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Geneva,
November-December
2001

KEY DECISIONS OF THE WIPO ASSEMBLIES



Photo: Mercedes Martínez Dozal

*WIPO General Assembly
in Geneva*

The WIPO Assemblies concluded eight days of meetings at WIPO headquarters in Geneva on October 3, following a review of the Organization's activities over the past year and approval of the program and budget for the 2002-2003 biennium (see page 6). During the meetings, the member States took a number of key decisions, which include the following:

Cooperation for Development Activities

Member States discussed WIPO's cooperation for development activities and applauded the work of the Organization in infrastructure capacity building, human resources development, promotion of innovation and development of collective management systems. As a sign of support, member States approved a 14 percent increase in the budget of the Organization's development for cooperation activities in the next biennium.

The program for the Least Developed Countries (LDCs) was identified as one of the Organization's priorities for the years to come. Delegates welcomed the recently launched initiative between WIPO and the World Trade Organization (WTO) to help LDCs maximize the benefits of intellectual property protection. The technical assistance available under the joint initiative includes cooperation with preparing legislation, training, institution-building, modernizing intellectual property systems and enforcement.

Electronic Commerce and Domain Names

Member States recognized the significance and stressed the importance of the issues examined in WIPO's Second Process Report (SPR), *The Recognition of Rights and the Use of Names in the Internet Domain Name System*, of the Second Domain Name Process (for more information see WIPO Magazine October 2001). They decided to convene two special sessions of the Standing Committee on the Law



of Trademarks, Industrial Designs and Geographical Indications (SCT) devoted to a comprehensive analysis of the SPR. These special sessions will be held back-to-back with ordinary sessions of the SCT.

A report on the two special sessions will be submitted for consideration at the next WIPO Assemblies meeting in September 2002. The report

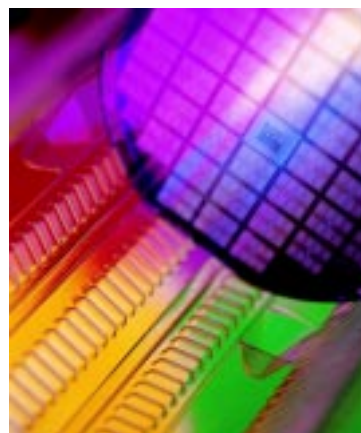
will present options for the treatment of issues dealt with in the SPR. It will indicate whether such issues are ripe for action, require further discussion, are not sufficiently significant in their impact to require any action, or are not the subject of consensus.

Patent Cooperation Treaty (PCT)

For the fifth consecutive year, member States approved reductions in the filing fees for international patent applications under the PCT. As of January 1, 2002, an applicant seeking protection in more than five countries or regions will benefit from a fee reduction of more than 7 percent. For the period between 1997 and 2003, PCT filing fees - for applicants using the most common filing strategy - will have been reduced on average by 45 percent.

The Assembly also took note of progress in the PCT reform process launched a year ago and approved a recommendation to establish a working group to examine ways to simplify and streamline PCT filing and processing procedures.

In a move to ease the workload of major offices that act as International Preliminary Examining Authorities (IPEAs) under the PCT, delegates unanimously decided to



modify the time limit relating to entry into the national phase under PCT Chapter II from 20 to 30 months from the priority date. The national phase is the second of the two main phases of the PCT procedure; it follows the international phase and consists of the processing of the international application before each office of or acting for a contracting state that has been designated in the international application. Due to the extended time limit, IPEAs will only have to carry out examination in cases where the applicant has a real interest in the results of the international preliminary examination procedure, rather than only buying time. It is expected that the number of demands for international preliminary examination will decrease significantly.

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This will allow these Authorities to provide better service to applicants with a genuine desire to take advantage of the substantive benefits offered by the international preliminary examination procedure.

Member States also appointed the Spanish Patent and Trademark Office as the tenth IPEA. The Spanish Office is expected to start functioning as an IPEA some time in 2002. Delegates also approved measures lending greater flexibility to the European Patent Office in determining those international applications for which it is competent to act as an International Searching Authority and as an IPEA **Information Technologies Project**.

A report to the member States on the PCT IMPACT (Information Management for the Patent Cooperation Treaty) project and the PCT electronic filing project highlighted the Organization's progress in PCT automation. The rapid expansion of the PCT system – with an average growth rate of 17 percent since 1991 – underlines the need to forge ahead with such projects. An electronic filing system and automation of the PCT processing procedures would mean lower costs for applicants, who will also benefit from services that are more efficient. WIPO aims to complete the IMPACT project by December 2002 and the PCT electronic filing project by November 2003.

Protection of Marks, and other Industrial Property Rights in Signs, on the Internet

Member States adopted the Joint Recommendation Concerning the Protection of Marks, and other Industrial Property Rights in Signs, on the Internet. This Recommendation provides guiding principles on a clear legal framework for the use of marks on the Internet. This clarity also contributes to the development of electronic commerce. The provisions are designed to assist lawmakers in applying existing national and regional laws to legal problems arising from the commercial use of a sign on the Internet. Such problems include concurrent use of identical or similar signs on the Internet and how courts take account of the territorial basis of industrial property rights in signs when determining remedies.

The present provisions do not address the question of applicable law, but leave them to the private international law of individual member States.



Counsellor José Sérgio de Calheiros da Gama (Portugal) and the Chairman of the WIPO General Assembly, Ambassador Álvaro de Mendonça E. Moura of Portugal

Diplomatic Conference on the Protection of Audiovisual Performers

The Assemblies of member States recognized the need to continue consultations to resolve a deadlock over the article relating to transfer of rights between performers and producers. This was the only outstanding issue blocking agreement on an international treaty relating to the rights of performers in their audiovisual performances. Negotiations deadlocked over this point at a Diplomatic Conference held in Geneva in December 2000 (see WIPO Magazine February 2001). Member States stressed the importance of the protection of audiovi-

sual performances and expressed concern that it had not yet been possible to reach an agreement on this issue. They decided to carry the issue over to the 2002 session of the WIPO Assemblies.

