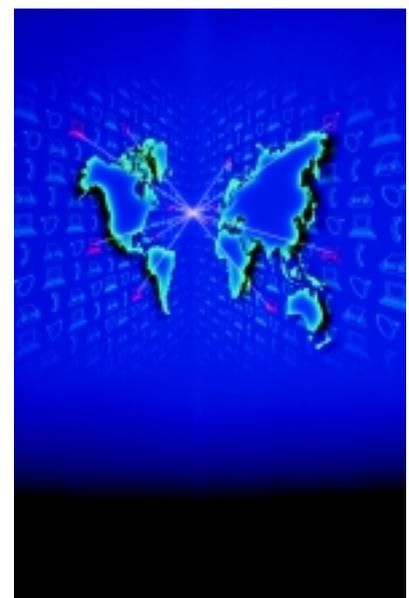


Photo: Teemap Corporation/Corbis

"Our aim is to make sure that parties are treated fairly and equally and that balanced decisions providing practical guidance

are taken,” said Mr. Francis Gurry, WIPO Assistant Director General. Mr. Gurry said the services provided by the Center offer parties a quick, cost-effective alternative to the court system. “There is a great deal of misconception about the rights and wrongs and dos and don’ts of the Internet. This system will help bring some clarity in a relatively quick and cheap manner.”

The Chief Executive Officer of Melbourne IT, Mr. Peter Gerrand, applauded the parties’ use of the WIPO Dispute Resolution Service. “Hopefully this process will be much more cost-effective and swifter than if they had resorted to the courts. As the Registrar concerned, Melbourne IT will simply act upon the decision of the Dispute Resolution arbitrator,” he said.

The WIPO Center’s Domain Name Dispute Resolution Service has been established specifically to administer domain name disputes between individual complainants. The Center’s work in the area of electronic commerce and intellectual property-related disputes continues to expand. Further information about the Center is available at <http://arbitrator.wipo.int/domains>

Japan accedes to the Madrid Protocol

On December 15, WIPO Director General Dr. Kamil Idris welcomed the accession by Japan to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

“We welcome Japan’s accession to this important treaty that will greatly facilitate the process of obtaining international protection for trademark holders in Japan and helps make the Madrid Protocol more inclusive,” Dr. Idris said. The Madrid Protocol allows a person who has protected their trademark in their own country to obtain an international registration of the mark. This extends protection of the mark into the other member countries of the Protocol designated by the applicant. Japan’s accession to the Protocol brings the number of participating countries to 42.

“The Madrid Protocol provides a cost-effective and efficient way for trademark holders to ensure protection for their marks in multiple countries through the

filing of a single application with WIPO. Japan’s accession to the Madrid Protocol is good news for both Japanese trademark holders as well as nationals of other countries that are party to the Madrid Protocol,” Dr. Idris said.

From March 14, 2000, (the date on which the Madrid Protocol will come into force for Japan) trademark owners from other States party to the Protocol will be able to include Japan in their international registrations.

Registration under the Madrid System

The Madrid system offers the possibility of protecting a trademark in any or all of the States party to the Agreement and/or Protocol through one single international application. This provides a cost-effective and efficient solution to companies or individuals who are seeking protection of their trademark(s) in more than one country, since the alternative would be to file a separate application in each country. Protection under the Madrid system is effective for a period of ten years and may be renewed indefinitely for further ten-year periods.

Since the Madrid Agreement came into operation in 1893, over 720,000 international trademark registrations have been recorded. Over 356,000 international registrations are currently in force. Since each extends, on average, to 12 countries, this is equivalent to about 4.3 million individual national trademark registrations.

The Madrid Protocol, which came into operation on April 1, 1996, introduced changes to the international system of trademark protection that have been successful in attracting more countries to participate in the system.

Cooperation for Development

WIPO focusing on the role of women in intellectual property in Latin America

From 29-30 November 1999, some 60 participants, including government representatives from 15 Latin American countries, attended a regional seminar on intellectual property and women in San José, Costa Rica. The government representatives were all women who head-up intellectual property offices or hold other high-level management or policy-making posts in the intellectual property administrations of the countries in the region. Among those opening the seminar, organized by WIPO with the cooperation of the Government of Costa Rica, were Mr. Luís Polinaris, Acting Minister of Justice, and Mrs. Gloria Valerín, Minister for Women's Affairs of Costa Rica.

Topics discussed included the role of women in:

- public administration and policy-making in Latin America
- the promotion of intellectual property, creativity, and innovation, especially among women
- challenges and opportunities at the beginning of a new millennium
- the contribution of intellectual property towards the advancement of women in society.

