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WIPO dispute settlement process: first cybersquatting case concluded

The first case of an abusive registration of a domain name on the Internet was decided on January 14 with the Administrative Panel ordering the registrant to hand over the domain name to the complainant. The US-based World Wrestling Federation (WWF) had brought the suit against a California resident who had registered the domain name www.worldwrestlingfederation.com and offered to sell it back, at significant profit, to the WWF three days later.

This case concerned a domain registered with Melbourne IT, one of the first five registrars accredited by ICANN (see box below) to accept registrations, in the .com, .net and .org generic top-level domains. The WWF alleged that the domain name in question was registered in bad faith by the registrant in abuse of the WWF's trademark. Although the complainant had the option of bringing a law suit in a U.S. court under the new Anti-Cybersquatting Act, it chose instead to use this cheaper and quicker administrative process.

The WIPO Arbitration and Mediation Center appointed Mr. Scott Donahey, a California-based intellectual property lawyer and trademark specialist, to handle the case. The decision concludes as follows:

"For all of the foregoing reasons, the Panel decides that the domain name registered by the respondent is identical or confusingly similar to the trademark and service mark in which the complainant has rights, and that the respondent has no rights or legitimate interests in



Mr. Francis Gurry, WIPO Assistant
Director General and Director of the
WIPO Arbitration and Mediation Center,
welcomed the swift resolution of this first
case. "The new procedure demonstrates the
viability of a cost-effective and efficient
alternative to court proceedings," he said.

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respect of the domain name, and that the respondent's domain name has been registered and is being used in bad faith. Accordingly, pursuant to paragraph 4, of the Policy, the Panel requires that the registration of the domain name <worldwrestlingfederation.com> be transferred to the complainant."

Mr. Francis Gurry, WIPO Assistant Director General and Director of the WIPO Arbitration and Mediation Center, welcomed the swift resolution of this first case. "The new procedure demonstrates the viability of a costeffective and efficient alternative
to court proceedings," he said.
"The nature of the WIPO dispute
settlement system lends itself to
the needs and requirements of
today's dynamic market-place.
The Internet holds immense
potential for people to do business
at any level and confidence in
electronic commerce hinges on
mutual respect of users' rights."

A steady stream of cases starts to arrive at WIPO

The WIPO Arbitration and Mediation Center has been receiving an average of two cases a day since the beginning of the year, bring the total number of disputes filed under the dispute settlement process to 66 by mid-February. This far exceeds the anticipated, initial filing rate for alternative dispute resolution.

The WIPO dispute settlement process

The WWF filed the case with the WIPO Arbitration and Mediation Center under the new Uniform Dispute Resolution Policy applicable to generic top-level domains (.com, .net and .org) adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999. This first complaint was filed on December 2, 1999, a day after the new system had taken effect.

The ICANN policy establishes a uniform and mandatory administrative dispute-resolution system to address cases of bad faith, abusive registrations, also known as "cybersquatting." Using this system, panels of one or three experts, appointed by the WIPO Arbitration and Mediation Center, will apply streamlined, quick and cost-effective procedures to review claims and eliminate cases of clear abuse of trademark holders' rights, leaving the more complex cases to the courts. The WIPO Center's Domain Name Dispute Resolution Service has been established specifically to administer domain name disputes with the availability of electronic case filing facilities and a well developed case administration system. It was the first dispute resolution service provider accredited to administer disputes brought under the ICANN Policy and provides global, multi-lingual dispute administration services. Cases filed with the WIPO Center are, normally, expected to be decided within 45 days.

WIPO marks 50,000th industrial design registration under the Hague system

The Swatch Group Ltd, one of the world's leading watchmakers, was recognized by WIPO for its extensive use of a system to protect designs in multiple countries on February 10, 2000. WIPO Director General Dr. Kamil Idris presented Mr. Nicolas G. Hayek, Swatch Chairman and Chief Executive Officer with a medal to mark the deposit by his company of the 50,000th industrial design under a treaty administered by WIPO.

"The 50,000th deposit of industrial designs under the 1960 Act of the Hague Agreement is a milestone in the history of international design protection. We are delighted that Mr. Hayek, Chairman of Swatch Group Ltd., the largest user of the system, is able to join us in marking this occasion," said Dr. Idris. "Swatch is a world trend-setter in the area of design and has successfully used the Hague system. The Swatch experience is an excellent example of the relevance of the Hague system to the private sector. The Hague system saves companies significant amounts of money. This translates into savings and better designed products for consumers, not to mention a more attractive environment".

Dr. Idris praised Swatch's success in demonstrating the power of innovation and originality, two of the driving forces in the intellectual property field. "These are the very forces that WIPO is seeking to unleash, especially in the developing world," Dr. Idris said.

Mr. Hayek said "Swatch stands for joy of life, positive provocation and creating new wealth for society. This is achieved by intelligent-



Presenting Mr. Nicolas Hayek, Swatch Chairman and Chief Executive Officer (right) with a medal to mark the deposit by his company of the 50,000th industrial design under the Hague system, Dr. Kamil Idris praised Swatch's success in demonstrating the power of innovation and originality, two of the driving forces in the intellectual property field.

ly pooling the creativity coming from a vast area of know-how. Creativity needs to be encouraged, protected and implemented."

Designs are a valuable intellectual property resource, often determining the success of one product over a comparable one. For example, it is the distinctive "look" of a watch that will prompt a consumer to choose one model over another. In view of this, companies invest large sums of money and expertise in the development of winning designs. The international protection offered under the Hague system is a means by which creators may protect themselves against unlawful imitation. This WIPOadministered treaty offers users a cost-effective and user-friendly means of obtaining protection for

an industrial design by filing a single application in any of the countries that have signed up to the system. Without the system, a designer would have to file separate applications in each of the countries in which protection is sought. This is because, as a general rule, industrial design protection is limited to the territory of the country where protection is sought and granted.

One of the main advantages of using the Hague system is that users are able to include up to as many as 100 designs in each international application, thereby keeping the average cost of protection per design low.

