

WIPO magazine

NUMBER 7

Geneva, July-August 2001

WIPO - WTO Initiative for LDCs



ASPs: Best Practices



Conference on IP, E-Commerce in Bulgaria



WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION



WIPO'S MISSION STATEMENT

To promote through international cooperation the creation, dissemination, use and protection of works of the human spirit for the economic, cultural and social progress of all mankind.

Table of Contents

- 2 ▶ **WIPO - WTO Initiative for LDCs**
- 3 ▶ **Best Practices Report for Technology Consortium**
- 5 ▶ **Changes in senior Management at WIPO**
- 6 ▶ **Director General in Romania**
- 7 ▶ **Conference on Intellectual Property in Bulgaria**
- 9 ▶ **President of Tanzania Visits WIPO**
- 10 ▶ **Model Cooperation with Mongolia**
- 11 ▶ **Speaker of Egypt's Parliament at WIPO**
- 11 ▶ **Senior Thai Judges Visit WIPO**
- 12 ▶ **Cooperation Activities with ASEAN**
- 13 ▶ **Harmonization of Substantive Patent Law**
- 14 ▶ **Reform of the PCT**
- 15 ▶ **Broadcasters' Rights Top Committee's Agenda**
- 16 ▶ **Plan of Action for Arab Region**
- 17 ▶ **Advisory Panel on Privatization**
- 18 ▶ **Review of Information Technology Standards**
- 19 ▶ **Calendar of Meetings**
- 20 ▶ **New Products**

Geneva, July-August 2001



WIPO - WTO INITIATIVE FOR LDCs

WIPO and the World Trade Organization (WTO) launched a new initiative on June 14 to help the least

developed countries (LDCs) maximize the benefits of intellectual property protection. Ambassadors representing the LDCs welcomed the initiative as further evidence that both organizations are increasingly committed to helping the world's poorest countries.



Dr. Idris and
Mr. Moore

WIPO Director General Dr. Kamil Idris called the joint initiative an expression of commitment to the LDCs. Providing these countries with a intellectual property system, he stressed, is crucial in assisting them. He also emphasized the importance of intellectual property as a tool for technological advancement, economic growth and wealth creation for all nations, especially for the LDCs.

WTO Director General Mr. Mike Moore said the implementation of these obligations poses a considerable challenge, but also presents an opportunity for the world's poorest nations to harness intellectual property in order to accelerate their economic, social and cultural development. He said the joint initiative, which offers varied forms of techni-

cal assistance, would help the LDCs promote their developmental objectives. The LDCs have until January 1, 2006 to comply with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). This means bringing their laws on copyright, patents, trademarks and other areas of intellectual property into line with the TRIPS Agreement, as well as providing means of enforcing the laws effectively, in order to deal with piracy, counterfeiting and other forms of intellectual property infringement.

The joint initiative builds on existing cooperation between WIPO and WTO and on each organization's own technical assistance programs. It is similar to a joint WIPO-WTO project launched in 1998 to help all developing countries, particularly those that are not least developed, which had to comply with the TRIPS Agreement by 2000.

Phases of Technical Assistance

The technical assistance available under the joint initiative includes cooperation in preparing legislation, training, institution-building, modernizing intellectual property systems and enforcement. Of the 49 countries defined by the United Nations (UN) as least developed, 30 are members of the WTO – another six are negotiating membership – and 41 are members of WIPO. All LDCs can participate in the technical assistance offered; they do not need to be WIPO or WTO members. The joint initiative envisages assistance in two phases.

- ▶ In the first phase, two regional workshops will be organized in 2002, one for sub-Saharan Africa and Haiti, and the other for the Asia-Pacific region. Officials from these countries will be briefed on the basic concepts, principles and obligations of the TRIPS Agreement. They will also be briefed on the challenges of implementing the Agreement.
- ▶ In the second phase, assistance will focus on action plans specific to individual countries.

The LDCs will benefit from a considerable amount of assistance in intellectual property. This new initiative will ensure the most effective use of available resources. It will also ensure the efficient planning and close coordination of technical assistance activities between the two organizations.

At the launching ceremony, which also involved representatives from the LDCs, the two Directors General signed a joint communication to go to the governments of all LDCs, informing them of the joint initiative and inviting active participation. The communication underscores the two organizations' commitment to help LDCs comply with the TRIPS Agreement on time and to use the intellectual property system to promote their development.

Additional information is available on the WIPO web site (www.wipo.int).



BEST PRACTICES REPORT FOR TECHNOLOGY CONSORTIUM

The WIPO Arbitration and Mediation Center and the Application Service Provider Industry Consortium (ASPIC) have jointly finalized a set of best practices and guidelines for dispute avoidance and resolution for the Application Service Provider (ASP) industry. WIPO Assistant Director General Mr. Francis Gurry presented the final report to ASPIC Chairman Mr. Traver Gruen-Kennedy in Geneva on May 18. The guidelines and best practices in the report are tailored to meet the needs of the application service provider community.

WIPO Wins Award

ASPIC, a non-profit international consortium made up of the world's leading technology companies, presented WIPO with the ASPIre World Achievement Award for Outstanding Service and Contribution to the ASP Industry on that same day. Mr. Gruen-Kennedy presented the Award, conferred in recognition of the WIPO Arbitration and Mediation Center's work to develop a series of dispute avoidance and resolution best practices. Mr. Gurry confirmed the Center's readiness to provide dispute resolution services to contracting parties in the ASP supply chain through the Center's recently established ASP Dispute Resolution Service (<http://arbiter.wipo.int/asp/index.html>).

WIPO – ASPIC Cooperation

ASPs deliver and manage applications and computing services from remote data centers to multiple users via the Internet or a private network. For application users, obtaining mission-critical applications from an outside supplier provides a cost-effective solution to the demands of system ownership, such as up-front capital expenses, implementation challenges and a continuing need for system administration and maintenance, upgrades and customization. Using an ASP model, small and medium-sized organizations have the possibility of deploying business applications that would otherwise involve massive investments in software, deployment time and IT personnel.