These discussions were followed by country presentations on



Mr. Luís Polinaris, Acting Minister of Justice (center) and Mrs. Gloria Valerín, Minister for Women's Affairs (to the left) of Costa Rica, who both gave opening addresses at the seminar, together with government representatives from the region.

intellectual property developments in each of the countries represented, where all participants had the opportunity to share and learn from the experiences of others.

For the government representatives, the work commenced at the seminar was reinforced by an intensive 3-day workshop on leadership and management training for women managers of intellectual property offices. It was organized by WIPO with the cooperation of the Instituto Centroamericano de Administración de Empresas (INCAE), at its campus in Alajuela, and provided a completely different environment for the participants to continue their rich exchange of experiences and

build upon their management and communication skills.

The seminar and workshop thus met two principal objectives:

- to focus on the role of women in the intellectual property system and on the need to further integrate women, both as users of the system and as administrators, and
- to contribute to the promotion of intellectual property and to capacity building and the modernization and efficient administration of the intellectual property system in Latin America.

Reinforcing cooperation among BIMST-EC countries

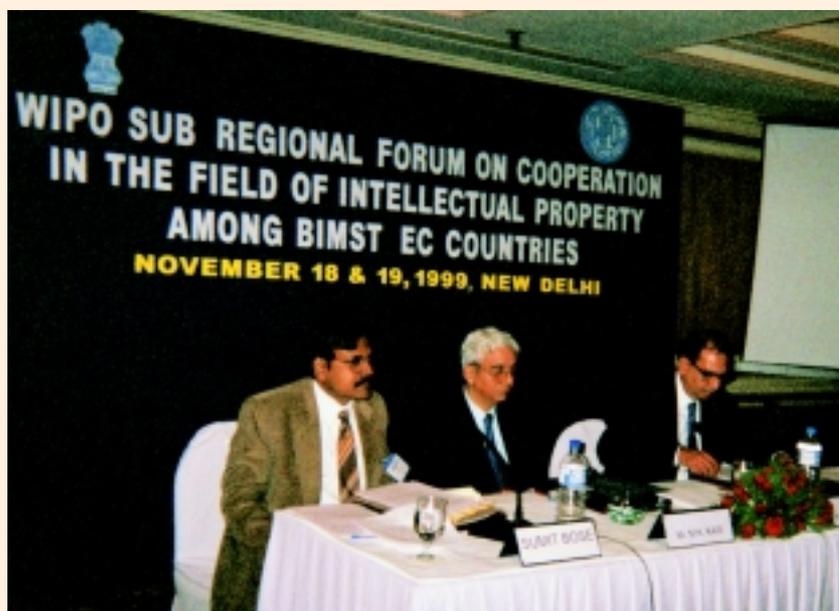
Strong links between BIMST-EC* countries were reinforced at the second sub-regional Forum on Intellectual Property, organized by WIPO with the cooperation of the Department of Education, Ministry of Human Resources Development of the Government of India, which took place in New Delhi from November 18-19.

The forum commenced with an overview of recent developments in the field of intellectual property and the new programs and initiatives taken by WIPO to respond to these changes.

The forum was divided-up into a number of themes including:

- the role of intellectual property in promoting socio-economic development
- a review of the Phuket Action Agenda adopted at the first BIMST-EC meeting in November 1998
- the evolution of the legal framework of intellectual property and investigating possible protection for indigenous knowledge, folklore, biodiversity etc.

The forum concluded with an affirmation by all countries to continue optimizing the benefits of intellectual property protection and the TRIPS Agreement for the region by working together.



The Forum was opened by Mr. M. K. Kaw, Secretary, Department of Education, Ministry of Human Resource Development, India (center).

BIMST-EC*

The BIMST-EC (Bangladesh-India-Myanmar-Sri Lanka-Thailand Economic Cooperation) is a sub-regional Organization that aims to improve socio-economic progress in member countries by promoting cooperation in eight priority areas - trade, investment and industry, technology, infrastructure and transportation, tourism, energy, agriculture, and human resource development.

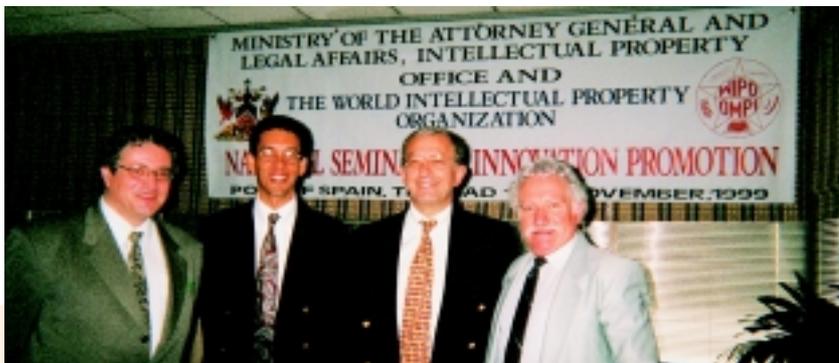
WIPO promoting innovation in the Caribbean

Economic development has always been driven by innovation and protecting and promoting local innovation was the subject of two WIPO seminars that took place in Port of Spain, Trinidad and Tobago from November 18-19 and Bridgetown, Barbados from November 23-24. In today's highly competitive business environment innovation is often the only means of obtaining a competitive advantage. This is true not only in highly developed countries but also in developing countries where new technology must first be embraced and then adapted to local needs.