The number of international applications for industrial design pro-

The advantages of industrial design protection

- The owner is able to prevent unauthorized copying or imitation of his or her design by third parties. In addition, as industrial designs add investment is obtained.
- Protection of industrial designs encourages fair competition and honest trade practices. It leads to the production of more aesthetically
- Industrial design protection acts as a spur to a country's economic

Costs of protection

- As industrial designs can be relatively simple and inexpensive to
- Under the Hague system, the average cost per design per country in which protection is sought is 37 Swiss Francs for five years of protection. On average 4.8 designs are included in each international protection under the Hague system is 4.5 Swiss Francs per year.

What is an industrial design?

An industrial design is the ornamental or aesthetic aspect of an article, in other words, that part which makes the article attractive and appealing. It may consist of three-dimensional features, such as the shape or surface of an article or twodimensional features, such as patterns, lines or colors. These features add to an article's commercial value and increase its marketability. An industrial design is primarily of an aesthetic, visual nature, and does not relate to technical features of an article.

Industrial designs are applied to a wide variety of industrial and handicraft products: from technical and medical instruments to watches and jewelry; from household goods and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods. Such protection can be of benefit to designers in both developing and developed countries.



Processing the 50,000th deposit of an industrial design by Swatch at the WIPO International Industrial Design Registry, (from the left) Mrs. Doris Hanberk, Senior Examiner, Mr. Grégoire Bisson, Head, and Mr. Farid Montasser, Examiner.

PCT automation project - IMPACT - gathers momentum

tection has increased progressively in recent years. The ten largest users of the Hague system are the Swatch Group, Unilever, Sony, Hermès, Philips Electronics, Moulinex, Siemens, Interior's, Fiat, Braun.

The value of intellectual property rights to a company such as Swatch is also reflected in its use of the other international registration systems administered by WIPO, including the Madrid system for the international registration of marks. Since 1981, the Swatch Group has registered some 39 marks under the Madrid system, which allows a user to obtain protection in up to 64 countries.

Using the Hague system

The Agreement

The Hague Agreement Concerning the International Deposit of Industrial Designs was concluded in 1925. This Agreement has been revised and complemented on a number of occasions since then. The latest revision was adopted at a Diplomatic Conference in June 1999 which resulted in the conclusion of the Geneva Act of the Hague Agreement. This new Act introduced features that will make the system more acceptable to countries which have so far remained outside the system.

A 40-million Swiss Franc project to fully automate the operations of the Patent Cooperation Treaty (PCT) went into full swing in January following the signing of a major contract between WIPO and a consortium of companies.

The project, known by the acronym IMPACT (Information Management for the Patent Cooperation Treaty), is one of the top priorities of WIPO Director General, Dr. Kamil Idris. "We are keen to take full advantage of the opportunities offered by information technology in supporting the Organization's international registration services," Dr. Idris said. "The IMPACT project is the largest single information technology project ever undertaken by WIPO and its success is of the highest priority for this Organization."

The main objectives of the IMPACT Project include:

- to offer further improved services to PCT applicants;
- to prepare the ground for future fee reductions by lowering PCT operating costs;
- to streamline work procedures and establish a more efficient and cost effective operation for the administration of the PCT through the implementation of an automated information and document management system;
- to create and make available to PCT applicants and national offices electronic filing software;
- to improve services for national and regional offices and to establish generalized solutions for electronic data exchange between the office of the PCT and the national and regional offices as well as the PCT International Searching and Preliminary Examining Authorities, including electronic publishing and the dissemination of PCT information.

The overall project is expected to be completed in 3 to 4 years, with the first components of the new system being delivered towards the end of this year.

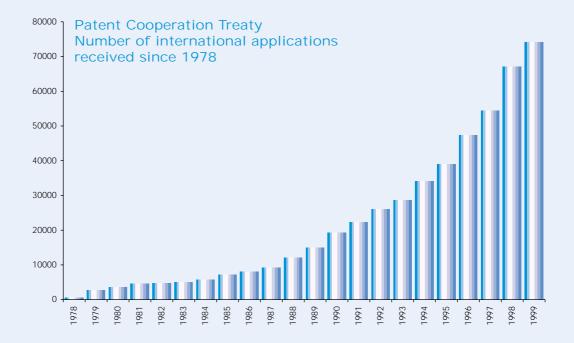
The rapid expansion of the PCT system - the number of international applications has grown from 2,625 in 1979 to over 70,000 in 1999 - shows the importance of this treaty to the intellectual property community, Dr. Idris pointed out. Automation of the PCT, which implements the concept of a single international patent application that is valid in any of the 106 contracting states, would mean lower costs for applicants who will also benefit from more efficient services. Since international applications contain valuable technical information, the public also stands to gain from this transformation by being able to access more PCT information in electronic and searchable form.

The first part of the contract to develop a comprehensive computer system for managing and administering PCT activities was awarded to a consortium of three companies under the leadership of Xerox Professional Services (XPS) U.K. The other members of the consortium are Cap Gemini (France) and Hewlett Packard (Switzerland). The award of contract for a systems developer resulted from an extensive international tendering process which attracted a total of 35 bids from throughout the world. A rigorous evaluation process, involving faceto-face meetings with five shortlisted bidders and an assessment based on over a thousand different criteria, was designed to ensure that the winner will supply the best value-for-money solution to meet the business requirements of

the PCT. The evaluation process involved input from six offices of the PCT, representing the different regions of the world.

Experts from the consortium and a core WIPO team of information technology specialists, responsible for the management and delivery of the system, began work on the analysis and design component of the project in January. The award of the second part of the contract implementation phase - will hinge on the successful completion of system benchmarking tests to determine the viability of the design. These tests, which will be jointly undertaken by WIPO and the consortium during the first half of this year, will ensure that the proposed technical solution meets the functionality and performance requirements stipulated by WIPO.

Management of the project will remain in the hands of WIPO. The initial approach had been to outsource the entire project to a systems integrator. However, following further analysis and advice from certain member States which had undertaken similar large scale projects, especially in the area of document imaging, the Organization decided to move the responsibility and management of the project inhouse. Heavy involvement of PCT operational staff is critical to the success of the project. Key PCT staff have already been moved permanently into the project team and priority has been placed on activities such as training, change management and maintaining good internal communications throughout the project.