Madrid Union Assembly (Trademarks)

Member States took steps to simplify the Madrid system of trademark registration further, making it safer and more user-friendly, by adopting a series of amendments to the regulations. In particular, a new provision enabling the recording of licenses with respect to international registrations in the International Register was adopted. This will make it easier, cheaper and faster for users to record trademark licenses in multiple countries by eliminating the need to request records with the trademark office of each country concerned. Most of the amendments will enter into force on April 1, 2002. Member States also agreed to study the implications of expanding the language regime of the Madrid system to include Spanish. The member States will consider this question in September 2002.

Hague Union Assembly (Industrial Designs)

Measures were also adopted to simplify use of the Hague system for the registration of industrial designs. Approval of a new method of calculating the fees charged for the publication of industrial designs under the Hague Agreement for the International Deposit of Industrial Designs will generate average fee reductions of approximately 10 percent through savings in publication costs.

WIPO_{NET} Project

Member States expressed their satisfaction with the progress made to date with the WIPO_{NET} Project, a global intellectual property information network between and among all WIPO member States. They approved the requested budget for the completion of the deployment to intellectual property offices and the operation of the global information network for 2002-2003. In linking the intellectual property offices of WIPO member States, this flagship project will facilitate access to and exchange of information across the globe and

enhance use of the intellectual property system to foster economic and cultural development in all these countries.

WIPO Logo Competition

Member States approved measures to advance the creation of a new logo for the Organization following the results of the WIPO Logo Competition earlier this year, which did not produce a suitable design to replace the existing logo. A well-known design and image-creation company will be selected from a number of companies invited to submit proposals that reflect the new vision and strategy of WIPO. A suitable logo will then be developed for the approval of the Director General after consultations with the regional group coordinators of the member States.



2002-2003 PROGRAM AND BUDGET APPROVED

WIPO member States approved by consensus on September 25 the program and budget for the 2002-2003 biennium presented to the WIPO General Assembly. The program and budget for 2002-2003 amounts to 678.4 million Swiss francs (CHF), an increase of 19.9 percent over the revised budget for 2000-2001 of 565.9 million CHF. This amount includes some 148.7 million CHF for WIPO's information technology projects, including WIPONET, IMPACT, PCT E-Filing, AIMS, CLAIMS and other ongoing information technology projects and services (for more further information concerning these projects, please visit www.wipo.int/it/).

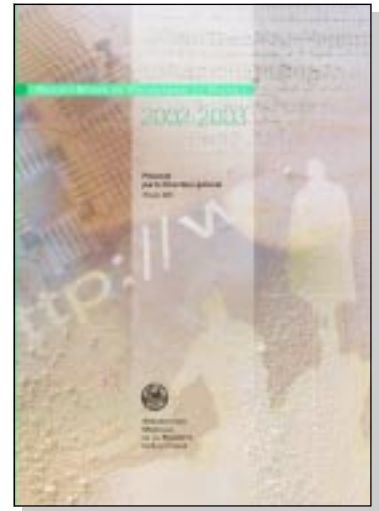
The increase in budget expenditure is due to the dramatic rise in demand for WIPO's services in the private sector as well as growth in strategic areas of the Organization's programs and services and the related policy issues that need to be addressed in the 2002-2003 biennium. Nonetheless, the portion of the budget funded by contributions from member States – less than 10 percent of the overall budget – entails no change in their contributions. WIPO is largely a self-funding agency, financing its activities from revenue acquired through the provision of services to the private sector in the form of international registration and filing of patents, trademarks, designs and arbitration activities.

New Integrated Budget Presentation

All proposals in the program and budget had previously received broad support at the April session of the Program and Budget Committee. However, at that time, the member States requested that WIPO present an integrated budget at the General Assembly.

The program and budget document presented to the Assembly fully integrates income, reserve and surplus funds and maintains the new features introduced in the budget format during the April 2001 session, such as the revised budget for the current biennium, detailed income projections and a resource plan for 2000-2001 and 2002-2003 for income, expenditure and reserves. For the first time, the budget also features financial indicators for a ten-year period from 1996 to 2005, which illustrate the rapid growth of the Organization, and in particular of the Patent Cooperation Treaty (PCT).

The program and budget emphasizes that transparency in program and planning will be enhanced by a process of continuous monitoring and evaluation.



Construction of New Premises

Currently, WIPO rents office space in seven separate buildings in the Geneva area, and the Organization aims to consolidate all WIPO staff in one complex. In 1998, the General Assembly approved the construction of a new building, to contain 500 workplaces and a large conference room, at a cost of 82.5 million CHF. However, after completion of the international architectural competition and evaluation of the winning design, a number of options with different budgetary implications were identified.

The Program and Budget Committee invited member States to examine the alternatives in order to guide further work leading to the adoption of the general building concept and budget in April 2002. The options for the extension of WIPO's headquarters range from 82.5 million CHF to 180.0 million CHF.

Member States requested that the Federal Audit Office of the Swiss Confederation assess the construction project. WIPO is to proceed with administrative and planning arrangements for the new building and to update an evaluation on business needs and building capacity. The forthcoming report will be considered at the Program and Budget Committee session in April.

The WIPO member States supported a proposal made by Director General Kamil Idris on September 28 to launch worldwide consultations to develop a strategic blueprint for the evolution of the future international patent system. The proposal set down in the WIPO Patent Agenda is for the development of an international patent system that would deal with the increasing demands of global users, create a more user-friendly and accessible system and provide a more equitable balance between the rights of inventors and the general public. Dr. Idris told delegates that, to succeed, the WIPO Patent Agenda would need to keep broad long-term objectives at the fore and would require a demonstration of strong political commitment at the highest level.