These two seminars were organized in cooperation with the governments of Trinidad and Tobago and Barbados and were attended by over 100 participants from the local communities, including university researchers and developers, local businesses, innovators, and performers. Both countries have set up organizations to assist business development, the Small Business Development Company Ltd. in Port of Spain and the Barbados Investment Development Corporation (BIDC) in Bridgetown. Both organizations attended the seminar identifying intellectual property as a productive force and welcoming WIPO's support to their intellectual property systems.

Both seminars commenced with a general introduction to intellectual property law that included:

- the role of intellectual property rights in promoting socio-economic development
- valuing intellectual property rights



From the left, Mr. José Tenenbaum, Independent Expert on Innovation and Market Development, Canada, Mr. John Malcolm Spence, Chief Technical Examiner, Intellectual Property Office, Trinidad & Tobago, Mr. Vladimir Yossifov, Director, Infrastructure and Innovation Promotion Section, WIPO, and Mr. Larry Udell, Managing Director, Intellectual Property International, United States of America.

- the benefits for users of intellectual property rights
- the commercialization of inventions.

This was followed by an overview of the services offered by national intellectual property offices and the Trinidad and Tobago office in particular. This included obtaining access to the wealth of information contained in patent documentation.

Mr. José Tenenbaum, an independent expert on innovation and market development from Canada, addressed the participants and moved the focus of the seminar to types of support available for inventors including:

- independent inventors associations
- education systems that promote the use of new technology
- financial support of research and development institutions.

This presentation also included the efforts by WIPO's Division for Infrastructure Services and Innovation Promotion to support innovation centers, and intellectual property services that promote

creativity and facilitate access to IP protection.

Mr. Larry Udell, Managing Director of Intellectual Property International (IPI), California addressed the essential business considerations a successful entrepreneur needs. Work on the commercial aspects of innovation was reinforced during the next session of the seminar with detailed presentations on:

- commercialization of inventions and research results
- valuing inventions for use and commercialization
- preparing business and marketing plans
- services to assist local inventors and small and medium enterprises.

The seminar concluded with a panel discussion on the need for innovation and invention support services in developing countries, where there is often less infrastructure which innovators can turn to for assistance, and more difficulty in obtaining financing for new companies.

International registration systems

An active role for WIPO in Sydney Design '99

Sydney Design '99, a showcase for the best in innovative design and a rare opportunity for some 2,000 professionals from the separate worlds of industrial, graphic, and interior design to meet and discuss issues of concern to the entire design community. Among these issues is the protection of the intellectual property rights in designs.

For the first time, WIPO was actively involved in the event's program, which devoted an entire session to intellectual property rights. WIPO also used this opportunity to present participants with an overview of the Hague System, which offers owners of industrial designs a simple, cost-effective means of applying for international protection for their designs. Other presentations



Mr. Grégoire Bisson, Head, International Industrial Designs Registry, WIPO (right) discusses the advantages of the Hague System with Mr. Joseph Tay Kee Leng, Project Manager, 7th International Design Forum (Singapore, October 2000).

Advantages of the Hague System

The Hague System offers owners of an industrial design a simplified means of applying for protection of a design in several countries by submitting a single international application. Without the system an owner would have to file separate applications in each of the countries in which protection for the design is sought.

One of the main advantages of using the Hague System is that it allows users to include up to 100 designs in each international application made.

In July 1999, following three weeks of negotiations, more than 70 countries agreed to adopt a new Act of the Hague Agreement which enhances the present system of international protection of industrial designs. This treaty will remain open for signature by WIPO member States until July 2, 2000 and will enter into force once six countries have deposited their instruments of ratification.

In 1999, WIPO registered about 4,100 international deposits each covering an average of 11 countries (equivalent to about 45,000 national applications) which had the effect of protecting a total of 20,000 designs.

included the implications of digital technology for design.