WIPONET charts course for IP information exchange in the digital age

Globalization and the remarkable pace and nature of technological development in recent years has propelled intellectual property issues to the forefront of policy making considerations. Economic trends indicate that a nation's socio-economic well-being and its ability to generate wealth and protect its culture depends increasingly on its access to and use of the intellectual property system. Whilst not a panacea for the many complex problems confronting policy-makers in meeting the development challenge, the intellectual property system is a strategic policy instrument that enables countries and individuals to harness their creative and innovative potential and to promote economic development and social well-being.

The digital era, characterized by the rapid development of information technologies, has revolutionized business processes.

Information technologies are today the driving force of communications and business operations. Recognizing the strategic importance of information technologies to enhance and further improve its services to the world at large, WIPO has launched a major project to develop and establish a global information network. WIPONET is a state-of-the-art project designed to ensure that the Organization is able to respond to the remarkable growth of electronic commerce and increased demand for electronic data exchange services. In linking the operations of the world's intellectual property offices, it will ensure that all WIPO member States are able to take full advantage of WIPO's intellectual property infor-

mation services. A key feature of the network will be its ability to provide for secure end-to-end transmission of confidential intellectual property data. This attribute will generate significant efficiency gains for users of WIPO's international registration services while at the same time allowing access to member States' intellectual property information. This flagship project will promote international cooperation by facilitating the digital exchange of intellectual property information. It will facilitate access to intellectual property data, and will also serve as a platform to establish new services and to further streamline and automate the basic business functions of intellectual property offices worldwide.

Implementation and deployment

This project is of particular relevance to developing countries. WIPONET's mission includes the electronic integration of developing countries in the international intellectual property system. In order to empower developing countries to better reap the benefits of the global IP information resources, WIPONET includes an initiative to equip selected offices with Internet connectivity and basic equipment that will be implemented on a "roll out" basis to commence in the second quarter of 2000. While selected offices with no Internet connectivity will benefit from this aspect of the WIPONET project, all offices already connected to the Internet will be able to take advantage of central WIPONET services.

WIPONET is designed to provide a platform on which WIPO and its



Photo: W. Cody/Corbis

member States may build and run current and future intellectual property processes and applications. It will, therefore, enable delivery of a growing number of new and established intellectual property services directly to member States and will also serve as a vehicle for the dissemination of published intellectual property information to interested communities such as the public, universities, research and development institutions and copyright users.

Benefits

Implementation of this groundbreaking project promises to generate multiple benefits. First, it will serve to narrow the information gap that exists between the developed countries and developing countries. Global benefits include cost savings and efficiency gains in moving from paper to electronic exchange of intellectual property data.

Second, by improving the flow of information on intellectual property rights between WIPO member States and the WIPO Secretariat, the information network will facilitate the administration, use and future development of international intellectual property rights management systems.

Third, it will strengthen the collective efforts of member States to create high-quality, high-value information collections through the establishment of Intellectual Property Digital Libraries (IPDLs, see box below).

Fourth, WIPONET will also enhance communications and facilitate exchange of information between all stakeholders. In this way, the user community and the general public will be able to access and retrieve reliable intellectual property information across the globe in a timely and costeffective manner.

Fifth, WIPONET will serve to improve the efficiency with which application, grant and other industrial property-related registration activities are undertaken by intellectual property offices and the WIPO Secretariat.

Sixth, the electronic exchange of unpublished, confidential data using WIPONET services will significantly reduce the costs and resources consumed in established paper-based processes of producing, transmitting and receiving copies of documents associated with submission of international applications under the Patent Cooperation Treaty (PCT).

WIPONET presents significant opportunities to promote the use, protection of and trade in intellectual property rights across the globe. It represents an opportunity for WIPO and its member States to capitalize on the rapid and wideranging technological developments to establish an environment that will promote better understanding of the importance, value and utility of a robust international intellectual property system and its contribution to social well-being and economic development.

IPDL

The WIPO Intellectual Property Digital Libraries (IPDL) Program was launched back in 1997. IPDLs are electronic equivalents to paper collections of intellectual property records. IPDLs are server-based collections of intellectual property information resources (i.e. databases of patent information, classification tools, patent or trademark search tools, national laws, regulations and examination guidelines, training materials, etc.) The IPDL Program is a critical component of the overall WIPONET effort.

WIPONET provision

WIPONET services fall into two main categories, namely:

Basic information services

■ Basic information services include e-mail, data exchange for routine and confidential data, mailing lists, centralized web hosting and publication, helpdesk and, for selected member States, Internet connectivity and basic equipment.

Intellectual property services

- Access to intellectual property digital libraries (IPDLs) via WIPONET
- Communications related to the grant and registration processes associated with WIPO's global registration services, in particular in relation to the PCT and the Madrid System for the Registration of Trademarks. Electronic transmission of such communications will significantly reduce the costs and time involved in processing these requests.
- Global access to online distance learning programs prepared by the WIPO Worldwide.
- Remote participation in WIPO meetings, including participation in meeting report approvals.
- Participation in online surveys for information gathering.

Copyright

Tackling the global management of information



Photo: Digital Art/Corbis

During a two-day meeting on December 8-9 the Advisory Committee on Copyright Management considered the role WIPO could play in the management of copyright in global information networks. The Committee acknowledged that there remains much work to be done in establishing the legal and technical means of protecting copyrighted works such as articles, music, film, images etc. when distributed via the Internet.

At present, there is no global forum that gathers together expertise in this area and simply keeping up with the pace of change in the general field of e-commerce is challenging. Information is picked up and held in a piecemeal fashion and so it is hard to tell why particular problems arise in the first place and whether they are being affected by market forces or different national policies. Furthermore, it is impossible to say what copyright material is being traded over the Internet and consequently what the rules of such trade are.

The Committee agreed that without an international forum to air and consider what is happening on a national and regional level no real progress can be made on the protection of copyright material sold over the Internet. WIPO was encouraged to use its expertize and resources to do much of the necessary groundwork to establish such a forum, and contribute towards establishing the legal and technical means for distributing copyright material over the Internet

The Committee then went on to consider how WIPO might improve access by creators and users of copyright material in WIPO member States.