- ◆ The Director General emphasized that the WIPO Patent Agenda would complement and strengthen ongoing patent-related projects, such as the reform of the PCT and the harmonization of substantive patent law. Through the WIPO Patent Agenda, Dr. Idris expects the Organization to maintain its vision and provide strong leadership by developing a patent system to help harness creative potential for the economic benefit of all countries.

The critical importance of knowledge as a driving force for economic growth today, Dr. Idris noted, means that the time is ripe to discuss changes to the international patent system to make it more relevant and useful to the well-being of all societies. Broad-based consultation among governments and users of the system will be undertaken to identify the impact and opportunities of the new initiatives.

Objectives for the International Patent System

Member States noted that the long-term and broad objectives for the development of the international patent system should include the provision of mechanisms and programs which could help provide inventors and industry with access to national, regional and internationally effective patent protection

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systems. This system should enable them to obtain, maintain and enforce their patents through procedures that are simple, inexpensive, timely and reliable, consistent with the need for affordable, effective protection.

In the course of developing mechanisms and programs to achieve the objectives, the consultations will consider the following:

- ▶ the need for countries to pursue economic development and other national interests by fostering innovation through an effective patent system;

- ▶ the need of third parties for reasonable certainty as to how they may be affected by pending applications and granted patents;
- ▶ the need to enable patent offices of all sizes to meet the needs of users and in particular to ensure that mechanisms and programs are available to assist in the pre-grant processing of applications for patents;
- ▶ the general structure of the system, including interaction and inter-reliance among the national, regional and international systems;
- ▶ enhanced user-friendliness;
- ▶ the achievement of a high-quality and timely service, including search and examination;
- ▶ the optimal use of patent office resources to alleviate problems;
- ▶ the possibilities for simpler and more accessible means of enforcing and challenging patents.

Major patent offices that act as International Preliminary Examination Authorities (IPEAs) under the Patent Cooperation Treaty (PCT) have an increased workload which will continue to grow in the coming years; however, the focus must be on the development of the international patent system. The need to find immediate solutions to some present difficulties should not obscure the goals set in the WIPO Patent Agenda.

Consultations to Identify Priorities

Discussions would cover the existing patent systems from both short- and long-term perspectives. In order to identify and establish priorities, governments and users of the system are invited to submit their comments to WIPO by the end of January 2002. All comments received will be made available on the WIPO website. A discussion paper will be prepared by WIPO based on these comments and will be submitted for consideration to the WIPO Assemblies in 2002.

Member States stressed the advantages of a fully inclusive process of consultations involving all parties, particularly users of the international patent system, and the need to consider the interests of all countries, especially those in developing and least developed regions.



URUGUAY MINISTER ADDRESSES ASSEMBLY

The Minister of Industry, Energy and Mining of Uruguay, Dr. Sergio Abreu, called on WIPO to take the lead in an international effort to promote greater use of the intellectual property system by small and medium-sized enterprises (SMEs). SMEs are the economic backbone of many countries, he noted, and should use the intellectual property system to increase their competitiveness and improve their access to larger markets.

Addressing the WIPO General Assembly on September 25, the Minister stressed the critical importance of SMEs to the economic and social well-being of developing countries. "SMEs make up the basic social framework of our countries," said Dr. Abreu. "The political and social stability of our societies depends, in a large part, on

the situation in which they find themselves." He pointed to the significant contribution of SMEs to the economies of many developing countries adding, "In developing countries, SMEs make up more than 95 percent of productive units, provide more than 75 percent of employment and represent between 30 and 40 percent of the gross domestic product. More than 90 percent of new jobs created in the world are in SMEs."

"We must accept that the only way to economic and social development of the smallest economies is to increase the productivity and competitiveness of our technology-oriented SMEs," said Dr. Abreu. He emphasized the direct correlation between the competitive capacity and productivity of countries as well as social stability.



Photo: Mercedes Martínez Dozal

International Cooperation and Education

Ambassador Carlos Pérez del Castillo of Uruguay, Minister of Industry, Energy and Mining, Dr. Sergio Abreu, and WIPO Director General Kamil Idris.

The Minister stressed the need for international cooperation in technology, economics and finance to assist developing countries in the elaboration of policies to improve access to the intellectual property system by SMEs. To this end, Dr. Abreu spoke of the benefits of a jointly coordinated institutional effort including regional institutions such as the Inter-American Development Bank.

He noted the importance of raising awareness and improving access to the range of tools available to SMEs to protect their intellectual property assets. In that regard, he emphasized the need to incorporate intellectual property curricula into national education programs and to ensure better access to patent information.

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WIPO'S SMEs DIVISION

The WIPO SMEs Division is reaching out to the commercial sector and helping businesses fully exploit their intellectual property resources through more informed use of the intellectual property system. The Division is extending its services as widely and effectively as possible to the business community worldwide by teaming up with local SME associations, intellectual property offices, national ministries, international organizations, chambers of commerce, business incubators and other relevant institutions.

In June the Division launched the SMEs website (<http://wipo.int/sme>), which seeks to demystify intellectual property (IP) for business managers by providing simple and concise answers to common intellectual property-related business questions. Using a virtual guide, the reader can easily follow links to learn how an SME can take full advantage of the IP system. The information on the site is practical and offers SMEs useful information on the protection, management, licensing and enforcement of a company's intellectual property assets.

