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Business in Cyberspace: Challenges for Arbitration

A gathering of leading dispute resolution service providers and arbitrators opened on November 6, 2000 in Geneva with an acknowledgement that the technological revolution has forced a change in the traditional approach to arbitration. The International Conference on Dispute Resolution in Electronic Commerce examined how electronic commerce has altered the way in which businesses and the legal profession function, as well as the associated risks and opportunities.

In the opening comments of the conference, WIPO Assistant Director General Francis Gurry said the demand for alternative dispute resolution is increasing greatly in response to the growing volume of transactions in the digital economy. Electronic commerce presents a series of challenges and opportunities for dispute resolution.

“The digital economy is introducing profound structural change in the provision of dispute resolution services,” said Mr. Gurry. He noted that traditional arbitration had a small number of providers, while today electronic commerce has spawned a significantly larger number of dispute resolution service providers, thereby giving users a wider choice and creating competition among the dispute resolution providers. Mr. Gurry welcomed the presence at the conference of representatives from other dispute resolution providers in the area of electronic commerce, namely: the American Arbitration Association, CPR Institute for Dispute Resolution, eResolution, the

International Chamber of Commerce, and Square Trade.

The conference’s keynote speaker, Mr. Yves Fortier, President of the London Court of International Arbitration – the world’s oldest arbitration institution – outlined the far-reaching consequences of the technological revolution and its implications for dispute resolution. “Whether the question is the protection of domain names, transactional security, the establishment and use of crypto-secured digital identities, or any other issue arising in the context of electronic commercial transactions, the need for efficient and effective dispute resolution cannot be overstated,” said Mr. Fortier.

While noting that the fundamental job of an arbitrator will not change as a result of expanding electronic commerce transactions,

he urged arbitrators to stay abreast of new technologies. “Of course, the arbitrator – if he or she is to remain an expert purveyor of a justice that is uniquely attuned to the interests of parties in a particular industry – will necessarily be required to learn new tricks. He or she must understand the changing environments within which new enterprises incubate, operate and compete.” Mr. Fortier added, “He or she will be required to adapt traditional notions regarding such concepts as ‘assets’ or ‘value’ to the intangible realm in which untold billions of dollars worth of business is transacted today.”

WIPO’s Arbitration and Mediation Center organized the conference in cooperation with the London Court of International Arbitration (LCIA), the Dispute Resolution Section of the American Bar Association (ABA),



the Singapore Subordinate Courts, and the Swiss Arbitration Association (ASA).

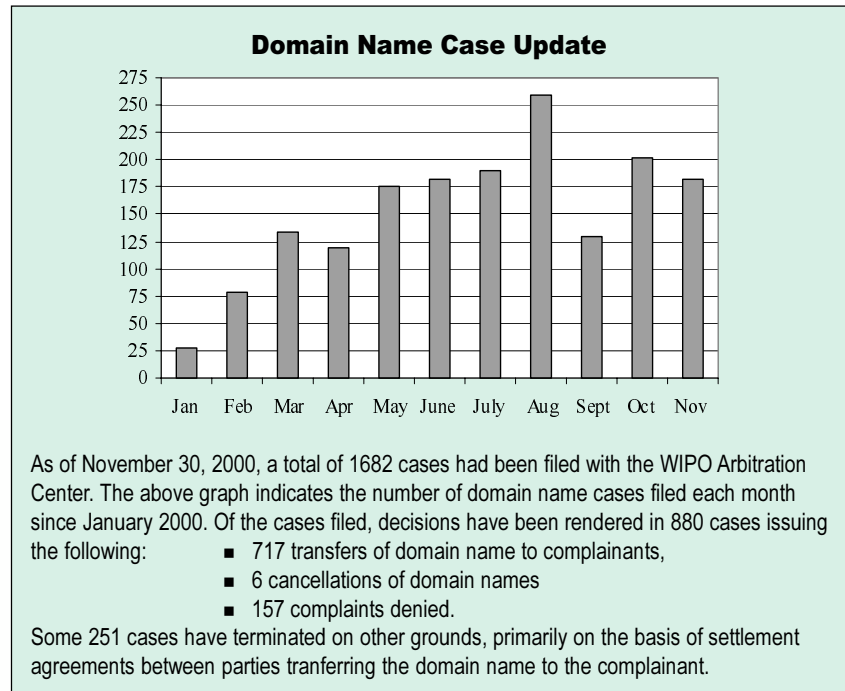
The conference provided an opportunity for the more than 250 participants mostly from the private sector, but also representatives of government, to look at changes in alternative dispute resolution, arbitration and mediation, brought about by the technological advances that have sparked the e-commerce revolution and which have had significant consequences for business and legal practitioners worldwide.