Whilst there are many individual initiatives under way to create national/regional copyright clearance centers to make artists' work, previously only known and used in their country of origin, available via the Internet, this is not worldwide and there is no single Internet access point for such centers, nor links between them all. Therefore it remains difficult for a potential user to track down a rightsholder or copyright material and thus while access to such material may have been improved, there is still much work to be done to optimize and improve access to this valuable creativity. The Committee considered that the present situation could be vastly improved by a global rights information and licensing network that could supply the technology and network structure to allow access to works from throughout the world from any computer connected to the Internet

WIPO workshop tackles online service provider liability for copyright infringement in cyberspace

A panel of international experts and participants gathered at WIPO headquarters from December 9-10 to discuss one of the most controversial issues to emerge from cyberspace: in what circumstances should online service providers be liable for infringing material on their servers?

The workshop examined the current and future status of the issue around the world. It considered three studies, specially commissioned by WIPO for this event:

- Online Service Provider
 Liability for Copyright
 Infringement, by Professor Bernt
 Hugenholtz and Mr. Kamiel
 Koelman, Institute for Information
 Law, University of Amsterdam
- A Look Back at the Notice
 Takedown Provisions of the U.S.
 Digital Millennium Copyright Act
 One Year after Enactment, by Mr.
 Batur Oktay, Adobe Systems
 Incorporated, Seattle, Washington and Mr. Greg Wrenn, Yahoo! Inc.,
 Santa Clara, California
- Notice and Take-down
 Agreements in Practice in
 Europe-Views from the Internet
 Service Provider and
 Telecommunications Industries
 and the Recording Industry, by Dr.
 Nils Bortloff, Legal Advisor,
 International Federation of the
 Phonographic Industry (IFPI),
 London and Ms. Janet Henderson,
 Rights Strategy Manager, BT
 Internet and Multimedia Services,
 London

The first study, presented by Professor Hugenholtz, provided a detailed and thoughtful comparative analysis of different legal approaches for dealing with the issue, focusing on the U.S. Digital Millennium Copyright Act and the proposed European Directive on Electronic Commerce.

The two other studies provided extensive factual information, not previously gathered and presented publicly, as to how service providers and copyright owners are handling the preparation of and responses to notifications of infringement on the Internet, and compared the situation in a jurisdiction with a legislative framework for such notices and takedowns (the United States) to that in a jurisdiction where parties have been relegated to private agreements (the European Union).

The session concluded with a panel presentation on a range of opinions about the future of the issue on an international level—whether international harmonization is advisable, why or why not, and if so, when, where and how it should proceed.

The workshop generated extensive discussions, and while no recommendations or formal conclusions were adopted, certain common views did emerge:

- problem and should be a matter of high priority
- workable solutions are needed that allow all interests to do business efficiently online
- certain acts by service providers should not lead to liability for monetary damages in defined circumstances
- standardized procedures for

notice and takedown are useful

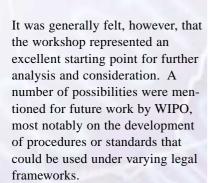
 international compatibility is desirable.

There were also areas of disagreement among participants including:

- whether the liability issue should be dealt with horizontally or as an intellectual propertyspecific issue
- what should be the exact scope of the acts covered by any limitation on liability
- whether notice-takedown procedures should be established as a matter of law or through more informal mechanisms or private agreements
- the advisability of working toward an international instrument



Photo: D. Boone/Corbis



Focus on inventors from developing countries

Sri Lankan inventor develops Coirpack to meet developed countries' demand for environmentally friendly packaging material

Seeing the effective protection a fibrous husk offered the brittle shell of a coconut sent Mr. Nandadasa Narayana, a Sri Lankan automotive engineer, manufacturer and inventor off researching and developing a biodegradable, versatile, packaging system. Much of his work testing biodegradable products to use in this process was carried out in Mr. Nandadasa's own laboratory that he set up in a tin shed. Eight years and many trials later, he patented the process of transforming this waste product of the coconut processing industry into a useful packaging material and environmentally friendly substitute for expanded polystyrene.



Mr. Nandadasa Narayana and his 1996 Gold Cup Award from the International Federation of Inventors Association, one of the many awards he has won for his process for making Coirpack, a recyclable packaging material.

Coirpack - green packaging

Unlike many packaging materials such as bubble wrap, molded plastic, and expanded polystyrene, Coirpack uses an agricultural waste product, cocodust, found in many tropical countries, as its principal component. As with other forms of packaging this can then be molded into various forms or used as padding. In addition, Coirpack absorbs up to eight times its own weight, making it versatile for transporting liquids. Once its role as a packaging material is over it is fully biodegradable and can be readily composted to enrich the soil.

Recognition

Such innovative work attracted the attention of industry and the inventing community and Mr.

Nandadasa received a host of national and international awards for this invention including:

Selected for Expo 2000 from 6000 entries as one of the "World Green Projects"
International Federation of Inventors Association, President's Gold Cup, 1996
Winner of two World Stars from the World Packaging Organization, 1991

An uphill struggle

The Coirpack process has already received numerous requests for franchises and production licenses in some 35 countries. To date, the process has been patented in 30 countries. In order to set up the first plant to produce Coirpack, Mr. Nandadasa had to overcome significant financial difficulties. The Sri Lankan banking system was reluctant to invest in the enterprise despite recognition of the importance of the invention by the Government. Mr. Nandadasa found himself in a frustrating situ-

Director General appoints Mr. Nicolas G. Hayek to IAC

ation. Potentially his product had a large market in the United States and Europe, where there is great demand for economical, recyclable packaging materials, but he had an uphill struggle to find financial backing to open a plant in a third world country with no innovation support.

Indeed, it was only with a grant from the Sri Lankan Government that the research and development necessary for demonstrating the manufacturing technique in the United States was completed in 1998. An ultra-modern factory building has been leased in the Seethawaka Industrial Park, set up with funding from the Ministry of Industrial Development of Sri Lanka with the assistance of the Government of Japan through the Overseas Economic Cooperation Fund (OECF). This industrial park was developed to cater for environmentally sustainable industries in particular.