Since its establishment in June 1999 by 25 of the world's leading technology companies, more than 700 companies in 30 countries have joined the ASP Industry Consortium. The consortium's mission is to promote the application service provider industry by sponsoring research, promoting best practices, and articulating the strategic and measurable benefits of ASP as a new computing delivery model. To accomplish this, ASPIC provides common definitions for the industry, serves as a forum for the discussion of issues, sponsors industry research, fosters guidelines and promotes best practices, among other activities.



Photo: Mercedes Martinez-Dasil

ASPIC recognized from the outset the importance of effective dispute avoidance and resolution mechanisms to helping parties realize their commercial goals. Encouraged by the WIPO Arbitration and Mediation Center's successes in the area of Internet domain name dispute resolution, ASPIC approached the Center in February 2000 to explore potential areas of cooperation. The Board of the Consortium subsequently requested the Center's assistance in developing guidelines for dispute avoidance and settlement specifically geared towards the ASP industry.

A Dispute Avoidance and Resolution Team (DART), headed by WIPO, was set up and comprised 15 ASPIC members who provided input in defining industry best practices and illustrated the model and its relevant points of concern. The ASPIC members also conducted a survey within the ASP industry on service level agreements. The ASPIC members provided important insight into the nature of the ASP value chain and the particulars of dispute resolution possibilities therein.

Mr. Gurry and
Mr. Gruen-Kennedy

There are a number of areas in information technology relationships, such as those that characterize the ASP model, out of which disputes might arise, including software or hardware performance, quality or function, project management performance, copyright and proprietary rights infringement, service failure and loss of data or data integrity. Because of the one-to-many delivery model, an ASP's liability exposure in each of these and other areas is multiplied several-fold. Particularly in a cross-border international relationship, the commercial and legal risks increase significantly, as does the potential for conflict arising from different legal systems, different commercial and legal cultures and language and cultural differences. The quick and cost-efficient resolution of disputes, together with effective dispute avoidance strategies, is fundamental to the success of the ASP industry. The best practices report can be found at <http://arbiter.wipo.int/asp/report/index.html>.

WIPO Arbitration and Mediation Center

Established in 1994, the Geneva-based WIPO Arbitration and Mediation Center has rapidly developed a reputation for providing dispute resolution services relating to the Internet and electronic commerce. Aside from offering traditional arbitration and mediation services, the WIPO Center is recognized as the leading dispute resolution service provider for domain name disputes. To date, more than 2,500 domain name cases have been filed with the Center by trademark holders seeking to wrest back their Internet identity from alleged Internet pirates or "cybersquatters."



CHANGES IN SENIOR MANAGEMENT AT WIPO

The WIPO Coordination Committee on June 1 approved proposals by Director General Dr. Kamil Idris to appoint two new Deputy Directors General (DDGs) and to extend the mandates of two current Deputy Directors General and two Assistant Directors General (ADGs).

The Committee expressed consensus support for the nominations of Ambassador Philippe Petit, France, and Ambassador Rita Hayes, United States of America, to the posts of Deputy Director General, as well as to extend the mandates of Mr. Roberto Castelo, Brazil, and Mr. Shozo Uemura, Japan as Deputy Directors General. The Committee also extended the terms of Mr. Francis Gurry, Australia, and Mr. Geoffrey Yu, Singapore, as Assistant Directors General.

In presenting the nominations to the Committee, the Director General said the proposals were in line with the vision for WIPO as a truly global body – not just a legislative authority or one that simply provides services for global protection systems for intellectual property rights, but an organization deeply involved in policy and strategy development for economic growth and wealth creation in all nations.

Dr. Idris emphasized the extensive experience in policy and development issues possessed by the nominees. "Colleagues who are proposed for extension would ensure continuity and the highest standards of efficiency, competence and intelligence," said Dr. Idris. "On the other hand, both of the newly proposed

persons have extensive and intensive experience in policy and development matters – I would like to underline policy and development. This Organization has embarked upon many successful initiatives and projects with serious policy and strategic implications, and I am confident that this new addition would further promote greater demystification of intellectual property issues and greater international consensus."

Dr. Idris paid tribute to the outgoing DDG, Mr. François Curchod, Switzerland/France, and the outgoing ADG, Mr. Thomas Keefer, Canada. He lauded their dedication and professionalism and described them as model international civil servants. The Committee joined in paying tribute to the outgoing officials.

Delegates expressed support for the Director General's proposals. Many welcomed the addition of a woman to WIPO's most senior management team.

Résumé of Service

Ambassador Petit comes to WIPO following a long and distinguished career in the French foreign service. He is currently France's Permanent Representative to the United Nations and other international organizations in Geneva. Prior to this post, he served as his country's envoy to Sweden, India and Mauritius. In addition to his ambassadorial posts, he has held several senior positions within the government, including Special Assistant to the Minister for Foreign Affairs and Diplomatic Adviser to the Prime Minister.

Since November 1997 Ambassador Hayes has served as Deputy U.S. Trade Representative in Geneva and



Ambassador Petit,
Dr. Idris and
Ambassador Hayes

U.S. Permanent Representative to the World Trade Organization (WTO). In this capacity she has been responsible for conducting trade negotiations and assisting the Trade Representative in developing and implementing U.S. trade policy. In January Ambassador Hayes returned to Washington as Acting U.S. Trade Representative and facilitated the transition between administrations. She subsequently resumed service in Geneva.

The appointments of the Deputy Directors General and Assistant Directors General are effective from December 1, 2001, to November 30, 2003, which corresponds to the Director General's mandate.