A series of workshops was also held to address the major challenges – legal, technical and technological – that have arisen in the field of alternative dispute resolution, and that are likely to arise in the future. The workshops focussed on specific issues, sectors of industry, and supporting technologies.

Meetings and Workshop

Members of the WIPO Domain Name Panel attended a meeting in Geneva on November 7 to discuss their involvement in the Center's Domain Name Dispute Resolution Service. The group numbered 50 panelists from 15 countries. The discussions focused on ways in which the Center and panelists could work together to maintain the efficient, fair and expeditious resolution of domain name disputes.

The annual meeting of the Center's Arbitration and Mediation Council followed the conference on November 8. Members were briefed on the Center's activities including the availability of Domain Name Dispute Resolution Services in both the generic top level (gTLDs) and country code top



level domains (ccTLDs), tailor-made dispute resolution services, conventional cases, and training programs.

The Center's week of activities culminated with a Workshop for Arbitrators held in Geneva on November 9 and 10. Fifty participants from 25 countries attended the workshop, the objective of which was to provide training on effective management of the international arbitration process. The

workshops faculty included: Marc Blessing, Bar & Karrer, Zurich, Switzerland; Martin Hunter, Essex Court Chambers, London, United Kingdom; David Plant, Attorney, New London, United States of America; Albert Jan van den Berg, Freshfields Bruckhaus Deringer, Amsterdam, Netherlands; and David Wagoner, International Arbitration Chambers, Seattle, United States of America.

Three of WIPO's domain name panelists, David H. Bernstein, David Plant and Anna Carabelli, signing a decision.



Photo: Mercedes Martinez Dozal

Visits

Director General at the European Commission

In meetings at the European Commission (EC) in Brussels, WIPO Director General Dr. Kamil Idris urged the 15-nation bloc to speed up ratification of the WIPO Internet Treaties – the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) – agreements that adapt the international system of copyright and related rights to the digital age. During a visit to EC headquarters on November 23, 2000, Dr. Idris held a series of constructive and wide-ranging talks with the President of the European Commission, Mr. Romano Prodi, and Commissioner Frits Bolkestein. The discussions reflected the positive spirit of collaboration between the EC and WIPO on intellectual property in the face of growing challenges posed by globalization, the rapidly changing digital economy, and cutting-edge technologies.

In a meeting with President Prodi, Dr. Idris outlined the increasingly important role of intellectual property in the knowledge-based and digital economies and renewed his commitment to the on-going campaign to demystify intellectual property. This campaign targets both policy makers and the general public. President Prodi welcomed WIPO's work in the area of progressive development of international law in intellectual property. He also underlined the need to pursue technical cooperation activities with developing countries.



Photo: European Commission

The European Parliament

In meetings with Mr. Bolkestein and Director General John Mogg of the Directorate General for Internal Market, European Commission, Dr. Idris stressed the significance of the Internet Treaties and the importance of ratification by the EC and its members of both of these agreements. The impact of the Internet and electronic commerce on the protection of intellectual property rights led to the conclusion in 1996 of the Internet Treaties. Both treaties will enter into force after ratification by 30 countries. As of December 1, 2000, 19 countries have ratified the WCT and 16 have ratified the WPPT.

The EC formally decided in March 2000 to adhere to the two Internet Treaties. The EC is actively working towards the adoption of the EC Directive by

the European Parliament, which is a pre-condition for the European Community and its member States to ratify the two treaties.

Dr. Idris also discussed the Diplomatic Conference on the Protection of Audiovisual Performances, which was being held in Geneva from December 7 to 20, 2000. He expressed his hope for the adoption of a new agreement to strengthen the position of performers by providing a clearer legal basis for the international use of audiovisual performances, both in traditional media and in digital networks.

Cost Reductions

Further talks focused on the challenge of reducing costs for the acquisition and enforcement of patent rights, and patent

Director General Meets with President of Nigeria

protection for emerging technologies such as biotechnology and information technology. As demands on the global patent system increase, so does the need for less expensive and less onerous procedures. The adoption of the WIPO Patent Law Treaty (PLT) in June 2000 was a necessary first step to simplify patent formalities. Another positive development was the decision in November 2000 by WIPO member States to begin discussions under WIPO auspices on harmonization of substantive patent laws. WIPO will also oversee talks towards simplification of the Patent Cooperation Treaty (PCT) procedures. The PCT facilitates the process of seeking patent protection in multiple countries. The contribution of the EC is crucial to both patent harmonization and the reduction of patenting costs for industry. The EC has launched similar regional initiatives and proposed a new system to allow for a European Community patent, which Commissioner Bolkestein announced in July 2000.