WIPO Director General Dr. Kamil Idris, appointed Mr. Nicolas G. Hayek, Chairman and Chief Executive Officer of the Swatch Group Ltd, to the WIPO Industry Advisory Commission (IAC) on February 10. Mr. Hayek, a national of Switzerland, joins an international group of business leaders on the IAC, which advises the Director General on intellectual property questions of specific interest to industry.

Dr. Idris said Mr. Hayek's extensive experience in innovation and setting trends would be an asset to the work of the IAC. "The success of Swatch demonstrates the power of innovation and originality, two of the driving forces the intellectual property field," Dr. Idris said. "Mr. Hayek's wealth of experience in business and his appreciation of the social, cultural and economic value of intellectual property assets will be an asset to the work of the Industry Advisory Commission," Dr. Idris said.

Mr. Hayek's pioneering role in the modern watch industry and his



Presenting Mr. Nicolas Hayek, Swatch Chairman and Chief Executive Officer (right) with a medal to mark the deposit by his company of the 50,000th industrial design under the Hague system, Dr. Kamil Idris praised Swatch's success in demonstrating the power of innovation and originality, two of the driving forces in the intellectual property field.

astute sense of business and consumer markets will add to the strength of the IAC. The Swatch Group is one of the world's largest watch manufacturers, having produced over 100 million watches in 1999. The company owns several leading brands, including Blancpain, Breguet, Omega, Longines, Tissot, Rado, and Flik Flak.

The Industry Advisory Commission

The establishment of the IAC in 1998 marked the beginning of a new partnership between WIPO and the private sector. The Commission, which brings together in bi-annual meetings some 20 high-level representatives of industry, is of crucial importance to WIPO in view of the fact that industry benefits most directly from intellectual property protection. In addition, the challenges that industry faces due to globalization and rapid developments in technology directly affect and are affected by intellectual property. The IAC, a purely advisory body to the Director General, provides a forum for industry leaders to exchange views with WIPO.

In appointing members to the IAC, Dr. Idris has sought to ensure a balance in geographical distribution, as well as diversity in professional and academic backgrounds.

Cooperation for development

New issues in the collective management of copyright in visual creations considered in Mexico

The diversity of visual creations ranging from religious icons to multimedia shows on the Internet coupled with the rapid expansion of the means of disseminating such works pose numerous challenges for the collective management of copyright.

A WIPO regional seminar to exchange ideas on how to deal with these problems was organized from January 26-28, 2000 in Mexico City for some fifty participants including heads of ministries of culture, copyright offices and other government agencies in the region. The National Institute of Copyright, Mexico and the Foundation for Art and Law, Spain worked closely with WIPO in the organization of the seminar. This was the first ever WIPO seminar to consider this subject and participants received a host of wellinformed, up-to-date presentations from international experts from the region, the United States, France and Spain. The discussions during the seminar included:

- the international marketability of visual creations that include items of national culture
- the role of IP in the commercialization of visual creations
- the management of IPRs in items of national culture
- the effect that these issues have on a country's economic, social, and cultural development.

To further a full discussion of the situation in the region, participants presented their own countries' approach to dealing with these issues. This was followed by focused presentations on the region that compared national approaches to:



Mr. Alfonso De María y Campos, Director General of Publications, National Council of Culture and the Arts, Mexico together with co-organizers, Mr. Crisóforo Peralta Cásares, Director General of the National Institute of Copyright, Mexico, Mr. Ernesto Rubio, Director, Bureau for Latin American and the Caribbean, WIPO, Mr. Javier Gutiérrez Vicén, Director, Foundation for Art and Law, Spain and Mrs. Rosina Piñeyro, Program Officer, Bureau for Latin American and the Caribbean.

- the legal definition of a "visual creation"
- legislation addressing IPRs in such visual creations
- economic return from goods and services linked with/containing visual creations

The issues covered in the ensuing discussions were frequently complex and brought together IP law, cultural heritage, art, and economic considerations. The seminar concluded that a significant amount of work needs to be done to establish a legislative framework that clearly addresses copyright in visual creations. In addition, participants suggested that:

this coordinated effort initiated at the seminar involving regional and international organizations ensured a good communication of ideas and should be continued

- artists in individual countries of Latin America should be made aware of their IP rights
- efforts to create artists associations should be supported
- collecting societies in individual countries should be supported
- importance should be given to staff training in keeping up-todate with IP protection
- studies on the economic returns of visual creations should be carried out.

Participants came from
Argentina, Bolivia, Brazil,
Colombia, Costa Rica, Cuba,
Dominican Republic, Ecuador,
Guatemala, Mexico, Nicaragua,
Panama, Paraguay, Peru,
Uruguay, and Venezuela.

Workshop tackles performers' rights in Africa

The number of practical difficulties that must be overcome to effectively protect performers' rights was the focus of a WIPO workshop for English-speaking African countries that took place from January 12-14 in Accra, Ghana.

The workshop was organized in cooperation with the Association of European Performers' Organizations (AEPO) and the Government of Ghana.

The workshop opened with a discussion of where the individual performer may exercise some control over his intellectual property rights in any production. These included issues of labor law, individual contract negotiation and collective agreements.

Consideration then moved to international protection and the provisions in the:

- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961)
- Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994)
- WIPO Performances and Phonograms Treaty (WPPT) (1996)

During the debate that followed, participants emphasized their needs for an adequate infrastructure to be set up now to help performers keep pace with the digital age. They recommended that to speed up the process of creating a good network to cover all African performers, support should be provided to extend the role of the established authors' collecting societies. In this way, experience already gathered by collecting

societies in the region would be reinforced leaving available resources to be used for the establishment of new collective management organizations where needed.

Invited experts from performing organizations, the International Federation of Musicians (FIM), the Dutch performers' rights organization (SENA), and notably coorganizer AEPO were most helpful both with advice on how to reinforce the available infrastructure and with practical guidelines on monitoring performers' rights.

Participants also highlighted the special needs of performers in African developing countries where authors and composers of musical works are frequently also performers.