Participants at the Hague System presentation remarked on the "simplicity and lower cost of the international system" and boosted the number of visitors to the WIPO booth. These visitors came both from countries who are members of the Hague System and others, particularly Australia and Asian countries, who were interested in learning more about how they could benefit from the system of international registration. For WIPO this provided an excellent opportunity to improve awareness among national design associations in particular, and encourage them to lobby their governments to join the Hague System.

WIPO offers a practical approach to trademark registration in Cuba

Workshop on international registrations under the Madrid System

A workshop on the registration procedures under the Madrid System was held on October 20 for some 20 staff from the Cuban Industrial Property Office in Havana to update their skills in this area and, introduce new staff members to the Madrid System. It was clear from the type and number of questions posed by the participants that they were keenly interested in the system and its modern computer-based approach to registration.

During their stay, the WIPO delegation also visited the Cuban Industrial Property Office to establish what other assistance could be provided by WIPO to support the promotion of intellectual property in Cuba. WIPO plans to provide additional computer equipment, language training and a practical course on the registering of marks for staff of the Cuban Office at WIPO headquarters in Geneva.

Whilst in Cuba the WIPO delegation met with Mrs. Concepción Campa Huergo, Director General of the Finlay Institute, Havana and her team who have discovered a vaccine for the Meningitis B virus. The vaccine is currently available in Cuba and Latin America and it is hoped that it will soon be available globally.



Photo: Salvatore Di Palma

The seminar on the registration of marks and industrial designs was held in the magnificent Capitolio, Havana, Cuba.

WIPO seminar addresses trademarks and industrial designs

On October 21, Mrs. América Santos, Director General of the Cuban Industrial Property Office opened a seminar on the registration of marks and industrial

designs organized by WIPO. The objectives of the seminar were to present an overview of procedures for the Madrid System for the registration of marks and to introduce the new Geneva Act (1999) of the Hague Agreement for the registration of industrial designs. Some 80 participants, including lawyers, local companies, government ministries, and academics attended the seminar. The program considered the two registration systems separately, and commenced with:

- an overview of the Madrid System focusing on the differences between the Agreement and the Protocol
- procedures at the originating office
- procedures at the international office
- the Cuban experience of working with the System.

This was followed by:

- the objectives of the Hague Agreement 1960
- the Geneva Act (1999) in providing enhanced simplified protection.

The seminar concluded with an overview of the future plans of the Cuban Government in the protection of industrial designs and the clear indication that it plans to become a member of the Hague System.

ARIPO member States welcome seminar on international registration systems

An eagerness to find out more about registration procedures and to investigate the possibility of joining the Madrid and Hague international registration systems led to lively discussions at the WIPO African sub-regional seminar that was organized with the cooperation of the African Regional Industrial Property Organization (ARIPO) from November 22-26.

The seminar was held in conjunction with the meeting of the Administrative Council of ARIPO and commenced with an overview of the Madrid system (trademarks) and the Hague system (industrial designs). This included a short discussion on why revision of the Hague Agreement, in the form of the Geneva Act (1999), was necessary, and how the revised system is more compatible with other design registration systems, such as those in use in the United States and Japan.

This introduction was followed by a discussion on the possibility of ARIPO joining the international registration systems. Although several member States of ARIPO are already party to the Madrid Agreement and/or the Madrid Protocol, participation by ARIPO itself in the international registration systems would not have been possible before the Madrid Protocol or the Geneva Act came into existence.

The presentations generated lively question and answer sessions on the advantages of joining the Madrid Agreement, the Protocol or



Participants at the WIPO African sub-regional seminar, eager to investigate the possibility of joining the Madrid or the Hague international registration systems.

both and much interest in the new Geneva Act of the Hague Agreement.

In the closing session of the seminar, participants requested

that WIPO invite the heads of relevant ministries to attend similar seminars in the future, to help raise awareness of intellectual property developments at the political level.

WIPO Director General attends Macau handover ceremony

WIPO Director General Dr. Kamil Idris attended on December 20, 1999 the handover ceremony of Macau from Portugal to the People's Republic of China. Dr. Idris met with China's President Jiang Zemin and Premier Zhu Rongji and expressed his congratulations to the people of China on this historic occasion.

With regard to the obligations of the Macau Special Administrative Region (SAR) in relation to WIPO treaties, the Chinese Government has notified WIPO that the following treaties apply to Macau: Paris Convention for the Protection of Industrial Property, Berne Convention for the Protection of Literary and Artistic Works and the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.



Statuettes in the Pau Kong Miu Pagoda, Macau

In its notification to WIPO concerning the application of the WIPO Convention in respect of Macau, the Chinese government said that when participating in WIPO meetings and activities,

Macau is to be considered as a member of the Chinese delegation and could, if so necessary, express its views concerning Macau in the name of Macau, China.