PCT USE INCREASES IN DEVELOPING COUNTRIES

Dr. Abreu also encouraged greater use of information technologies and electronic commerce and the setting up of strategic alliances between local SMEs and multinational corporations. Such alliances, he said, " would generate synergies between the investment capacity and generation of knowledge of larger enterprises and the flexibility, capacity for product diversification and lower operating costs of SMEs." They would also facilitate access by smaller economies to larger markets and generally promote the transfer of knowledge and technology to developing countries.

The Minister underlined the need to make the intellectual property system accessible to SMEs so that creators and producers of ideas and technology in developing countries can benefit equally from the system. He called for the full participation of the international community in the promotion and protection of intellectual property rights as the only way "to build one of the necessary means to reduce the divide between developed and developing countries" and to foster healthy and fully inclusive competitiveness in the global marketplace.

The number of international applications under the Patent Cooperation Treaty (PCT) originating in developing countries rose by 73 percent in the first three quarters of 2001. Of the 81,579 international applications received in the nine-month period, a record number of 3,859 applications originated in 20 developing countries. In the same period last year, only 2,231 applications were received from just 17 developing countries.

International applications from developing countries now account for 4.73 percent of the total applications received from PCT Contracting State – last year the percentage was 3.26.

Applicants from developing countries demonstrated a definite preference for filing international applications with their national Receiving Office in 2001. National patent offices received 91.7 percent of the applications, while WIPO received 8 percent and regional offices 0.3 percent.



Benefiting from Fee Reduction

The PCT system offers a 75 percent reduction in certain international application filing fees to nationals residing in states whose per capita income is below US\$ 3,000 (for more information see the PCT Newsletter, January 2001, Practical Advice at <http://www.wipo.int/pct/en/newslett/>). Among the major users of the PCT in developing countries, applicants from South Africa and Mexico took maximum advantage of the fee reduction. Applicants from Brazil, China and India benefited as well.

Users of the PCT-EASY software are also entitled to a 200 Swiss franc reduction in PCT fees (for more information visit <http://pcteasy.wipo.int>). Some 46.6 percent of the

MOLDOVA IS FIRST TO RATIFY PLT



Photo: ILO/ Mailhard

international applications from developing countries were PCT-EASY filings. Use of PCT-EASY was particularly high among applicants in Barbados (80 percent), Republic of Korea (76.6 percent), South Africa (76.6 percent), Colombia (62.5 percent) and Cyprus.

The number of applicants from developing countries availing themselves of the 75 percent reduction in certain PCT fees and of the 200 Swiss franc discount for PCT EASY users is still relatively low. Through national roving seminars, the WIPO PCT Sector of Cooperation for Development has promoted the PCT and its advantages in developing countries, resulting in the increases seen this year. WIPO has also worked continuously to reduce fees, bringing them down by an average of 45 percent in the period from 1997 to 2003.



The Republic of Moldova became the first state to ratify the Patent Law Treaty, which harmonizes and streamlines procedures for obtaining and maintaining a patent, when it deposited its instrument of ratification with WIPO Director General Kamil Idris on September 27. The PLT will enter into force once it has been ratified by ten countries.

When concluded at WIPO in June 2000, the PLT capped five years of negotiations and was hailed as a major step towards further harmonization of patent law. The harmonization of patent procedures made possible by the PLT will benefit all users of the patent system and will translate into lower costs for users, making the industrial property system even more accessible to nationals of all countries. Lowering the barriers of entry to the patent system is a high priority for the Organization.

Inventors seeking patent protection must meet certain formality requirements in order to avoid rejection of their application and a consequent loss of rights. The formalities currently vary from one country to another. In standardizing them, the PLT offers both inventors and national and regional patent

offices a number of advantages. Once it enters into force, the PLT will simplify, on a worldwide basis, formal patent procedures relating to national and regional patent applications and maintenance of patents, thereby reducing the cost of patent protection and making the process more user-friendly and accessible.



PAC ENDORSES DEVELOPMENT OF NEW INTELLECTUAL PROPERTY FRONTIERS

Members of the Policy Advisory Commission (PAC) expressed strong support on October 11 for the WIPO Patent Agenda (see page 7) and endorsed WIPO's efforts to find intellectual property solutions to questions relating to traditional knowledge. On both subjects, PAC members recognized WIPO's critical role, the strength of its contribution, its unique competence, and the need for continuity of leadership in furthering those objectives.

why, in our vision, the empowerment of people is a central role of this Organization. In empowering people we need to take into account that they should be able to produce, compete and trade, and for that we need justice and not charity, and full participation.

"Today, the challenge for all international organizations is to move from the rhetoric of universal dreams to the application and realization of all these important dreams and objectives," Dr. Idris added.

In the absence of HRH Prince Hassan bin Talal of the Hashemite Kingdom of Jordan, the Commission appointed President Guido de Marco of Malta as Chairman. President de Marco highlighted the role of the PAC "to bring an input of persons who are not necessarily experts in patents and in copyright but who, because of their political experience, are very much abreast of what is happening to us all." He also spoke of the inherent human capacity to create and the need for laws to keep pace with technological change. He also emphasized the importance of WIPO in providing tangible incentives for innovation and creativity.

PAC Support WIPO's Efforts

"Intellectual property must not be regarded only as an object worth being protected, but also as an instrument of development," said President Ion Iliescu of Romania. "Any country that wishes to achieve economic stability and growth needs a strong system of protecting and promoting intellectual property, which should induce trust and confidence of investors and stimulate creation. At the same time, we should not neglect the social, cultural and civilization-related aspects of the intellectual property." President Iliescu urged WIPO to continue working to reduce the "knowledge divide" between developed and developing countries.

The PAC issued a statement expressing support for WIPO's efforts "to create political momentum worldwide so as to achieve the expected objectives of the Patent Agenda." The Commission agreed that any reform of the international patent system hinged on the requisite political will.