DIRECTOR GENERAL IN ROMANIA

Program for Cooperation Signed with Romania

WIPO Director General Dr. Kamil Idris signed a program for cooperation with Romania and held talks

Dr. Idris underlined the growing significance of knowledge and information as driving forces of economic growth. He emphasized the role of the intellectual property system in converting the enormous creative potential of countries like Romania into economic assets.

Secretary of State Mr. Mihnea Motoc, Ministry of Foreign Affairs, and Dr. Idris signed a program for cooperation between Romania and WIPO to strengthen the intellectual property system in Romania. Directors General Mr. Gabor Varga, State Office for Inventions and Trademarks (OSIM) and Mrs. Rodica Pârvu, Romanian Office for Copyright were present for the signing.

This program of activities will serve to modernize and reinforce the intellectual property system in Romania. Activities will include initiatives:

- ▶ to upgrade the intellectual property enforcement system in Romania;
- ▶ to intensify training in intellectual property;
- ▶ to provide concrete assistance to combat piracy of music, software and audiovisual materials;
- ▶ to promote innovation and assist small and medium-sized enterprises (SMEs) in effectively using the intellectual property system;
- ▶ to explore the protection of traditional knowledge and folklore.

In talks with a number of ministers and senior government officials, the Director General stressed WIPO's commitment to producing concrete results with a positive and tangible impact on economic development, trade and competition.

Policy Forum

During a Policy Forum on the Protection of Traditional Knowledge and Folklore organized by the OSIM, the Director General reiterated the importance of intellectual property in promoting wealth creation, and pointed to the new issues that featured on the international intellectual property agenda. Dr. Idris referred to the importance of enhancing the capacity of national offices to deal not only with traditional intellectual property operations but also with a range of emerging issues that were typically complex in nature. Senior government officials and members of academic and business circles attended the forum.

In an award ceremony held at the University of Bucharest, the title of Doctor Honoris Causa was conferred on Dr. Idris. Professor Ioan Mihailescu, Rector of the University, Professor Claudia Moarcas, Deputy Dean of the Faculty of Law, and other senior academics and diplomats were present for the occasion.



Photo: WIPO

Dr. Idris and
President Iliescu

with President Ion Iliescu during a two-day official visit to Bucharest on June 6 and 7. The role of intellectual property as an important tool for promoting development and wealth creation was the focus of talks between the President and the Director General.

President Iliescu stressed the commitment of the Romanian authorities to promoting greater awareness of the value of intellectual property and to strengthening the intellectual property system in the country. The President also expressed strong personal support for intellectual property, which he recognized to be of great importance in securing economic prosperity for Romania.



CONFERENCE ON INTELLECTUAL PROPERTY IN BULGARIA



*Dr. Idris and
President Stoyanov*

At the International Conference on Intellectual Property, the Internet, Electronic Commerce and Traditional Knowledge held in Sofia, Bulgaria, from May 29 to 31, WIPO Director General Dr. Kamil Idris and the President of Bulgaria, Mr. Petar Stoyanov, highlighted the growing significance of intellectual property as a tool of development and wealth creation.

The conference, organized by WIPO in cooperation with the National Intellectual Property Association of Bulgaria, examined recent developments in the intellectual property system that affected the interests of users operating in the digital environment. Conference sessions also focused on future international initiatives to adapt the existing intellectual property system to the challenges of the scientific and technological revolution.

President Stoyanov stressed the influence of intellectual property on all sectors of the economy and cultural life, and its role as a defining factor for the future well-being of all peoples. He reaffirmed his Government's commitment to promoting intellectual property in Bulgaria. He emphasized the prime importance of ideas and intellectual products and the growing significance of intellectual property in redefining national priorities and self-confidence.

"One of the major challenges," said Dr. Idris in his opening address, "is the need to awaken a global consciousness of the real value of intellectual property, in a world where increasingly sophisticated digital technology and rapidly increasing communications are moving us away from traditional factors of wealth creation such as land, labor and capital, and towards an economy based on knowledge, information and creativity."

"The subjects under discussion are of great importance for the future of the intellectual property system and, therefore, ultimately for the economic, social and cultural benefit of all," said the Director General. "By creating an intellectual property-minded community and encouraging an intellectual property culture, we can help ensure the recognition that a strong, well-functioning intellectual property system is a major element of economic policy." He highlighted that the potential of the intellectual property system as a means of empowerment for nations, individuals and business is one of WIPO's central messages for the 21st century.

Internet and Information Technology

Dr. Idris spoke of the transforming impact of the Internet on business practices and communications, and



Participants at the conference in Sofia

the enormous opportunities it affords in terms of facilitating knowledge sharing and allowing easy access to an electronic treasure house of information. "The Internet provides countries with a golden opportunity to access information and knowledge - which is the raw material of innovation - as well as providing new ways of marketing the fruits of creativity. In this way," he added, "it is helping to 'level the playing field' of developing countries and countries in transition to market economy. Now, economic, social and cultural growth increasingly depend on an asset available to every country, regardless of differences in cultures and degrees of development - the limitless creativity of its people. WIPO is working with its member States to mine and forge this inexhaustible natural resource into new means of wealth creation."

The Director General outlined a number of current WIPO initiatives to adapt the intellectual property system to demands and concerns of the modern world. "WIPO considers it vital to work closely with its partners and stakeholders to ensure that the intellectual property system remains supple and adaptable to the changing needs of our rapidly evolving societies," said Dr. Idris.

Some 200 participants, including government officials, legal professionals and members of the business community and academia from 40 countries attended the conference, which also reviewed the intellectual property aspects of traditional knowledge, folklore and genetic resources.