Work continues on IPC Reform

The updating of the International Patent Classification (IPC) to fit with the needs of the electronic age continued at WIPO from 15-22 November with the meeting of the second session of the ad hoc IPC Reform Working Group.

The group finalized its plan for IPC reform and is now ready to forward this to the IPC Committee of Experts for approval. Under the plan the new IPC will be two tiered and consist of:

- a "core level IPC" intended for users with limited search needs, such as small patent offices and the general public and
- an "advanced level IPC" for users with high search needs such as the international searching authorities.

The core level IPC will very closely resemble the present version of the IPC. The advanced level, however, will be based on

the elaborated version of the IPC that presently exists in some of the larger patent offices such as the Japanese Patent Office and the European Patent Office (EPO).

The most important explanatory material in the IPC will be the classification definitions. Preparation of these definitions is however a massive task and the Working Group set up a Definitions Task Force to establish a working model to carry out this

exercise. The patent offices of Portugal, Sweden, the United States of America and EPO will participate in this Task Force, with the International Bureau acting as coordinator.

The Working Group also considered a collection of reclassification data prepared by the International Bureau. Reclassifying the patent documents according to the latest edition of the IPC will be one of the first stages in creating a master classification database, which will itself be a pillar of the reformed IPC, increasing efficiency of patent searching by eliminating the need go through several IPC editions for each search.

Revising the IPC to keep up with emerging technologies

Work on revision of the IPC is currently the task of the IPC Revision Group, a working group set up by the IPC Committee of Experts to provide continuity during IPC reform from 1999 to 2002. This session met from 23 November - 3 December to consider some 50 IPC revision projects, nine of which were completed. Several of these amendments were made to create multi-aspect classifications for increasing the IPC search power. During this period of transition the revision group will only consider new projects for revision if they are related to new emerging technologies. One of these is "combinatorial chemistry" a new field of science that borders chemistry, biology and computer science and which is the subject of a rapidly growing number of patent applications. A revision proposal will be elaborated in cooperation with a number of patent offices.

Standing committee focuses on measures to improve harmonization of application of trademark law

Specialists in trademark law met at WIPO headquarters from November 8-12, 1999, to discuss a cluster of issues relating to the simplification and harmonization of international trademark law. The third session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) kicked off with discussion of new measures to resolve legal problems associated with the use of trademarks and signs on the Internet. Talks also focused on trademark licensing, geographical indications and International Non-Proprietary Names for Pharmaceutical Substances (INNs). This week-long meeting was attended by delegations from 83 WIPO member States, together with 13 non-governmental organizations (NGOs) and three intergovernmental organizations.

Use of trademarks and signs on the Internet

The issues relating to the use of trademarks and signs on the Internet stem from the territorial nature of intellectual property rights as well as the global reach and borderless nature of the Internet which results in a single act having effect simultaneously in practically all jurisdictions of the world. Such problems include definition of the circumstances

under which use of a sign on the Internet infringes trademark rights and the global effect of trademark injunctions.

As a first step in addressing the legal problems associated with the use of trademarks and signs and the application of traditional trademark law on the Internet, the SCT drew up a list of general principles. These recognize that trademark protection should apply to the Internet and that coexistence of trademarks should be possible in cyberspace under the relevant laws of each member State. The principles will serve as the basis for future discussions to determine how existing norms can be applied to trademark protection on the Internet and the extent to which a new internationally harmonized approach is appropriate. The draft provisions, which will be drawn up by the WIPO Secretariat on the basis of discussions at the Standing Committee, will be presented to the SCT at its next session in March 2000.

Practical measures to enable coexistence of conflicting rights on the Internet were also considered. Given the territorial nature of trademark rights, identical or similar trademarks can be held in different countries by different owners who are completely unrelated to one another. In cyberspace, this can result in a "conflict of rights" owing to the



Photo: Mercedes Martinez Dozal

Working towards global harmonization of trademark law, Mr. Albert Tramposch, Director, Industrial Property Law Division (back, right) and his team together with Mrs. Lynne Beresford, Chair of the SCT (front, right).

borderless nature of the Internet where a sign is visible on computer screens all over the world.

Trademark licenses

Significant progress was also made in the area of trademark licensing. The SCT discussed a series of draft provisions relating to the issue of trademark licenses. These are designed to simplify and harmonize formalities associated with the recordal of licenses for the use of marks. The recordal of a license is an administrative procedure relating to the registration of a mark and is closely linked to the subject matter of the Trademark Law Treaty (TLT). The TLT was concluded in 1994 and aims to make national and regional trademark systems more user-friendly by streamlining procedures. The TLT sets out maximum requirements concerning applications for registration and requests for recordal of certain matters relating to an application for registration.