President Petar Stoyanov of Bulgaria said the creation of a global patent system is a major challenge for the international community, and that WIPO must continue to



Photo: Mercedes Martinez Lopez

*Former President
Petru Lucinschi
of Moldova,
President Petar Stoyanov
of Bulgaria,
President Ion Iliescu
of Romania*

"In the patent system, I believe, lies the primary facilitator of human innovation and in traditional knowledge lies the roots of our common culture and heritage," said WIPO Director General Dr. Kamil Idris in introducing the two agenda items at the PAC's meeting at WIPO headquarters in Geneva. "This is

CHIEF MINISTER OF ZANZIBAR MEETS THE DIRECTOR GENERAL

provide strong leadership in developing a patent system "to support the release of creative potential for economic benefit without unnecessary obstacles." President Stoyanov also stressed the need to make the system more accessible. "We should encourage not only the vertical development of the system, but more importantly, its widening. The intellectual property system should offer equal opportunities to all creators, irrespective of their financial or economic strength."

The PAC also endorsed WIPO's work relating to traditional knowledge, folklore and access to genetic resources. The Commission encouraged the Organization's efforts to find appropriate intellectual property mechanisms that recognize the inherent value of traditional knowledge and grant protection to traditional knowledge against its unauthorized use.



WIPO Director General Kamil Idris met with Chief Minister Shamsi Vuai Nahodha of Zanzibar on October 16 for talks concerning the strategic importance of intellectual property for Zanzibar in particular and the United Republic of Tanzania as a whole. During the meeting, the Director General stressed the Organization's commitment to promoting better understanding and use of the intellectual property system in Zanzibar and Tanzania.

The talks covered WIPO's program of activities, particularly in the field of traditional knowledge, genetic resources and folklore, collective management of copyright and training programs offered by the WIPO Worldwide Academy, including distance learning. Zanzibar, whose folklore, small-scale industries and taarab music are world-renowned, can reap significant benefits by using the intellectual property system to convert the island's creative potential and innovative capacity into tangible economic assets.

Photo: Mercedes Martinez Dosal



Chief Minister Vuai Nahodha called on WIPO to provide further assistance to Zanzibar in its efforts to establish an effective national intellectual property system. He announced plans to create a national copyright regime and requested WIPO assistance in institutional capacity building and human resources development. Mr. Vuai Nahodha commended the Organization for implementing a wide-ranging program of activities relevant to all countries.



Chief Minister Shamsi Vuai Nahodha of Zanzibar and the Minister for Youth, Employment, Women and Children Development Samia S. Hassan with WIPO Director General Kamil Idris

THE PRESIDENT OF ROMANIA AT WIPO



Photo: Mercedes Martínez Dozal

President Ion Iliescu, his advisor, Mrs. Simona-Mirela Miculescu, and Ambassador Anda Filip with WIPO Director General Kamil Idris

The critical role of intellectual property in promoting wealth creation, social progress and cultural enrichment was the focus of discussions at WIPO headquarters between President Ion Iliescu of Romania and WIPO Director General Kamil Idris on October 12. Dr. Idris and President Iliescu underlined the importance of further strengthening cooperation between WIPO and Romania, particularly in the areas of training and human resources development.

During the meeting, President Iliescu noted the importance of WIPO "as a promoter of policies having a global relevance" and an essential partner in enabling countries to reap tangible benefits from their creative resources. He further stressed the key role of education and the need to ensure that young people are "materially and morally motivated to place their intelligence in the service of the country." He called on WIPO to foster closer links between the WIPO Worldwide Academy and Bucharest University.

Dr. Idris encouraged a more active participation by Romania in the Organization's activities and outlined a number of WIPO's programs from which a country such as Romania stands to benefit. In particular, he referred to the WIPONET project, which will link the intellectual property offices of WIPO member States and decentralize, facilitate and improve the flow of intellectual property information worldwide.

With regard to WIPO's efforts to promote more effective use of the tools of the intellectual property system among small and medium-sized enterprises (SMEs), Dr. Idris urged closer links between WIPO and the Romanian ministry responsible for SMEs. Dr. Idris also urged the Romanian authorities to explore and quantify the impact of intellectual property-related initiatives on the country's gross domestic product.

Romania, as a country with a rich cultural heritage, also stands to benefit from work being undertaken by WIPO to explore intellectual property mechanisms for the protection of genetic resources, traditional knowledge and folklore.



AGREEMENT SIGNED WITH ROSPATENT

At WIPO headquarters on October 12, WIPO and the Russian Agency for Patents and Trademarks (Rospatent) signed a Framework Agreement of Cooperation sealing a commitment to boost human resources development in the field of intellectual property in Russia and the neighboring region.

Under the agreement, WIPO and Rospatent will help organize the distance learning courses of the WIPO Worldwide Academy in the Russian Federation, including translation of course material into Russian. The Academy will also work closely with appropriate institutions in the Russian Federation to develop training material and organize symposia, seminars and workshops on a regular basis.



In implementing this agreement, Rospatent will also collaborate with the Russian State Institute of Intellectual Property (RSIIP). RSIIP is a specialized educational institution that offers training programs for intellectual property professionals in Russia, members of the Commonwealth of Independent States and other countries in the region. The Institute's curriculum covers the entire spectrum of intellectual property issues.

WIPO Director General Kamil Idris signed the agreement and acknowledged Rospatent's key role in promoting intellectual property in the Russian Federation and the region as a whole. He took note of the Russian agency's unique position to make a positive contribution to WIPO's work in the region.

The Director General of Rospatent, Mr. Alexander Korchagin, co-signed the agreement and expressed his appreciation for WIPO's support and assistance in promoting teaching and training in the field of intellectual property. He applauded the Organization's invaluable contribution in the development of the intellectual property system in the Russian Federation.