Inauguration of Automated Center

During his visit, Dr. Idris also inaugurated the newly automated Public Industrial Property Information Service at the Bulgarian Patent Office and handed over computer equipment from WIPO that will enable the Office to search for patent information on-line and on CD-ROM. The equipment was provided as part of the cooperation program established between WIPO and Bulgaria in the framework of a Nationally Focused Action Plan (NFAP), aimed at modernizing the intellectual property system for increased competitiveness of Bulgarian industry, small and medium-sized enterprises, and research and development and other organizations. Ms. Lyubov Panayotova, Deputy Minister of Economy, and Mr. Mircho Mirchev, President of the Bulgarian Patent Office, were present at the inauguration.

Meets the President

The Director General also held bilateral talks with President Stoyanov during his visit. The President is a member of WIPO's Policy Advisory Commission (PAC) and is active in promoting awareness of intellectual property both nationally and internationally.



PRESIDENT OF TANZANIA VISITS WIPO

The strategic use of intellectual property as a tool for development and wealth creation topped the agenda of talks on June 13 between WIPO Director General Dr. Kamil Idris and the President of the United Republic of Tanzania, Mr. Benjamin William Mkapa, at WIPO headquarters in Geneva.

The Director General briefed the President on recent trends in intellectual property and the growing significance of knowledge and information to economic, social and cultural development.

Dr. Idris identified the awakening of the global consciousness to the real value of intellectual property as a major challenge, particularly in the developing world where creativity and innovation have been thriving for centuries. He spoke about expanding the traditional approach to intellectual property at WIPO, which had previously confined the issue to legal and technical parameters. The development aspects of intellectual property today are at the fore of this Organization's concerns, Dr. Idris noted. He also pointed to the new work being undertaken by WIPO in examining the intellectual property aspects of traditional knowledge, folklore and genetic resources – all of which are important to developing countries.

President Mkapa shared the Director General's view of the importance of intellectual property in today's knowledge and information-based societies. The President underscored the need to build a universal consciousness of the value of intellectual property for all nations alike. He emphasized the importance of awareness-raising activities and adapting education curricula to include such issues.

President Mkapa acknowledged that proper exploitation of new technologies could help Africa leapfrog in its development. "I have seen with my own eyes how access to, and correct application of, technology can revolutionize the way we fight poverty and how we empower our people to self-develop," he said. "With information technology and computerization it is possible for Africa to leapfrog from nothing to the latest on the market. Indeed it is already happening," he said, noting that there are people in Tanzania today whose first ever telephone uses cellular technology and some who never owned a typewriter now have access to a computer.

Projects to Empower Developing Countries

The President had an opportunity to hear about specific WIPO projects geared at empowering developing countries to take greater advantage of the international intellectual property system. These included a presentation of WIPO's information technology projects, including WIPONET. WIPONET will provide network connectivity between intellectual property offices worldwide to facilitate the future rapid exchange of data between these offices. This global communications network will enable member States to exchange intellectual property information in a cost-effective and highly secure environment.

The Director General underlined the potential of the Internet in facilitating the dissemination of and access to information, which he described as the raw material of innovation. President Mkapa welcomed exploitation of digital technologies to bridge the digital divide. "The digital divide is not just another

cliché in north-south relations," he said. "It is a reality, a very frightening one, and perhaps the greatest



Photo: Mercedes Martinez Diaz

threat to Africa's competitiveness. Electro-nic commerce and computer aided design processing and manufacturing are some of the development tools that give nations and enterprises an edge in the competitive world."

President Mkapa also visited WIPO's Worldwide Academy, an institution established in 1998 by Dr. Idris to provide teaching, training, advisory and research services in intellectual property. Dr. Idris noted that distance should no longer be an obstacle to instruction. The goal of the Academy's distance learning initiative is to enable students anywhere in the world to learn about the basics of intellectual property. He invited WIPO to help Tanzanian academic institutions in developing distance learning projects.

Dr. Idris and President Mkapa.



MODEL COOPERATION WITH MONGOLIA



*Dr. Idris and
Mr. Erdenechuluun*

The government of Mongolia has set a high priority on the development of its intellectual property system, recognizing its important role in capturing the value of knowledge and information, which are increasingly the engines of economic development. Mongolia has also expressed a keen interest in playing an active role in the process of defining the intellectual property aspects of new and emerging global issues such as traditional knowledge, genetic resources and folklore, considering its rich cultural heritage.

WIPO Director General Dr. Kamil Idris and Mongolia's Minister for Foreign Affairs Mr. Luvsan Erdenechuluun held talks on May 23 on further enhancing cooperation between WIPO and Mongolia. The meeting, which took place at WIPO headquarters in Geneva, took stock of current collaboration and explored future areas of cooperation.

Dr. Idris welcomed the Mongolian Government's effort to build and maintain a solid intellectual property infrastructure. He pledged WIPO's support in working closely with the Mongolian national authorities to promote intellectual property as a tool for economic development and wealth creation, and to foster innovation and creativity.

"We are very appreciative of and satisfied with our ongoing cooperation with WIPO, and look forward to further fruitful cooperation in the future," said Mr. Erdenechuluun, expressing his country's gratitude to WIPO for its assistance.

Ongoing Action Plan

WIPO is assisting the Mongolian Government in its efforts to modernize the Intellectual Property Office of Mongolia (IPOM) in the areas of legislative reform, human resource development and the administration of intellectual property through an ongoing Nationally Focused Action Plan (NFAP). The NFAP involves automation of IPOM's intellectual property administration, assistance in setting up information dissemination facilities and training of staff and officers. Mongolia has also demonstrated its interest in the collective management of copyright and related works through the recent establishment of the Mongolian Society of Rights of Authors and Composers (MOSRAC).

In March 2001, Mongolia joined four WIPO treaties, namely the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, the Strasbourg Agreement Concerning the International Patent Classification, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks and the Locarno Agreement Establishing an International Classification for Industrial Designs.