Opening the workshop, H.E. Mr. John Mahama, Minister of Communications, Ghana, (speaking) together with (from the left) Mr. Bernard Bosumprah, Acting Copyright Administrator, Copyright Office, Ghana, Mr. Hans Lindström, President, AEPO, Mr. Ebo Hawkson, Vice-Chairman, Commission on Culture, Ghana (and from the right) Mr. Alhaji Sidiku B'Malik, President, Music Association of Ghana (MUSIGA), Ghana, and Mr. Patrick Masouyé, Senior Counsellor, Copyright Collective Management Division, WIPO.



Exploring the market value of geographical indications in Africa

The role of geographical indications as a means of distinguishing authentic products from imitations was one of the issues considered during a four-day subregional seminar for French-speaking African countries. The seminar took place from January 25 to 28 in Conakry, Guinea and was organized by WIPO with the cooperation of the Government of Guinea.

A geographical indication is an effective marketing tool in that it helps to preserve the authentic character of goods. It also helps prevent copying by those who find it more convenient to trade on the reputation of others rather than

build up their own. Countries which have set up protection systems for geographical indications have come to realize the added value a geographical name gives to a prestigious product, for example, Cuban cigars, French wine and Swiss watches, and that a specific system of protection can effectively stop others exploiting the goodwill that such names have built up. The system of protected appellations of origin and geographical indications has become a valuable indicator of the quality and reputation of a country's producers and a sign of excellence, which can be promoted.



Participants attending the seminar came from Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Guinea Bissau, Madagascar, Mali, Mauritania, Niger, Rwanda, Senegal and Togo.

WIPO workshops in Tunisia focus on enforcement

From February 7-11, WIPO, in cooperation with the Government of Tunisia, organized a series of one-day workshops on the enforce-

ment of intellectual property rights in accordance with the TRIPS Agreement (Trade-Related Aspects of Intellectual Property Rights) for



From 7-11 February WIPO in cooperation with the Government of Tunisia held four workshops on the enforcement of intellectual property rights for customs officials in Tunisia.

customs officials. A full program had been prepared for the participants and commenced with an overview of customs procedures in Tunisia and the role of the National Institute for Standardization and Industrial Property (INORPI) in the fight against counterfeit goods.

The workshop then moved on to consider the problem of counterfeit goods from a more international perspective with presentations from experts from France on:

- the role of customs in preventing the transit of counterfeit goods
- French legislation aimed at combating counterfeiting
- the power of seizure at customs posts and the need for cooperation between rightsholders and customs officials
- the French National Committee Against Counterfeiting and its

role in improving cooperation between the public and private sectors in the fight against piracy.

The workshops concluded with a roundtable on the present legislation in Tunisia and the measures available to detect and seize counterfeit goods.

Tunis, February 7, 2000 Bizerte, February 8, 2000 Sousse, February 10, 2000 Sfax, February 11, 2000

Maghreb representatives visit WIPO for an insight into the Organization's work

A group of parliamentarians from two of the Maghreb countries visited WIPO headquarters from 1-4 February for a series of in-depth briefings on the work of the Organization in promoting the protection of intellectual property. The Moroccan delegation was led by Mr. Ahmed El Alami, President of the Education and Cultural and Social Affairs Commission and the Tunisian delegation by Mr. Tizani Haddad President of the Commission for Education, Culture, Information and Youth. During their visit they explored the traditional areas of WIPO activities including:

- Norm-setting activities in the progressive development of intellectual property law
- WIPO's Cooperation for **Development Program**



Photo: Mercedes Martínez Dozai



The parliamentarians also met with WIPO Director General Dr. Kamil Idris who highlighted the need for countries like Tunisia and Morocco to invest in their intellectual property systems.

■ WIPO's growing international registration systems, the Patent Cooperation Treaty, the Madrid System and the Hague.

They also received a thorough briefing on WIPO's new areas of work including:

- WIPONET the computer network that will link IP offices of WIPO member States around the world
- WIPO Academy and the increased learning opportunities

- offered via the Internet and the system of supported distance learning
- Electronic commerce and WIPO's efforts to create an international forum to address and swiftly resolve IP issues related to this fast growing area.

The parliamentarians also met with WIPO Director General Dr. Kamil Idris who highlighted the need for countries like Tunisia and Morocco to invest in their intellectual property systems.

Surge in treaty adherence shows growing importance of intellectual property

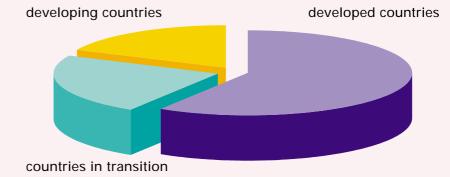
The growing importance of intellectual property today is witnessed in the increased number of adherence by countries to international intellectual property treaties. In 1999, 68 instruments of accession to or ratification of treaties administered by WIPO were deposited with Dr. Kamil Idris, Director General of WIPO. WIPO administers 21 treaties in the field of intellectual property, out of which 15 are in the field of industrial property and 6 are in the field of copyright.

"The growing number of States that are joining international treaties in the area of intellectual property reflects the increased recognition of the importance of intellectual property rights in an era of rapid globalization and digi-

talization," said Dr. Kamil Idris.
"We live in a time where the
wealth of nations is increasingly
defined by their access to and use
of knowledge and intellectual
property protection is crucial in
this process," he added.

Dr. Idris welcomed the greater number of developing countries that are joining international intellectual property treaties. In 1999, 59 percent of the accessions or ratifications came from developing countries. Countries in transition to a market economy accounted for 23 percent, and 18 percent came from developed countries.

Accessions to WIPO-administered treaties in 1999



"Internet treaties"

The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), known as the WIPO "Internet Treaties," contain a general update of the legal principles underpinning international protection of copyright and the rights of performers and phonogram producers in the digital age. In addition, they clarify that national law must prevent unauthorized access to and use of creative works which, given the global reach of the Internet, can often be downloaded anywhere in the world at the push of a button. The WIPO "Internet Treaties" were adopted in December 1996.

These treaties will come into force after instruments of ratification or accession by 30 States have been deposited with the Director General of WIPO.