Geographical indications

SCT members gave the go-ahead to the WIPO Secretariat to prepare

a study concerning possible solutions for conflicts between trademarks and geographical indications and homonymous geographical indications. Such conflicts arise when a sign having a geographical connotation is commercially used by different parties, whereby one party uses it as a trademark and the other party as a geographical indication, and products bearing that sign are sold by both parties into the same market. Conflicts between homonymous geographical indications occur when a geographical name that exists in different countries is used to indicate the origin of a product. As a result, the same kind of products bearing the same geographical indication may be put on the market, although the actual origin of the products is different. The study is expected to be presented to the SCT for consideration at its fifth session.

International Non-proprietary Names for Pharmaceutical Substances

With regard to the question of trademarks and International Non-proprietary Names for Pharmaceutical Substances (INNs), the SCT

considered the results of a survey of WIPO member States, which gathered information on ways that trademark offices deal with applications for trademark registration that might be in conflict with INNs. INNs identify a pharmaceutical substance or active pharmaceutical ingredient by a unique name that is globally recognized and is in the public domain. The INN system has been operational since 1953 and aims to provide health professionals with a unique and universally available designated name to identify individual pharmaceutical substances. The underlying reason for ensuring that proprietary rights, including trademarks, cannot be claimed in INNs is to protect the safety of patients by allowing them to identify a specific pharmaceutical substance under one single, globally available name. On the basis of the results of the survey, it was agreed that WIPO would collaborate, on a technical level, with the WHO to identify technical means of making INN information electronically available, to requesting WIPO members States. Improved access to such information will ensure that INNs are not misused or appropriated through the registration of trademarks.

The SCT was established by WIPO member States in March 1998 to assist in setting priorities, coordinating and streamlining the Organization's on-going work in the progressive development of the international law of trademarks, industrial designs and geographical indications.

The next session of the SCT is scheduled to take place from March 27 to 31, 2000.

Standing Committee on Information Technologies holds 4th session

The WIPO Standing Committee on Information Technologies (SCIT) met from December 6 to 10, 1999, to review the progress of a range of current and future information technology-based projects designed to improve the availability and flow of information between intellectual property offices of WIPO member States.

Delegates from 67 member States, five regional organizations, and several observers applauded the development of a range of information technology-based initiatives in the areas of international protection systems for the registration of patents and trademarks, the WIPONET project, the introduction of the WIPO Worldwide Academy's on-line distance learning facility, the CLEA (Electronic Collection of Laws) database and the WIPO electronic bookshop.

Information technology strategic implementation plan
The SCIT also noted the contents of the IT Strategic Implementation Plan and discussed its implementation. SCIT members welcomed the plan and recognized the importance of reducing the technology gap between developed and developing countries. The Plan was described as a "watershed in WIPO's IT effort" as it served as a framework for the establishment of a stable global infrastructure that would form a critical foundation for IT implementation in the intellectual property offices of member States. This comprehensive, flexible, and dynamic management tool is a cornerstone of WIPO's future business



Photo: Mercedes Martínez Dozal

Participants at the 4th session of the Standing Committee on Information Technologies review the progress of information technology-based projects designed to improve the flow of information between the intellectual property offices of WIPO member States

strategy. Increasingly information technologies are the driving force of communications and business operations. The advent of digital technologies and the boom in electronic commerce have created enormous opportunities to streamline and automate work processes and to generate efficiency gains. The WIPO IT Strategic Implementation Plan is a response to these challenges as it establishes new strategic directions that will enable the Organization to take advantage of new technologies to enhance and further improve its operations.

WIPONET

WIPONET is a state-of-the art project designed to create a global information network infrastructure that will, upon completion, link the operations of the world's intellectual property offices. This flagship project will promote international

cooperation by providing low-cost communications. It will facilitate access to intellectual property data, and will serve as a platform to establish new services and to further streamline and automate the basic business functions of intellectual property offices worldwide.

The SCIT agreed to adopt a gradual "roll out" approach to the implementation of this project which would enable the Organization to take advantage of the rapidly moving frontier of information technology and declining costs of telecommunications. Under this modified approach, initial deployment would target those offices with no Internet connectivity, followed by the provision to all intellectual property offices of uniform connectivity to the maximum extent possible. Members also agreed to commission an on-

going business needs analysis of the future requirements of intellectual property offices beyond the initial connectivity phase. This would ensure that any enhancements of WIPONET facilities and services would match the future requirements of intellectual property offices of WIPO member States.

GlobalPat CD-ROM series

In the context of the WIPONET, the SCIT discussed the needs of intellectual property offices in the changeover period. The SCIT members expressed their support for the continued availability of the GlobalPat CD-ROM series (technological and other information available in patent documents) which serve as an invaluable electronic retrieval and archiving system. Availability of the GlobalPat CD-ROM series is particularly important as it can help compensate for insufficient network infrastructure and difficult circumstances of local telecommunications often experienced in many countries.