SPEAKER OF EGYPT'S PARLIAMENT AT WIPO



Photo: ArtModay.com

WIPO Director General Dr. Kamil Idris met with the Speaker of the People's Assembly of the Arab Republic of Egypt, Dr. Fathi Sorour, on June 8 for wide-ranging talks on WIPO's cooperation activities with Egypt. The talks, held at WIPO headquarters, included discussion of a draft consolidated law on intellectual property protection currently under consideration by the People's Assembly.

Dr. Sorour briefed the Director General on the steps being taken by the People's Assembly with respect to the new draft law. At the end of the meeting, he described the talks as positive and agreed on the value of intellectual property in promoting economic and cultural development. The talks also underlined the potential of digital technologies in exploiting Egypt's cultural assets.

Dr. Idris and Dr. Sorour agreed on the need to promote awareness of intellectual property among parliamentarians, and discussed WIPO's assistance in this regard. The Director General pledged WIPO's commitment to continue providing support to Egypt in building a robust intellectual property infrastructure.



SENIOR THAI JUDGES VISIT WIPO

A delegation of judges from the Central Intellectual Property and International Trade Court of Thailand met with WIPO officials on May 15. Mr. Narendra K. Sabharwal, Director of WIPO's Asia-Pacific Bureau, chaired the briefing on WIPO's overall mandate and functions, its technical cooperation activities with developing countries, particularly Thailand, and its work in the areas of legislative reform, arbitration and mediation and the Internet domain name process.



Photo: ArtModay.com

The Central Intellectual Property and International Trade Court is a unique judicial institution that deals exclusively with cases related to intellectual property and international trade disputes. Mr. Sabharwal pointed to WIPO's fruitful and ongoing collaboration with the Court as well as with other sectors of the Government of Thailand.

The Thai judges showed keen interest in WIPO's activities relating to the strengthening and modernization of intellectual property systems in developing countries, especially the reform of legislation. They also expressed interest in the work done by WIPO's Arbitration and Mediation Center as well as in the area of dispute resolution relating to domain names. They noted that these are areas of great relevance to Thailand given the ongoing rapid advances in electronic commerce in the country.

"The visit was a short one, yet it was very informative and enlightening for the delegation," said Mr. Pornpetch Wichitcholchai, Acting Chief Justice of the Central Intellectual Property and International Trade Court on the conclusion of the briefing session. He also expressed appreciation for WIPO's many and varied development cooperation activities from which Thailand, including the Central Intellectual Property and International Trade Court, have greatly benefited.



COOPERATION ACTIVITIES WITH ASEAN

Senior diplomats from countries of the Association of Southeast Asian Nations (ASEAN) and WIPO offi-

The meeting discussed a number of intellectual property-related issues important to these countries, such as:

The consultation meeting agreed to develop a concept paper that will elaborate on the issues discussed by citing case studies and empirical evidence from countries in the ASEAN region. This paper is expected to generate useful policy considerations for the work of WIPO.



Photo: Mercedes Martinez Dozal

cials met on May 22 in Geneva to review the areas of cooperation between the two organizations. WIPO Director General Dr. Kamil Idris and Ambassador Mohamad Hamid Mohamad Jaafar (above) of Brunei Darussalam, co-chaired the meeting.

ASEAN members include Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. The ambassadors or senior representatives of the eight ASEAN countries with permanent missions in Geneva, namely Brunei Darussalam, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam attended the meeting.

- ▶ The pursuit of the developmental and business aspects of intellectual property and the effective use of the intellectual property system for the promotion of creativity and innovation;
- ▶ The merits of the intellectual property system in support of increased research and development and ways of translating the existing wealth of knowledge into marketable ideas;
- ▶ How to use the intellectual property system as a tool for generating more trade and direct foreign investment;
- ▶ The manner by which ASEAN countries could substantively contribute to the current debate and ongoing work relating to the intellectual property aspects of traditional knowledge, folklore, genetic resources and the digital and knowledge-based economy.

Dr. Idris emphasized that the intellectual property system is a significant factor assisting ASEAN countries in the pursuit of their developmental goals. All kinds of intellectual property, including aspects relating to traditional knowledge and access to genetic resources, could contribute to the gross domestic product as well as the financial performance of these countries. The Director General encouraged the ASEAN countries to continue to play an active role in intellectual property policy-related issues at an international level.

Cooperation between WIPO and ASEAN has so far spanned the areas of institution building, human resource development and training activities, awareness building and creating greater understanding of new global issues that impact on intellectual property such as traditional knowledge, folklore and genetic resources, the Internet and electronic commerce. In the last two years, the consultation meeting has evolved into a forum for in-depth policy dialogue between WIPO and ASEAN, particularly on matters of priority to the ten ASEAN countries.



HARMONIZATION OF SUBSTANTIVE PATENT LAW

The WIPO Standing Committee on the Law of Patents (SCP) started discussions on the harmonization of substantive patent law at a meeting held in Geneva from May 14 to 19. The Committee discussed the first draft of the Substantive Patent Law Treaty (SPLT) and the concepts underlying different national laws and practices. Once completed, the process in which the SCP is involved will create the basis for a more predictable and cost-effective international patent system.

At present, the international landscape of patent law and practice is made up of a variety of legal regimes. The consequence of these divergences is that, in certain countries, a patent application may lead to the grant of a patent, whereas in others, a patent may not be granted for the same invention, or the patent may be invalidated after grant. In addition, lack of harmonization leads to cost increases for inventors and applicants, as well as for patent offices, due to duplication of work.

The task of the SCP is to create a more predictable, cost-effective and uniform patent system by complementing existing international structures which to date only partially achieve the objective of harmonization. The Patent Law Treaty (PLT), concluded in June 2000, harmonizes only patent procedures relating to national and regional patent applications and maintenance of patents. The Patent Cooperation Treaty (PCT) contains some principles of substantive patent law applicable to the international phase of an application submitted under the PCT, however countries are free to apply any substantive conditions of patentability, either during the national phase of an international application or in the course of examining national patent applications.