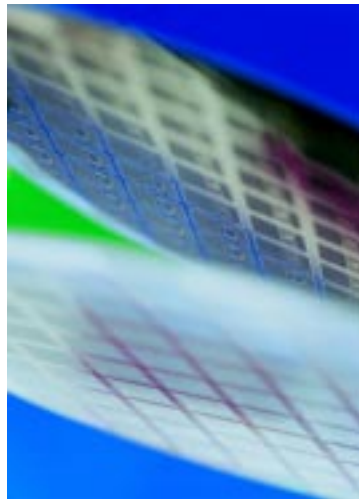


THE MADRID AGREEMENT AND PROTOCOL

When the Madrid Protocol was adopted a little more than ten years ago, 27 countries were members of the Madrid Union. Today, 70 countries are members. This is a sign of the success of the objectives of the Madrid Protocol, namely to open the Madrid Union to new countries.

So far this year, six new countries – Australia, Belarus, Bulgaria, Ireland, Mongolia and Zambia – have joined the Madrid Protocol, bringing the number of countries party to the Protocol to 55. Belarus, Bulgaria and Mongolia were already members of the Madrid Union, being party to the Madrid Agreement. The accession of Australia and Zambia broadens the geographical scope of the Union in Oceania and Africa. Following the ratification of the Protocol by Ireland, all the member States of the European Union are party to this treaty. The accession of new countries makes the international registration system even more attractive for trademark owners in the member countries.

Two treaties govern the Madrid system of international registration of marks administered by WIPO: the Madrid Agreement, which dates from 1891, and the Madrid Protocol, which was adopted in 1989 and came into operation on April 1, 1996. The aim of the Madrid Protocol was to render the Madrid system more flexible and more compatible with the domestic legislation of certain countries that had not been able to accede to the Agreement. The Madrid Assembly recently adopted a number of amendments to the Common Regulations under the Madrid Agreement and Protocol, with the aim of clarifying and simplifying them and introducing new features of benefit to users, notably the possibility of centrally recording licenses under international registration.



During 2000, the International Registry recorded 22,968 international registrations, an increase of 15 percent over the previous year. The Registry expects to have another record number of international registrations this year. These increases are largely attributable to the augmented interest among the customary users of the system, such as Benelux, French or German companies.

In contrast, it generally takes some time before local companies in the new member countries learn to take full advantage of the international registration system. Sweden, for example, joined the Madrid Protocol five years ago and had only 62 international registrations in 1996, 186 in 1997, 260 in 1998, 299 in 1999 and in 2000 some 433. This kind of trend is noticeable in regard to several new member countries of the Madrid Union. It is therefore expected that the number of international registrations originating in countries that have recently joined the Madrid Protocol such as Japan, will also increase during the coming years.



INTELLECTUAL PROPERTY OFFICES IN THE 21ST CENTURY



Senior officials of intellectual property offices from 24 countries in the Asia-Pacific Region gathered at a forum in Tokyo from September 11 to 14 to discuss the role of their offices in the 21st century. At the close of the forum, the group adopted a joint statement aimed at the harmonization of intellectual property law, improving services to small and medium-sized enterprises (SMEs), developing policy and strategy for the use of intellectual property information and developing human resources.

Enhanced use of intellectual property rights through promotion of inventive and innovative activities, domestic and foreign investment and technology transfer will offer more and more opportunity for industrial and technological development as well as socio-economic progress. In view of this, intellectual property offices must deter-

mine the role they will play in strengthening the global economy through the intellectual property system.

The increasing number of patent and trademark applications filed in multiple countries, in particular through the Patent Cooperation Treaty (PCT) and the Madrid systems, attests to a trend today to seek global protection of intellectual property rights.

The forum explored the role that those intellectual property offices should play in the future, in view of such trends. Specifically, they considered issues such as:

- creating an intellectual property culture as well as integrating intellectual property policy in economic development and policy programs;
- facilitating worldwide protection of intellectual property rights by making national intellectual property systems conform to international standards;
- streamlining intellectual property administration through rationalization of administrative procedures and automation;

- facilitating intellectual property protection of advanced technologies;
- assisting SMEs, venture businesses and research and development institutions in utilizing intellectual property systems;
- nurturing and developing human resources for the efficient and effective protection of intellectual property rights;
- creating a positive environment for the enforcement of intellectual property rights by strengthening links with enforcement agencies and raising public awareness;
- disseminating intellectual property information to stimulate inventive and innovative activities and thus increase intellectual property transactions as well as further creation;
- providing more user-friendly services, including consultation services, to enable users to make the most of the intellectual property system.

Benefits to SMEs

The need for efficient mechanisms to assist SMEs, start-ups, and research and development institutions led to a discussion of initiatives that intellectual property administrations could take to institute norms and standards for the protection of advanced technologies. They determined that promotion of national, regional and global intellectual property exchange and

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transaction markets to facilitate technology transfer and licensing would help provide SMEs with a crucial tool for exploiting intellectual property.

Progressive Harmonization

The forum discussed the increasing relevance and benefits of global intellectual property protection systems and the reforms necessary to face future challenges while sustaining and improving the functionality of these ever-growing systems. The officials recognized that the progressive harmonization of national patent systems could enhance predictability and user-friendliness in the acquisition of patent rights. They perceived the need for an exchange of information on patent search and examination among themselves in order to rationalize the examination procedure as well as to take into account the call from users for reductions in patenting costs.

Human Resource Development

The intellectual property officials at the forum agreed that they must develop their human resources to improve operations and be more service-oriented. They noted the need to modernize management approaches and further develop information technology. This is necessary, they said, for the offices to make their expertise and experi-

ence in intellectual property issues available to other government organizations, especially to enforcement agencies and business communities. In this area, the officials from the Asia-Pacific region requested assistance and guidance from WIPO.