WCT

In 1999, six countries (Argentina, Burkina Faso, Panama, Saint Lucia, Slovenia and the United States of America) adhered to the WCT, bringing the total number of contracting parties on December 31, 1999, to 12.

WPPT

In 1999, seven countries (Argentina, Burkina Faso, Mexico, Panama, Saint Lucia, Slovenia and the United States of America) adhered to the WPPT, bringing the total number of contracting parties on December 31, 1999, to 11.

New members of WIPO-administered treaties in the field of industrial property

Paris Convention

In 1999, six countries (Antigua and Barbuda, Dominica, Ecuador, Jamaica, Oman and Papua New Guinea) adhered to the Paris Convention for the Protection of Industrial Property concluded in 1883. The Paris Convention is one of the pillars of the international intellectual property system as we know it today. It applies to industrial property in the widest sense, including inventions, marks, industrial designs, utility models, trade names, geographical indications and the repression of unfair competition.

The total number of contracting parties on December 31, 1999, was 157, compared to 78 in 1970 and 100 in 1990.

Patent Cooperation Treaty (PCT)

An additional six countries (Algeria, Antigua and Barbuda, Costa Rica, Dominica, Morocco and the United Republic of Tanzania) adhered to the Patent Cooperation Treaty in 1999. The PCT, which was concluded in 1970, makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application. Such an application may be filed by anyone who is a national or resident of a contracting State. The PCT regulates the formal requirements with which any international application must comply. Since its conclusion, the PCT has enjoyed remarkable expansion.

The total number of contracting parties on December 31, 1999, was 106, compared to 15 in 1978 and 43 in 1990.

Madrid Agreement and Protocol

The Madrid system for the international registration of marks (the Madrid system) is governed by two treaties: the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

The Madrid Agreement, concluded in 1891, makes it possible to protect a mark in a large number of countries by providing one international registration which has effect in each of the contracting parties that have been designated in the international application. The total number of contracting parties to the Madrid Agreement on December 31, 1999, was 51, compared to 21 in 1970 and 29 in 1990.

In 1999, seven countries (Antigua and Barbuda, Austria, Japan, Latvia, Morocco, Sierra Leone and Turkmenistan) adhered to the Madrid Protocol, bringing the total number of contracting parties on December 31, 1999, to 43, compared to nine in 1996 and 34 in 1998.

The Madrid Protocol was concluded in 1989 in order to introduce certain new features into the Madrid system. These features address the difficulties that prevent certain countries from adhering to the Madrid Agreement by rendering the system more flexible and more compatible with the domestic legislation of contracting parties.

The total number of contracting parties to the Madrid Agreement and/or the Madrid Protocol on December 31, 1999, was 64.

Trademark Law Treaty (TLT)

In 1999, three countries (Egypt, Ireland and Latvia) adhered to the Trademark Law Treaty. The TLT, concluded in 1994, aims to make national and regional trademark registration systems more user-friendly through the simplification and harmonization of procedures.

The total number of contracting parties on December 31, 1999, was 25, compared to 7 in 1997 and 21 in 1998.

Nice Agreement

In 1999, two countries (the United Republic of Tanzania and Uruguay) adhered to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. The Agreement, concluded in 1957, establishes a classification of goods and services for the purposes of registering trademarks and service marks. The Classification consists of a list of classes (based on types of products and services), of which there are 34 for goods and 8 for services, and an alphabetical list of the goods and services.

The total number of contracting parties on December 31, 1999, was 60, compared to 25 in 1970 and 34 in 1990.

Locarno Agreement

In 1999, two countries (Greece and Uruguay) adhered to the Locarno Agreement Establishing an International Classification for Industrial Designs. The Agreement, concluded in 1968, establishes a classification for industrial designs which consists of 32 classes and 223 subclasses based on different types of products. It also comprises an alphabetical list of goods with an indication of the classes and subclasses into which these goods fall. The list contains some 6,320 indications of different kinds of goods.

The total number of contracting parties on December 31, 1999, was 37, compared to 7 in 1972 and 15 in 1990.

Strasbourg Agreement (IPC)

In 1999, two countries (Croatia and Uruguay) adhered to the Strasbourg Agreement Concerning the International Patent Classification, concluded in 1971. The Strasbourg Agreement establishes the International Patent Classification (IPC), which divides technology into 8 sections with approximately 67,000 subdivisions. Each of these subdivisions has a symbol which is allotted by the national or regional industrial property office that publishes the patent document.

The total number of contracting parties on December 31, 1999, was 45, compared to 20 in 1976 and 27 in 1990.

Vienna Agreement

In 1999, two countries (Austria and Uruguay) adhered to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks. This Agreement, concluded in 1973, establishes a classification system for marks which consist of or contain figurative elements. The classification comprises 29 categories, 144 divisions and some 1,600 sections in which the figurative elements of marks are classified.

The total number of contracting parties on December 31, 1999, was 15, compared to 5 in 1986 and in 1990.

Budapest Treaty

In 1999, two countries (Ireland and Romania) adhered to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. The main feature of the Budapest Treaty, concluded in 1977, is that a contracting State which allows or requires the deposit of microorganisms for the purposes of patent procedure must recognize, for such purposes, the deposit of a microorganism with any "international depositary authority," irrespective of whether such authority is on or outside the territory of the said State. This eliminates the need to deposit in each country in which protection is sought.

The total number of contracting parties on December 31, 1999, was 48, compared to 8 in 1981 and 24 in 1990.

Hague Agreement

In 1999, Morocco adhered to the Hague Act (1960) and the Stockholm (Complementary) Act (1967) of the Hague Agreement concerning the International Deposit of Industrial Designs. This Agreement, concluded in 1925, offers the possibility of obtaining protection for industrial designs in a number of States by means of a single deposit made with WIPO.

The total number of contracting parties on December 31, 1999, was 29, compared to 14 in 1970 and 20 in 1990.

Lisbon Agreement

In 1999, Yugoslavia adhered to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, concluded in 1958. The Agreement protects the "geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographic environment, including natural and human factors."

The total number of contracting parties on December 31, 1999, was 19, compared to 9 in 1970 and 16 in 1990.