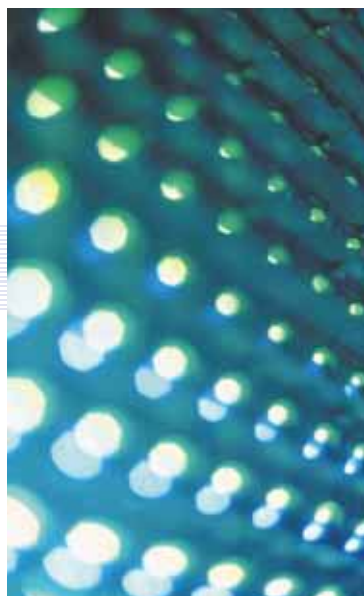
The draft SPLT covers a number of basic legal principles that underpin the grant of patents in different countries of the world, such as the definition of prior art, novelty, inventive step (non-obviousness), industrial applicability (utility), sufficiency of disclosure and the structure and interpretation of claims.

This initial round of discussions, designed to promote better understanding of the concepts underlying

different national laws and practices, proved extremely fruitful in terms of establishing a comprehensive and detailed overview of the issues at stake. This approach also revealed that, in certain cases, while the language of corresponding provisions used under different patent systems differed, the underlying legal principles and practices were in fact the same. The question of the interface between the draft SPLT and the PLT, as well as the PCT, was also raised, and the Secretariat was requested to further study this issue.

The SCP also discussed the disclosure of information on the Internet and its impact on patentability. The SCP agreed that in the first instance it would be necessary to establish general principles concerning prior art that would also cover disclosure of information on the Internet. The Committee would then consider the need to establish special provisions specific to Internet disclosures.

The SCP will further discuss the draft SPLT, based on revised draft provisions to be prepared by the Secretariat, at its next session, to be held in Geneva during the first half of November.



REFORM OF THE PCT

The Committee on Reform of the Patent Cooperation Treaty (PCT) met for the first time from May 21 to 25



in Geneva to launch a process aimed at streamlining and simplifying the highly successful PCT international filing system for patents. The PCT enables inventors to apply for patent protection in up to 112 countries by submitting a single international application. The Committee seeks to improve the efficiency of this global filing system and to facilitate the ability of inventors and applicants to obtain patents worldwide.

In his opening remarks, WIPO Director General Dr. Kamil Idris noted that the Committee was to take a fresh look at the PCT at a time when there was a prevailing dynamism for improving systems of obtaining patents internationally. In this regard, he made specific reference to the recently concluded Patent Law Treaty (PLT) and current discussions in the Standing Committee on the Law of Patents (SCP) to achieve greater international harmonization of the substantive aspects of patent laws.

It is recalled that the remarkable success of the PCT in terms of the number of applications filed (nearly 91,000 in 2000) and the number of member States (112) had led to difficulties for international search and examination authorities to meet the demand for their services.

The Committee agreed that reform of the PCT system should pursue these general objectives:

- Simplification of the system and streamlining of procedures;
- Reduction of costs for applicants, bearing in mind the differing needs of applicants in industrialized and developing countries, including individual inventors and small and medium-sized enterprises as well as larger corporate applicants;
- Assurance that PCT authorities can handle their workload while maintaining the quality of services provided;

- Avoidance of unnecessary duplication of work carried out by PCT authorities and by national and regional industrial property offices;
- Assurance that the system works to the advantage of all offices, regardless of their size;
- Maintenance of an appropriate balance between the interests of applicants and third parties, also taking into account the interests of States;
- Expansion of programs for technical assistance to developing countries, especially in the area of information technology;
- Assurance that maximum advantage is taken of modern information and communications technology, including the establishment of common technical and software standards for electronic filing and processing of PCT applications;
- Coordination of PCT reform with ongoing substantive harmonization work being undertaken by WIPO's Standing Committee on the Law of Patents and alignment of the PCT, as far as possible, with the provisions of the PLT.



BROADCASTERS' RIGHTS TOP COMMITTEE'S AGENDA



Photo: Mercedes Martinez-Dora

*Kenyan participants and
Mr. Kemper (WIPO)*

In the light of a growing piracy problem in many parts of the world, protection of the rights of broadcasting organizations topped the agenda of the fifth session of the WIPO Standing Committee on Copyright and Related Rights (SCCR) from May 7 to 11. Meeting participants reiterated their commitment to strengthening existing protection in view of transmissions using new technologies, including the Internet and cable and satellite television.

Organizations representing broadcasters stressed that piracy – the unauthorized distribution of intercepted broadcasts or transmissions – is a growing problem in many countries. The Committee analyzed and discussed the issue with a view to clarifying the protection needed based on the views of the different groups of stakeholders, including broadcasters, other right owners and the general public.

The Committee also briefly discussed the protection of so-called non-original databases. Collections of data such as telephone books are not generally considered to be sufficiently original to qualify for copyright, however they may still require some protection, as they can be very expensive to compile, but easy to copy and disseminate, for example over the Internet. The substantive work of the Committee on this issue depends on developments in national legislation and on the finalization of studies on the economic and social impact of such protection in developing and least-developed countries.



PLAN OF ACTION FOR ARAB REGION

WIPO organized a sub-regional seminar on the collective management of copyright and related rights



Photo: Artphoto.com

in Rabat from May 15 to 17 in cooperation with the Government of Morocco and the French Ministry of Foreign Affairs. As a result of the meeting, representatives from Algeria, Egypt, Lebanon, Morocco and Tunisia developed a plan of action outlining the activities required to improve the collective management of copyright in their region.