WIPO Intellectual Property Digital Library (IPDL) project

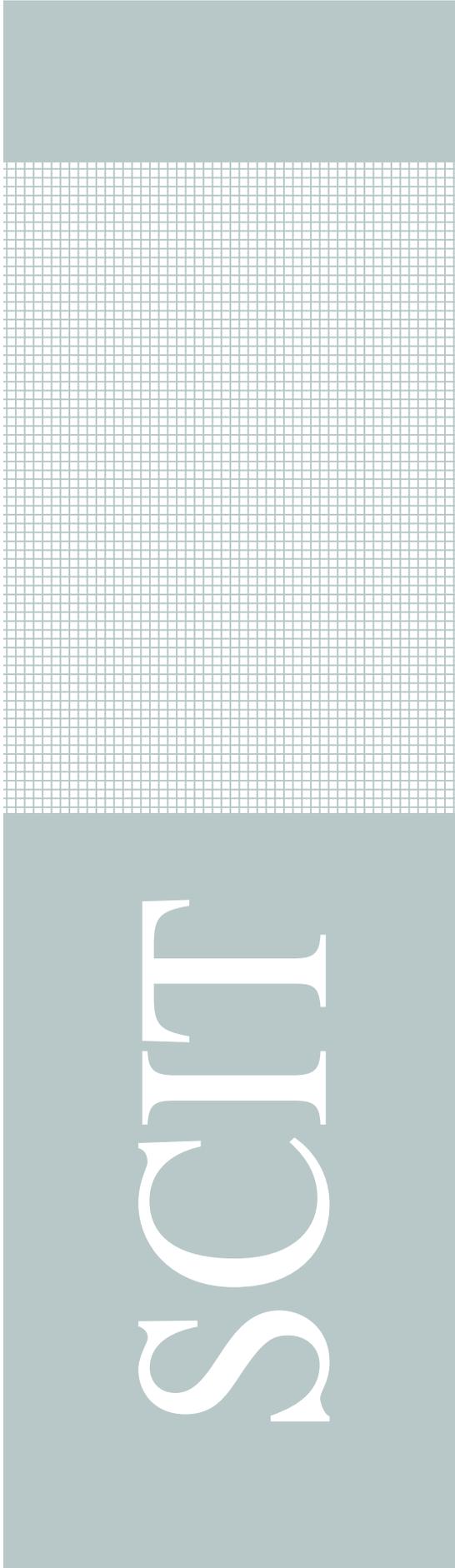
A status report on the WIPO IPDL project was also on the SCIT agenda. The WIPO IPDL node, which became operational in April 1998, currently provides access to a range of database collections, including data relating to international applications filed under the Patent Cooperation Treaty (PCT), the Madrid System for the Registration of Marks, and the Hague System for the Registration of Industrial Designs. Access to the

database collections of Madrid and PCT is available to the general public free-of-charge. Collections are updated on a daily and weekly basis respectively. Steady increases in the use of these systems is testimony to their relevance and value to users.

Standards and documentation

In the area of standards and documentation, the SCIT reviewed and revised a range of WIPO standards for the filing, processing and storage of intellectual property information. Such standardization is designed to harmonize, simplify and facilitate the electronic transmission and processing of intellectual property information. To this end, the Committee considered the progress made in the elaboration of a technical standard for electronic filing, processing, storage and records management of international applications under the Patent Cooperation Treaty. Online PCT filing is expected to become a reality in the first half of 2001. The SCIT also adopted revisions of several WIPO Standards to suit the needs of intellectual property offices and the global user community.

The next Plenary session of the SCIT will take place from July 10-14, 2000.



SCIT

Winner of 30th anniversary logo competition



The year 2000 is not only the threshold of the new millennium, it also marks the 30th anniversary of the creation of World Intellectual Property Organization (WIPO) and its transition to a fully fledged international Secretariat answerable to its member States. A competition, to design a logo to commemorate this milestone in WIPO's history was launched in October. All WIPO staff were invited to take part.



Photo: Mercedes Martinez Dozal

The Director General awards Mrs. Odile Conti first prize in the 30th anniversary logo competition.