Additionally, Dr. Idris discussed a new WIPO initiative aimed at promoting use of the intellectual property system by small and medium-sized enterprises to enhance their competitiveness. The Director General expressed hope that the EC would support this new program. Discussions also touched on questions relating to the protection of traditional knowledge, genetic resources, and folklore.

Discussions also broached matters relating to the enforcement of intellectual property rights, including WIPO's Advisory committee on Enforcement of Industrial Property Rights. At the committee meeting (see page 8), member States, including the European Union, asked the WIPO secretariat to initiate a series of studies aimed at promoting more effective enforcement of industrial property rights all over the world. Dr. Idris welcomed fresh efforts by the EC to combat counterfeiting and piracy. Effective enforcement, Dr. Idris stressed, is essential to the success of ensuring respect for intellectual property rights.

The role and importance of the intellectual property system in promoting economic development and wealth creation was the focus of discussions between WIPO Director General Dr. Kamil Idris and Chief Olusegun Obasanjo, President of the Federal Republic of Nigeria on November 15, 2000 in Abuja.

In discussing WIPO's mandate to promote the protection of intellectual property worldwide, Dr. Idris emphasized the importance of effective regimes for the protection of copyright, trademarks, patents, industrial designs, and geographical indications. He highlighted the possible role of intellectual property protection in other areas, such as in the fields of traditional ►



An Aso-Oke weaver, dressed in ready woven Aso-Oke traditional wear of Nigeria.

knowledge, genetic resources, and folklore. In this respect, he informed the Nigerian leader of the establishment of the WIPO Intergovernmental Committee on Traditional Knowledge, Genetic Resources, and Folklore. This committee, which is to meet for the first time in the spring of 2001, will look into a number of intellectual property-related issues in each of these three important areas.

Dr. Idris also drew attention to the launch of a new program of activities designed to identify ways in which small and medium-sized enterprises (SMEs) can better use the intellectual property system to improve their competitive edge and to gain access to global markets. He stressed that SMEs are the backbone of national economies, adding that this often innovative and dynamic sector stands to benefit significantly from a better understanding and use of the intellectual property system.

In addressing the Nigerian Association of Intellectual Property Lawyers in Lagos, the Director General underlined the importance of the intellectual property system in facilitating access to and the transfer of technology to developing countries. He noted that all stakeholders should cooperate to demystify intellectual property so that it is seen for what it truly is, a strategic tool in business activities as well as a part of the home and work environment of the man in the street. ■

Assistance Pledged to Senegal



Photo: Mercedes Martínez Dozal

The Dr. Idris and the Senegalese delegates in the Director General's office.

In meetings at WIPO headquarters on October 25 and 26, 2000, WIPO officials and Senegalese delegates discussed various aspects of the Organization's work, including electronic commerce, traditional knowledge, training programs under the WIPO Worldwide Academy, and the WIPONET project. Activities aimed at boosting the development and performance of small and medium enterprises (SMEs) in Senegal and the sub-Saharan region topped the agenda of talks between WIPO Director General Dr. Kamil Idris and the Minister of Mines, Crafts and Industry of Senegal, Mr. Landing Savané.

Dr. Idris underlined the importance of assisting the development of SMEs. He welcomed efforts by the Senegalese government to assist

this growing sector as an important step in helping innovators and the business community within the region to bring their ideas to market and to reap the commercial benefits of their ingenuity.

Minister Savané reaffirmed his government's commitment to strengthening intellectual property protection in Senegal and the sub-Saharan region as a whole. He also informed the Director General of the Senegalese government's willingness to organize an international conference on human rights and intellectual property in Gorée, Senegal, in November 2001.

Program of Assistance

WIPO designed a program of assistance for Senegal to help inventors realize the commercial

potential of their patent-protected works and to spur SMEs' development in Senegal and the sub-Saharan region. The SMEs sector is the backbone of economic growth in many countries and represents a highly innovative, dynamic and flexible economic sector that stands to benefit significantly from greater use of the intellectual property system.