The meeting participants discussed the improvements required in the legal framework of their countries as well as the need for computerization and training to establish a strong collective management system for copyright and related rights. At the end of the meeting, the country representatives submitted the plan of action highlighting the three areas to WIPO. They identified the training of the decision-makers and administrators in the government through the WIPO Worldwide Academy (WWA) as essential, since the success of the plan of action is dependent on government support.

Among the areas requiring action, the meeting participants listed the following:

- ▶ Development of a strong legal system assuring full protection of copyright and related rights;
- ▶ Provision of the legal structure needed by collective management societies to administer the rights of their members;
- ▶ Development of computer systems to improve the collective management of rights;
- ▶ Training of personnel in the use of the systems;
- ▶ Introduction of a distance learning program for rights owners and collective management societies with emphasis placed on the importance of legal protection and the implementation of the mass management of rights by collective management organizations.

The participants asked WIPO in its work to take into account the specific needs of their countries. They stressed that development and modernization of the collective management system should be part of a plan with defined objectives, controls and anticipated results.



ADVISORY PANEL ON PRIVATIZATION

In its final report submitted at the end of May, the WIPO ad hoc Advisory Panel on Privatization called on the Organization to assist its member States to realize better the value of intellectual property assets of State-owned companies facing privatization. The final report to WIPO Director General Dr. Kamil Idris marked the end of the Panel's year-long work and emphasized that it was particularly important for developing countries to maximize the value of these assets.

The Panel highlighted the relevance of privatization to the economies of all WIPO member States. For developing countries in particular, privatization is at the heart of policies for macro-economic management, fiscal consolidation and improved productivity and efficiency of public sector enterprises, and has a direct bearing on the growth of gross domestic product (GDP) and the reduction of poverty. It is therefore extremely important that countries are able to maximize the value of the intellectual property assets of State-owned companies that are being privatized.

The Panel's research revealed a strong tendency towards under-valuation of such assets in the privatization process. This tendency stems from a variety of factors, including the inadequacy of internationally accepted standards and methodologies for the valuation of intellectual property assets. At present, there is a perceptible gap in the international assistance available to countries to promote better understanding of the interface between intellectual property and privatization, especially in auditing and valuing intellectual property assets.

The Panel found that, given its neutral and objective role, WIPO has an important role to play in responding to the acutely felt need of many member States for assistance in appropriately valuing intellectual property assets during privatization and post-privatization phases.

Recommendations

The Panel urged WIPO to work to enhance awareness of legal, economic and procedural aspects of the privatization process among its member States. Among the recommendations was that the Organization offer intellectual property-related technical assistance to member States, for instance in developing inventories of existing intellectual property assets, in effective manage-

ment of intellectual property, and in undertaking training and human resources development programs. The Panel also saw a need for increasing awareness of the importance of a systematic and periodic intellectual property audit. In addition, the Panel suggested that WIPO consider developing appropriate guidelines for the identification, audit and valuation of intellectual property assets.

The Panel also suggested that WIPO should take an important role in enhancing inter-agency cooperation with relevant intergovernmental and non-governmental organizations, governments, industry and experts in developing suitable accounting procedures for valuation of intellectual property assets. More importantly, the Panel considered that WIPO is well placed to assist member States in developing a suitable policy and implementation framework for intellectual property management and enforcement and integrating it in the general economic and industrial strategy, particularly in relation to the privatization of State-owned enterprises.



REVIEW OF INFORMATION TECHNOLOGY STANDARDS



The Standards and Documentation Working Group (SDWG) of the Standing Committee on Information Technologies (SCIT) moved forward in reviewing standards associated with the recording, storage, exchange and retrieval of patent and other intellectual property information at its meeting from May 28 to 30. Such standards play a central role in facilitating access to patent information, particularly in the light of the steep rise in the number of patent documents processed by industrial property offices around the world.

The meeting reviewed the SDGW's program and discussed a number of priority matters relating to the revision of WIPO electronic data processing standards. The Working Group adopted one new WIPO standard relating to the unique identification of patent documents. It also took steps to improve the quality of the bibliographic data contained in patent documents exchanged between industrial property offices by revising three existing WIPO standards associated with publication numbers, the layout of bibliographic information and document references. The SDWG also considered the scope of its involvement in elaborating a WIPO standard for electronic-filing, processing and storage of patent applications.

The Working Group further approved the establishment of an e-forum on WIPO's web site to facilitate approval of the report of the meeting. This also meant that it was possible to considerably reduce the length of the meeting, as otherwise the draft report would have had to be approved by delegates before the end of the meeting.

The SCIT was reformed in January 2001 in response to a need for greater flexibility in the operation of the Committee. It was then decided to fine-tune the Committee's mandate and operations of by concentrating on issues of policy guidance and technical advice. Consequently, the work of the Committee was divided between two working groups: the new IT Projects Working Group (ITPWG) and the SDWG (see WIPO Magazine March 2001).



CALENDAR of meetings

SEPTEMBER 3 TO 7

GENEVA

Information Technology Projects Working Group (First session)

The Working Group will focus on establishing its working methods and work program.

Invitations: As members, the States members of WIPO and the Paris Union; as observers, certain organizations.

SEPTEMBER 11 TO 14

GENEVA

Working Group on Constitutional Reform (Fourth session)

The Working Group will continue its work based on the results of its third session (March 6 to 9, 2001).

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

SEPTEMBER 17 TO 19

GENEVA

Program and Budget Committee (Fourth session)

The Program and Budget Committee is invited to advise on the revised draft Program and Budget for 2002-2003. It will also be invited to make recommendations on the new construction.

Invitations: As members, the States members of the Program and Budget Committee, as observers, all Member States of WIPO which are not members of the Committee.

SEPTEMBER 19 TO 21

GENEVA

WIPO Second International Conference on Electronic Commerce and Intellectual Property

To follow-up on the International Conference of September 1999, the WIPO Second International Conference on Electronic Commerce and Intellectual Property will address the latest developments in e-commerce and intellectual property - legal, technical and policy-orientated.