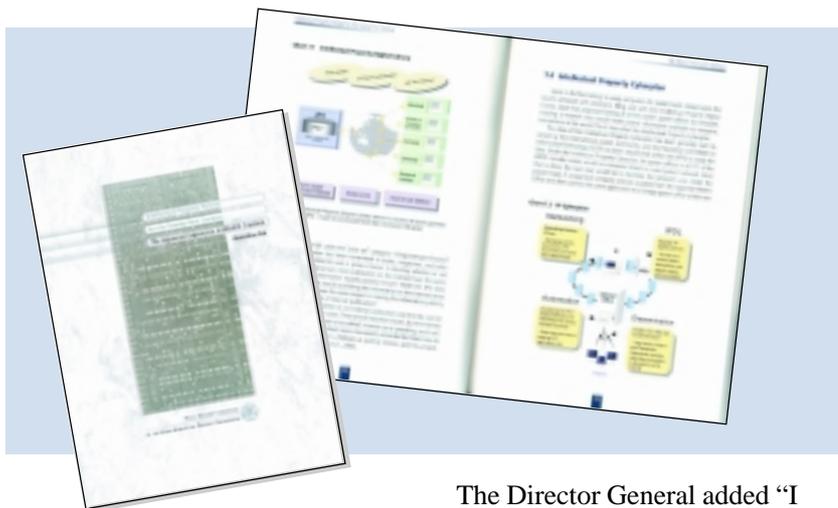
Some 81 entries were received from staff throughout the secretariat, revealing a wealth of artistic talent and innovative responses to the challenge. One first prize and seven runners-up prizes were awarded. The winning logo was designed by Mrs. Odile Conti, of the Information Products Section.

The anniversary logo will appear on WIPO letterhead stationery throughout the year 2000.

Products

WIPO publishes study of intellectual property policies and wealth creation

On January 4 WIPO published a case study on the link between intellectual property and wealth creation in Japan. *Intellectual Property Policies for the Twenty-First Century: The Japanese Experience in Wealth Creation* is written by Mr. Hisamitsu Arai, Vice Minister for International Affairs, Ministry of International Trade and Industry of Japan. Mr. Arai, one of the leading thinkers in the field of intellectual property policy today, is a co-founding member of WIPO's Policy Advisory Commission (PAC), a non-constitutional body set up to advise WIPO's Director General, Dr. Kamil Idris, on the Organization's vision and strategic direction. Mr. Arai's book has been published as one of a series of studies conceived and initiated by the PAC.



Dr. Idris described the study as "an important reference on intellectual property policies in various countries." "The timing of the publication is auspicious, coming during a period of considerable economic change," he said.

The Director General added "I truly hope this book is widely read and becomes a source of discussion on intellectual property policy in the 21st century."

The book describes how Japan introduced the patent system over a century ago and subsequently used it as a major tool in the

development of its economy. Mr. Arai draws on a wealth of knowledge in intellectual property policy-making to discuss the Japanese experience, its success stories and lessons. It outlines the advantages to industry and the private sector of a strong patent system and the strategic importance of patents in maintaining and strengthening trading performance. With increased recognition of the economic importance of patents, companies in Japan are enhancing their intellectual property operations and conducting employee awareness campaigns that focus on intellectual property rights issues.

In the study, Mr. Arai emphasizes the need to globalize intellectual property rights management practices. He also suggests improvements in patent administration in the future, in particular by exploiting the opportunities presented by rapidly evolving information technologies.

Mr. Arai served as Commissioner of the Japanese Patent Office from 1996-1998 and was responsible for the domestic reform of Japanese patent administration. He also led nation-wide discussions on intellectual policy, resulting in the 1997 Report of the Commission on Intellectual Property Rights in the 21st Century. He has represented Japan in many international trade negotiations, including in the World Trade Organization (Uruguay Round) and has been involved in the drafting of national policy in the high-technology manufacturing industry.

This publication may be ordered via the WIPO Electronic Bookshop at www.wipo.int/ebookshop.

The following new products were issued by WIPO:

- Directory of National and Regional Industrial Property Offices (E/F) No. 601, 35 Swiss francs
- Directory of National Copyright Administrations (E/F) No. 619, 35 Swiss francs
- Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs and Regulations Under the Geneva Act (E, F) No. 229, 10 Swiss francs
- The Geneva Act (1999) of the Hague Agreement Concerning the International Registration of Industrial Designs (E, F) No. 453, free of charge
- Rome Convention 1961, International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (A) No. 328, 10 Swiss francs



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Calendar of meetings

March 22 to 24 (Geneva)**Working Group on Constitutional Reform (First session)**

The Working Group will consider and study proposals concerning constitutional reform and will report on its progress to the Assemblies of Member States in the year 2000.

Invitations: States members of WIPO and of the Paris and Berne Unions.

March 27 to 31 (Geneva)**Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (Fourth session)**

The Committee will continue its work, based on the results of its Third session (November 8 to 12, 1999).

Invitations: As members, the States members of WIPO and other delegations that the Committee has admitted as members; as observers, other States and certain organizations.