New members of WIPO-administered treaties in the field of copyright

Berne Convention

In 1999, 11 countries (Antigua and Barbuda, Azerbaijan, Bangladesh, Belgium (Paris Act), Dominica, Jordan, Kazakhstan, Kyrgyzstan, Liechtenstein (Paris Act), Oman and Tajikistan) adhered to the Berne Convention for the Protection of Literary and Artistic Works, a main pillar of the international copyright protection system. Dating back to 1886, the Convention sets out and defines minimum standards of protection of the economic and moral rights of authors of literary and artistic works.

The number of contracting parties to the Berne Convention went from 59 in 1970 to 84 in 1990 and to 142 on December 31, 1999.

Rome Convention

In 1999, three countries (Latvia, Liechtenstein and Lithuania) adhered to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations. WIPO is responsible, jointly with the International Labor Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), for the administration of the Rome Convention, which was concluded in 1961.

The total number of contracting parties on December 31, 1999, was 63, compared to 11 in 1970 and 35 in 1990.

Geneva Convention (Phonograms)

In 1999, three countries (Liechtenstein, Lithuania and Ukraine) adhered to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms concluded in 1971. The Geneva Convention obliges each Contracting State to protect a producer of phonograms who is a national of another contracting State against the making of dupli-

cates without the consent of the producer, against the importation of such duplicates, where the making or importation is for the purposes of distribution to the public, and against the distribution of such duplicates to the public.

The total number of contracting parties on December 31, 1999, was 60, compared to 8 in 1974 and 43 in 1990.

Brussels Convention

In 1999, two countries (Costa Rica and Jamaica) adhered to the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite signed in 1974. The Convention provides for the prevention of unauthorized distribution on or from the territory of a contracting State of any programme-carrying signal transmitted by satellite.

The total number of contracting parties on December 31, 1999, was 24, compared to 5 in 1980.

WIPO Convention

In 1999, two countries (Antigua and Barbuda and Seychelles) adhered to the Convention Establishing the World Intellectual Property Organization which was signed at Stockholm on July 14, 1967, and entered into force in 1970.

The total number of member States of WIPO on December 31, 1999, was 173, compared to 13 in 1970 and 126 in 1990.



Calendar of meetings

March 13 to 17 (Geneva)

PCT (Patent Cooperation Treaty) Union Assembly (Twenty-eighth session)

The Assembly is expected to adopt amendments to the PCT Regulations relating to the draft Patent Law Treaty and to discuss implementation of electronic filing and processing of international applications.

Invitations: As members, the PCT Contracting States; as observers, the States party to the Paris Convention for the Protection of Industrial Property but not to the PCT, as well as certain intergovernmental and non-governmental organizations.

March 13 to 17 (Geneva)

Committee of Experts of the IPC Union (Twenty-ninth Session)

The Committee will discuss, among other issues, activities with respect to the ongoing reform of the International Patent Classifications.

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

March 22 to 24 (Geneva)

Working Group on Constitutional Reform (First session)

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

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

March 27 to 31 (Geneva)

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

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

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

April 11, 12 & 14 (Geneva)

Standing Committee on Copyright and Related Rights (Fourth session)

The Committee will continue its work based on the results of its third session (November 16 to 20, 1999). Invitations: As members, the States members of WIPO and/or of the Berne Union, and the European Community;

April 12 and 14 (Geneva)

Preparatory Committee for the WIPO Diplomatic Conference on Audiovisual Performances

as observers, other States and certain organizations.

The preparatory Committee will prepare recommendations to the WIPO General Assembly concerning the convening of a Diplomatic Conference on Audiovisual Performances, including dates, venue, invitations and rules of procedure. Invitations: As members, the States members of WIPO, as observers, other States.

April 13 and 14 (Geneva)

WIPO General Assembly (Eleventh Extraordinary session)

The General Assembly will review the recommendations of the Preparatory Committee for the WIPO Diplomatic Conference on Audiovisual Performances and decide on the convening of a Diplomatic Conference.

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

May 11 to June 2 (CICG, Geneva)

Diplomatic Conference on Proposed Patent Law Treaty

The Diplomatic Conference will consider the adoption of the Patent Law Treaty as well as Regulations thereunder.

IPO MAGAZINI

Invitations: As ordinary members, the States members of WIPO and the States party to the Paris Convention for the Protection of Industrial Property; as special members, the African Intellectual Property Organization, the African Regional Industrial Property Organization, the Eurasian Patent Organization and the European Patent Organisation; as observers, the States members of the United Nations but not of WIPO or the Paris Union, as well as certain intergovernmental and non-governmental organizations.

July 3 to 6 (Geneva)

Working Group on Constitutional Reform (Second session)

The Working Group will continue its work based on the results of its first session (March 22 to 24, 2000). Invitations: States members of WIPO and of the Paris and Berne Unions.

July 10 to 14 (Geneva)

Standing Committee on Information Technologies (SCIT) (Fifth Plenary session)

The Committee will discuss, among other issues, project management methodologies to be implemented by WIPO and planning mechanisms relating to the Information Technology Strategic Implementation Plan.

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

September 25 to October 3 (Geneva)

Assemblies of the Member States of WIPO (Thirtyfifth series of meetings)

Some of the assemblies will meet in extraordinary session, other bodies concerned in ordinary session.

Invitations: As members or observers (depending on the assembly), the States members of WIPO; as observers,

other States and certain organizations.

October 2 to 13 (Geneva)

Committee of Experts of the Nice Union (Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Eighteenth session)

The Committee of Experts will consider proposals for amendments and other changes to the seventh edition of the International Classification of Goods and Services (Nice Classification) in view of the entry into force of the Eighth edition on January 1, 2002.

Invitations: The States members of the Nice Union and, as observers, the States members of the Paris Union but not members of the Nice Union, the African Intellectual Property Organization, the Benelux Trademark Office and the Office for Harmonization in the Internal Market (Trade Marks and Designs).

Products

The following new products were issued by WIPO:

The Geneva Act (1999) of the Hague Agreement concerning the International Registration of Industrial Designs: Principal innovations. No. 453(S)



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