Invitations: Participants from the public and private sectors and government officials.

SEPTEMBER 24 TO OCTOBER 3

GENEVA

Assemblies of the member States of WIPO (Thirty-sixth series of meetings)

All bodies of the Assemblies of the member States of WIPO will meet in ordinary session.

Invitations: As members, the States members of WIPO; as observers, other States and certain organizations.

OCTOBER 15 TO 19

GENEVA

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (Seventh session)

The Committee will continue its work based on the results of its sixth session.

Invitations: As members, the States members of WIPO and/or of the Paris Union; as observers, other States and certain organizations.

NOVEMBER 5 TO 9

GENEVA

Standing Committee on the Law of Patents (Sixth session)

The Committee will continue its work on further harmonization and other issues relating to patent law.

Invitations: As members, the States members of WIPO and/or of the Paris Union; as observers, other States and certain organizations.

NOVEMBER 12 AND 13

GENEVA

WIPO Workshop for Arbitrators

An annual event for all parties interested in WIPO arbitration procedures.

Invitations: Open to interested parties, against payment of a fee.

NOVEMBER 14

GENEVA

WIPO Workshop on Domain Name Dispute Resolution

An event for all parties interested in WIPO Internet domain name dispute resolution.

Invitations: Open to interested parties, against payment of a fee.

NOVEMBER 26 TO 30

GENEVA

Standing Committee on Copyright and Related Rights (SCCR) (Sixth session)

The Committee will continue its work based on the results of its last session, in particular on matters concerning the protection of rights of broadcasting organizations.

Invitations: As members, the States members of WIPO and/or of the Berne Union, and the European Community; as observers, other States and certain organizations.



NEW PRODUCTS

Directory of National Copyright Administrations May 2001
Répertoire d'administrations nationales du droit d'auteur mai 2001

(English/French) No. 619E/F,
35 Swiss francs



Directory of National and Regional Industrial Property Offices May 2001
Répertoire d'administrations nationales de la propriété industrielle mai 2001

(English/French) No. 601E/F,
35 Swiss francs



International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)

Eighth Edition

(effective January 1, 2002)

Part I: List of Goods and Services in Alphabetical Order

(English) No. 500.1(E),

(French) No. 500.1(F),

(English/French) No. 500(E/F),

(French/English) 500(F/E),

100 Swiss francs



World Intellectual Property Organization (WIPO): General Information 2001

(English) No. 400(E),

(French) No. 400(F),

(Portuguese) No. 400(P),

(Spanish) No. 400(S)

free of charge



WIPO Annual Report 2000

(French) No. 441(F),

(Spanish) No. 441(S),

free of charge



Purchase publications on-line at: www.wipo.int/ebookshop

Download free information products at: www.wipo.int/publications/

The above publications may also be obtained from WIPO's Marketing and Distribution Section:

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20, Switzerland

Fax: 41 22 740 18 12 ▶ e-mail: publications.mail@wipo.int

Orders should indicate: (a) the number or letter code of the publication desired, the language, the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air).

SYMPOSIUM ON THE INTERNATIONAL PROTECTION OF GEOGRAPHICAL INDICATIONS

Montevideo,
November 28 and 29

This two-day symposium will provide a forum for the exchange of information on the protection of geographical indications at the national, regional and international levels and on future trends in that area. It is open to government representatives as well as users and any interested parties. The interactive structure of the program will provide ample time for discussion and presentation of various viewpoints and opinions.

Experts in the field from Australia, Chile, France, Mexico, Peru, Spain and Uruguay, as well as officials from WIPO and the World Trade Organization (WTO), will make presentations. A discussion period will follow each presentation, during which the speakers will answer questions from the audience. Simultaneous interpretation from and into English, French and Spanish will be provided.



Registration Fee:

Participants	US\$ 250 (before September 30)
	US\$ 300 (after September 30)
Accompanying persons	US\$ 100

Registration forms are available on WIPO's website (www.wipo.int).

Uruguayan participants should register using a separate form available at:

Ministry of Industry, Energy and Mining
National Directorate of Industrial
Property (DNPI)
Rincón 717
Montevideo
Uruguay
Tel: (2) 902 5771 ▶ Fax: (2) 903 1140
E-mail: dnpiuy@adinet.com.uy

The WIPO Magazine is published monthly by the Office of Global Communications and Public Diplomacy, World Intellectual Property Organization (WIPO). It is not an official record and the views expressed in individual articles are not necessarily those of WIPO.

The WIPO Magazine is distributed free of charge.

If you are interested in receiving copies, contact:

**Marketing and Distribution Section
WIPO
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland
phone: 41 22 338 91 11
fax: 41 22 740 18 12
e-mail: publications.mail@wipo.int**

For comments or questions, contact:
The Editor
WIPO Magazine (at the above address)

Copyright ©2001
World Intellectual Property Organization

All rights reserved. Articles contained herein may be reproduced for educational purposes. No part may, however, be reproduced for commercial purposes without the express written consent of the Office of Global Communications and Public Diplomacy, World Intellectual Property Organization, P.O. Box 18, CH-1211 Geneva 20, Switzerland.

For more information contact WIPO at:

Address:
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland

Telephone:
41 22 338 91 11
Fax:
41 22 733 54 28
e-mail:
wipo.mail@wipo.int

or its New York Coordination Office at:

Address:
2, United Nations Plaza
Suite 2525
New York, N.Y. 10017
United States of America

Telephone:
1 212 963 6813
Fax:
1 212 963 4801
e-mail:
wipo@un.org

Visit the WIPO website at:
<http://www.wipo.int>
and order from the WIPO Electronic
Bookshop at:
<http://www.wipo.int/ebookshop>