In its first phase, this pilot project includes measures to upgrade the operations and strengthen the expertise of the Food Technology Institute for it to become a center of excellence for agricultural research and the promotion of innovation and creativity in the sub-region. The Senegalese Agency for the Promotion of Innovation will also be established at this time.

The second phase of the project will involve measures to strengthen the operational capacity and scope of activities of the newly established Agency. This body will help the business community to use the intellectual property system as a core element in their business development strategies.

The agency will advise inventors and businesses on how to protect and commercialize innovations and products. It will also help the business community to take full advantage of existing commercially useful patents, held by inventors in the region, to stimulate technological, economic and social development. The agency will also be responsible for promoting the protection and valuation of traditional knowledge and for human resource development.

Senior Chinese Officials Visit WIPO

WIPO Director General Dr. Kamil Idris exchanged views on a wide range of intellectual property issues with a delegation of senior Chinese officials, led by Mr. Xu Jialu, Vice-Chairman of the Standing Committee of the National People's Congress (NPC) of China, on November 9, 2000.

The eleven-strong delegation, which also included Mr. Hu Kangsheng, Vice Chairman of the Legislative Affairs Commission of the Standing Committee of the NPC and Mr. Shen Rengan, Deputy Commissioner of the National Copyright Administration of China, also held discussions on copyright issues with senior

WIPO officials. This visit was part of a 10-day study tour to Stockholm, Geneva, Berne, and London organized by WIPO. During the talks, Dr. Idris underlined the importance of protecting copyright within the digital environment and emphasized the role of the WIPO Copyright Treaty (WCT) and the WIPO Phonograms and Performances Treaty (WPPT) in this regard. Mr. Xu and other members of the Chinese delegation reaffirmed the commitment of the Chinese government to intellectual property legislation, including in the field of copyright.

The meetings at WIPO provided an opportunity for discussions on WIPO's global communications strategy and public outreach program, especially among young people, and WIPO's assistance to developing countries. Other subjects broached were the legislative aspects of the WCT and WPPT, as well as issues relating to collective copyright management and copyright aspects of the Agreement on Trade Related Aspects of Intellectual Property (TRIPS).



Dr. Idris and the Vice-Chairman of the Standing Committee of the Chinese People's Congress, Mr. Xu Jialu.

Photo: Mercedes Martínez Dozal

Member States Address Enforcement

At the first meeting of the Advisory Committee on Enforcement of Industrial Property Rights on October 19 and 20, 2000, member States asked the secretariat of WIPO to initiate a series of studies aimed at promoting more effective enforcement of industrial property rights all over the world. The representatives from 57 member States and several intergovernmental and non-governmental international organizations in attendance also agreed on a general framework for future talks in the area of enforcement.

The Advisory Committee unanimously adopted a list of priorities that the International Bureau, in cooperation with the relevant sectors within WIPO, should address prior to the second session in June 2001, which include:

- to initiate studies which would identify difficulties in the enforcement of industrial property rights in all member States, i.e., industrialized countries, developing countries and countries in transition; identify best practices for enforcement of industrial property rights; identify existing requirements and needs for training and development of enforcement strategies; and identify external resources for training and cooperation in enforcement;
- to initiate the creation of a list of agencies and contact points in member States relating to enforcement of industrial property rights for the



Advisory Committee members with WIPO staff members.

Photo Mercedes Martinez Dozal

purposes of meetings of the Advisory Committee;

- to investigate possible public awareness campaigns to sensitize the general public and administrative and judicial agencies to the importance of this issue, with particular emphasis on health and safety aspects of effective enforcement; and
- to prepare an issues paper summarizing and elaborating the additional issues discussed at the first session to allow the Advisory Committee to plan its long-term future work at its second session.

A number of the delegations to the Advisory Committee included individuals more closely involved with enforcement than those usually found in a traditionally structured intellectual property office. The consensus of the Advisory Committee was that participation by such enforcement officials should be encouraged further.

The new Advisory Committee will work closely with its counterpart in the field of copyright, namely, the Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks, and hold joint sessions when the issues under consideration so warrant. Their cooperation will ensure the coherent handling of the enforcement of intellectual property rights.

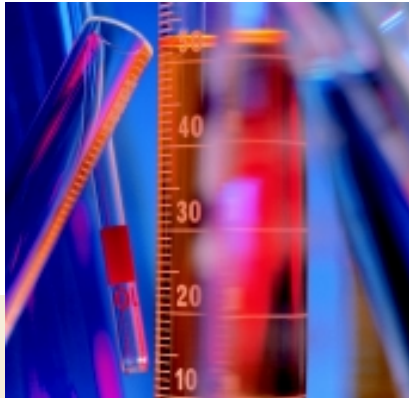
Effective enforcement is key to the success of ensuring respect for intellectual property rights. Enforcement is a multi-disciplinary task involving both intellectual property officials and enforcement agencies such as the judiciary, customs, and police. The Advisory Committee, driven by the needs of member States, seeks to facilitate cooperation among agencies to promote more efficient enforcement.