WIPO Initiatives

WIPO has already initiated activities to facilitate the global acquisition of intellectual property rights and to study new and emerging technologies, electronic commerce and traditional knowledge in line with the recommendations made by the officials. The Organization will take a proactive role and appropriate action relating to the points in the joint statement, and face other challenges that may arise in the future, while keeping in view the needs of the least developed countries.



CYBER-LEARNING COURSE IN CHINESE



WIPO has extended access to its flagship distance learning course on intellectual property to Chinese-speaking students. The State Intellectual Property Office of China (SIPO) and the China Intellectual Property Training Center (CIPTC) formally launched the Chinese version of the WIPO Worldwide Academy program in Beijing in October in the presence of the Deputy Commissioner of SIPO, Mr. Ma Lianyuan.

The course is now available in English, French, Spanish and Chinese. Arabic, Portuguese and Russian versions are also planned for release in the near future.

"Distance should not be an obstruction to instruction," said WIPO Director General Kamil Idris on the occasion of the launch. "The WIPO Worldwide Academy's distance learning initiative provides a chance for students anywhere in the world to learn about the basics of intellectual property." The Director General emphasized that this innovative online teaching technique, only in its third year, has enabled some 5,000 students from over 110 countries to learn about copyright and related rights, patents, trademarks, geographical indications and WIPO-administered international registration systems. It has brought teachers specializing in intellectual property issues closer to

students and other interested parties in all corners of the world by virtual means.

Mr. Ma noted the importance to Chinese students of the availability of the Chinese version of WIPO distance learning courses. He said the initiative, undertaken within the framework of cooperation between SIPO and WIPO, is an excellent means of promoting greater public awareness of intellectual property in China. He welcomed the Academy's contribution to spreading "intellectual property knowledge and improvement of skills."



THE DISTANCE LEARNING PROGRAM

The distance learning initiative takes full advantage of information technology and the Internet as an alternative to traditional training programs, and is delivered through the WIPO Academy website <http://academy.wipo.int>. It offers new teaching methodologies, customized course materials, evaluation tool, and mechanisms for tutor-student interaction. The course which takes about 50 hours of study time spaced over a six week period, includes self-assessment questions,

tests, a glossary with links to the 21 WIPO-administered treaties and a full range of other intellectual property information material. Students who successfully complete the course are awarded a WIPO certificate.

The WIPO Worldwide Academy was founded in March 1998 to assist member States in obtaining specialized knowledge and skills to enable them to derive benefits from the intellectual property system. Although WIPO has always provided

assistance and training to its member States in the use of intellectual property, the Academy was created for the specific purpose of consolidating training and human resource development activities within a central coordinating mechanism.

MODERNIZATION YIELDS RESULTS FOR BRAZIL



The National Institute of Industrial Property (INPI) of Brazil is celebrating its 30th anniversary this year. To mark the event, INPI adopted a new logo, organized a roving exhibition in six Brazilian cities on the theme of industrial property over the last 30 years and issued commemorative publications. The activities have been successful in promoting awareness of industrial property and building a positive image for INPI throughout Brazil.

In 1997, INPI embarked on an aggressive program to strengthen the Brazilian industrial property system, modernize the office and promote industrial property. Today that plan is yielding positive results as the office grows in importance as a regional training center for South American and Portuguese-speaking countries. The office is also well on its way to full automation, and its promotion of industrial property has helped demystify the concept while building the image of INPI as an important contributor to the economic and cultural welfare of Brazil.

Technical Cooperation

WIPO signed a technical cooperation agreement with the government of Brazil in 1997 aimed at the modernization and computerization of INPI. Its main objective was to improve the quality and efficiency of services provided by INPI through:

- ▶ the upgrading of computer systems,
- ▶ the training of its staff,
- ▶ the implementation of effective management techniques and the institutional strengthening of INPI.

The cooperation agreement was broken down into ten main objectives. A local company was found to undertake the digitization of INPI's paper documents, as the majority of its database was on paper. The company scanned documents and converted the base of deposited patent applications to WIPO standard format. This work permitted INPI to produce a pilot ESPACE CD-ROM containing Brazilian patents. INPI is now proceeding with the purchase of the necessary equipment to produce its own CD-ROMs.

The agreement also enabled a reformulation of INPI's website layout, speeding-up navigation and facilitating search capabilities. INPI had a specialized local firm update the website, while another is currently translating the site into English.

Staff Training

Several training programs have been implemented in the framework of the agreement. This year,

special focus was on the patent directorate and legal counsel staff. Successful training courses on the Patent Cooperation Treaty (PCT) and on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) have focused on patents and local law. Some 187 INPI staff members are also taking either English, French or Spanish courses.

Examiners in the trademark section of INPI have followed basic, intermediate and advanced courses on use of the Nice and Vienna Classifications. WIPO has also organized technical visits for several INPI staff members to the Office for Harmonization of the Internal Market (OHIM) in Alicante, Spain, and to other offices. INPI plans to implement a paperless system for the registration of marks, and has studied and evaluated the OHIM system in preparation.

Some 27 officials at INPI have taken management courses to improve administration and services at the office. Additionally, INPI has conducted studies on improving management capacity and currently has an outside firm designing a reorganization master plan for the office.

Outreach Programs

INPI's outreach program has been particularly effective this year as it celebrates its 30th anniversary. INPI

launched five issues of a magazine aimed at a broad audience concerned with industrial property issues, as well as a promotional kit containing CD-ROMs, leaflets, booklets and videotapes. The Institute published a commemorative book on valuable trademarks in the Brazilian market. The book presents these well-known, recognizable marks as a Brazilian heritage to be protected. The office will issue another book focused on patents.