Shaping a Future Global Patent System

In an historic first step to create the basis for a more predictable and cost-effective international patent system, member States of WIPO launched discussions on harmonizing the substantive requirements of patent law. Negotiators attending a meeting of the Standing Committee on the Law of Patents (SCP), which met from November 6 to 10, 2000, agreed to consider harmonizing a number of basic legal principles that underpin the grant of patents in different countries of the world. Representatives from 70 WIPO member States, six international organizations, and 13 non-governmental organizations attended the meeting in Geneva.

Patent laws and practices vary widely throughout the world. The consequence of such differences is that in certain countries a patent application may lead to the grant of a patent, whereas in others, a patent may not be granted for the same invention, or the patent may be invalidated after grant.

The need for further harmonization beyond the Patent Law Treaty (PLT), concluded in June 2000, arises from the fact that the PLT harmonizes only patent procedures relating to national and regional patent applications and maintenance of patents. The Patent Cooperation Treaty (PCT) does contain some principles of substantive patent law applicable to the international phase of an application submitted under the PCT. However, during the national phase, the stage at which the national offices decide whether to grant a patent, PCT Contracting States are free to apply any substantive conditions



of patentability to an international application.

Harmonization of Basic Principles

SCP members agreed that the harmonization of the different patent systems was a pre-requisite to reducing the costs of obtaining international patent protection. In the first instance, they agreed to focus discussions on basic legal principles that determine whether a given invention qualifies for patent protection, namely:

- definitions of prior art, novelty, inventive step (non-obviousness), industrial applicability (utility);
- sufficiency of disclosure;
- the structure and interpretation of claims.

In a second step, at the future meeting of the SCP in November 2001, SCP members will return to such issues as:

- first-to-file versus first-to-invent;
- 18-month publication of applications (in a country without an early publication system, an applicant would be

unaware of earlier applications for identical or similar inventions and might, therefore, duplicate research and development as well as patent filings leading to unnecessary costs);

- post-grant opposition (when patents are erroneously granted for an invention that was not patentable).

WIPO Gold Medal for Patent Harmonization

On October 21, 2000, on the occasion of his 80th birthday celebrated in Potsdam, Germany, WIPO awarded a gold medal to Mr. Heinz Bardehle in recognition of outstanding services rendered to international cooperation in the field of intellectual property, and for his untiring efforts concerning the harmonization of patent law all over the world.

Photo: Daghiid Bartels



Mr. Heinz Bardehle, center, with Mr. Albert Tramposch of WIPO (left), and Mr. Busso Bartels, PCT Advisor and former Director of the PCT at WIPO.

The PCT in Developing Countries



The panel members at the PCT forum.

Developing countries today represent more than half the 109 Contracting States of the Patent Cooperation Treaty (PCT). Many of them have been part of the PCT family for several years; some since the PCT came into force in 1978. In order to examine the experience of developing countries with the PCT, WIPO, in partnership with the Government of India and the Confederation of Indian Industry (CII), organized the first-ever forum on the impact of the PCT in developing countries, from November 8 to 10, 2000, in New Delhi, India.

The Forum brought together more than 100 participants and speakers. In addition to the 10 participants from the industrial property offices of Bangladesh, China, Indonesia, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand and Viet Nam, some 80 local

participants represented the patent attorney community, industry, and the Indian industrial property office.

Mr. Raman Singh, Minister of State, Ministry of Commerce and Industry, India, and Mr. Gary Smith, Director of the Office of the PCT inaugurated the forum. For three days, several eminent personalities from India and abroad addressed the forum. Speakers included senior officials from Australia, Brazil, China, India, Republic of Korea, United States of America and the European Patent Office and representatives of corporations which extensively use the PCT, such as BASF, Germany, Nokia, Finland, and Samsung, Republic of Korea.

The forum covered various topics, including:

- the role and relevance of the patent system, including the PCT, in enhancing international competitiveness,
- an overview of the PCT system for worldwide filing of patent applications,
- the role of international searching and preliminary examining authorities,
- the importance of sources and use of patent information and documentation.