INPI has organized several seminars and related activities in the last year, including the following:

- ▶ 20th WIPO/INPI Seminar for Latin American Countries;
- ▶ A seminar on geographical indications in a Brazilian region that is a candidate for a geographical indication of source for its vineyards;
- ▶ Participation in local fairs;
- ▶ A roving seminar on the PCT in four Brazilian cities.



Continued Cooperation

WIPO's technical cooperation agreement with Brazil was to end in 2002, however it has been so successful that negotiations are ongoing to extend it for two more years.

In addition to this agreement, WIPO has other cooperation programs in Brazil which are also showing positive results. One such program has led to the launch of a pilot project aimed at encouraging creativity in school children. Thanks to this program, many publications have been published on intellectual property for both children and the general public. Through this program INPI aims to create an industrial property culture in Brazil.

The WIPO-INPI collaboration is one of many on-going projects for cooperation around the world. The Organization aims through these to build the intellectual property infrastructure worldwide, and to promote and demystify intellectual property for the social and economic welfare of all.



AFRICA - ARTISTIC MOMENTS



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The objects on display included masks used in ritual or tribal ceremonies, statues that serve as intermediaries between the living world and the spiritual element they depict, and utilitarian objects used in daily life.

1. Casting knife, Matakam, Cameroon
2. Mascot's nail, Dem. Rep. of Congo
3. Pygmy mask, Mbaka, Cameroon
4. Double animal mask, Nigeria

Most African carvings are made of wood, but materials such as stone, ivory, clay and metal are also used. Terracotta statuettes are rare, but excavations have uncovered magnificent terracotta figures dating back two thousand years to the Nok civilization.

WIPO hosted an exhibition of traditional and contemporary African art from September 25 to October 18, featuring over 50 works of art from some 35 different ethnic groups. The works featured in the exhibition illustrated the diversity of African art and the many threads that make up the rich cultural tapestry of the African continent.

Much of WIPO's work helps foster and encourage creativity while providing the means with which to protect the fruits of creative expression. The exhibition helped illustrate the timeless nature of creative endeavor while highlighting the



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These unique sculptures, characterized by clean lines, encapsulate a combination of movement, spirituality and tradition.

- 5. *Fortune teller (stone: verdite)*
- 6. *Dancing lovers (stone: green serpentine)*



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role of the intellectual property system in protecting and preserving the fruits of creativity. The intellectual property system further enhances the world's artistic heritage by justly rewarding artists and creators. The Organization is also exploring ways of enhancing the preservation and protection of traditional knowledge and expressions of folklore, such as the examples of traditional art represented in this exhibition.

The traditional pieces in the exhibition were from the collection of Dr. Martin Sigam, President of the Geneva-based Pan-African Art Association, and demonstrate the

deeply symbolic nature of traditional African art and its role in the social, religious and political aspects of different ethnic groups. The contemporary pieces were selected from Mr. Lawrence Boms's collection, Stone Legacy Gallery, Geneva, and show that artistic traditions in Africa remain as vibrant as ever.



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As a further tribute to the diversity and range of artistic expression in Africa, the exhibition also featured contemporary paintings from Côte d'Ivoire.

- 7. *Falani Bride, 1998, by Tesfaye Atsbeha Nega*

CALENDAR of meetings

DECEMBER 5 TO 7

(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.

DECEMBER 6 & 7

(CICG, GENEVA)

Joint ITU/WIPO Symposium on Domain Names

This Symposium will address the technology and policy, as well as the intellectual property and dispute resolution issues, raised by the implementation of non-Latin character domain names.

Invitations: Registration is open to government representatives, as well as participants from the private sector.

DECEMBER 10 TO 14

(GENEVA)

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Second session)

The second session of this Committee will consider and discuss progress made with the work program supported by member States at the first session of the Committee held from April 30 to May 3, 2001.

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

DECEMBER 18 TO 20

(GENEVA)

Joint Meeting of the Advisory Committee on Enforcement of Industrial Property Rights (ACE/IP) and the Advisory Committee on Management and Enforcement of Copyright and Related Rights (ACMEC)

The Committees will discuss the work initiated subsequent to the first session of the ACE/IP, address certain issues which were raised but not discussed at its first session, discuss enforcement issues to be addressed with regard to copyright and related rights and plan future work with regard to intellectual property law in general.

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

2002

FEBRUARY 18 TO 22

(GENEVA)

Working Group on Constitutional Reform (Fifth session)

The Working Group will continue its work based on the results of its fourth session (September 11 to 14, 2001).

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

FEBRUARY 25 TO MARCH 1

(GENEVA)

Committee of Experts of the Special Union for the International Patent Classification (IPC Union) (Thirty-first session)

The Committee of Experts will adopt revision proposals to the current (seventh) edition of the IPC and will consider recommendations concerning IPC reform.

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

APRIL 22 TO 26

(GENEVA)

Standing Committee on Information Technologies (SCIT) Working Group on Standards and Documentation (Second session)

The Working Group will discuss progress towards the completion of the tasks in its work program.

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

MAY 6 TO 10

(GENEVA)

Standing Committee on the Law of Patents (Seventh 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.

MAY 13 TO 17

(GENEVA)

IPC Reform Working Group of the IPC Union (Seventh session)

The Working Group will continue elaboration of recommendations concerning IPC reform for the Committee of Experts of the IPC Union.

Invitations: As members, the States members of the IPC Union and member organizations of the Working Group; as observers, the States members of the Paris Union, and certain organizations.

NEW PRODUCTS

The Recognition of Rights and the Use of Names in the Internet Domain Name System

(English) No. 843(E)
free of charge

Annual Report 2000

(Arabic) No. 441(A)
free of charge

Patent Cooperation Treaty

(German) No. 227(G)
(Spanish) No. 227(S)
20 Swiss francs

WIPO Handbook 2001 CD-ROM

CD208
100 Swiss francs



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