Industrial Property Rights: Strategies for Business

WIPO launched its new program to provide assistance to small and medium-sized enterprises (SMEs) at a workshop for the Asian region held in Manila, Philippines on October 23 and 24, 2000. The workshop's theme was Strategy for the Management of Industrial Property Rights by SMEs.

WIPO organized the workshop in cooperation with the Intellectual Property Office of the Philippines and with the assistance of the Japanese Patent Office. In attendance were 26 foreign participants from 14 Asian countries - Bangladesh, Brunei Darussalam, China, India, Indonesia, Islamic Republic of Iran, Malaysia, Mongolia, Pakistan, Papua New Guinea, Republic of Korea, Sri Lanka, Thailand and Viet Nam - and some 40 participants from the Philippines.

The workshop program covered the issues as seen from the perspective of SMEs, inventors

and invention promoters, national intellectual property organizations, and legal practitioners. WIPO officials presented the new framework and strategic directions of WIPO's program on the use of intellectual property for strengthening SMEs' competitiveness. The new program was approved by WIPO member States last September.

The participants and speakers alike welcomed the initiative as timely and relevant in view of the rapid growth of technology-intensive and knowledge-based business strategies. They expressed much interest in the ways and means by which SMEs around the world have successfully transformed intellectual property rights (IPRs) into performing assets, particularly in a knowledge-driven environment where economies of scale and traditional market niches no longer assure a competitive edge.

During the panel discussion on the effective use of the intellectual property system by SMEs, the following critical issues were identified:

- the need for a much more effective awareness program for SMEs, focusing on best practice for exploitation of IPRs as a corporate strategy,
- the need for national intellectual property offices to play a more pro-active role in helping SMEs manage their IPRs, especially in the area of enforcement, reduction of costs of acquiring, maintaining, and defending intellectual property titles, simplification of filing and registration procedures so as to reduce the time involved,
- training of intellectual property specialists for SMEs,
- provision of relevant information on intellectual property and SME policies and local incentives programs, including sources of venture capital and partnership opportunities.



In today's global economy, know-how and intellectual property are among the most important resources of the business enterprise. In this regard, the workshop participants noted the growing need to find better ways and means of fast-tracking intellectual property protection to enable inventions and new knowledge to be brought to market in the shortest possible time. The ability to speed up commercialization of new knowledge is widely seen as a strong competitive advantage.

Intellectual Property in the Petrochemical Industry



Intellectual property assets – and their protection – are key to all industries, including some that might be less obvious than others. Patent statistics indicate, for example, that one out of every seven patents granted in the United States of America (USA) relates to an invention in the high tech chemical and petrochemical industry.

This fact was highlighted at a recent conference on Chemistry in Industry held in Bahrain, where participants explored the competitive edge intellectual property assets can provide to corporations in the petrochemical industry.

Mr. D.A.F. Al-Utaibi, Senior Vice-President for Engineering and Operations Services of Saudi Aramco, highlighted in his

keynote speech that companies at the top of their business sectors have given high priority to intellectual property and have allocated substantial resources towards the protection of inventive and innovative activities. Mr. Al-Utaibi noted that although Gulf countries currently produce more than a quarter of world crude oil and hold 65% of these reserves, they still need to further develop the petrochemical processing industry by capitalizing on value-added opportunities.

The activity of Arab and Gulf countries in pursuing and protecting intellectual property rights – in particular patents – is much lower than their share in industrial output. While American companies hold 51% of patents granted in 1999, European

companies 22%, and Japanese companies 20%, the rest of the world accounts for only 7%. The companies of the Gulf region accounted for only 0.04% of patents granted in 1999.

Participants at the conference noted that in the future, companies of the oil producing countries must assume a more active role not only in oil production, but also in processing the raw material in the petroleum and petrochemical industries to produce more end-user products. Companies need to review and assess the value of ideas and research results, as well as the protection of these results as intellectual property when appropriate. In the past, speakers noted, many new processes went unprotected and were used in the development of new products and services by companies outside the region, with little benefit to those who originally developed the processes.

The petrochemicals sector has always competed in the global marketplace, however today's technological advances and the resulting accelerated dissemination of information brings new challenges. Environmental concerns have increased the pressure for innovation and invention to produce so-called "clean fuels." Under these circumstances, companies must focus on research and development and protect the resulting intellectual property rights to sharpen their competitive edge.

Intellectual Property Dimensions of Privatization

The Ad Hoc Advisory Panel on Privatization, made up of senior-level policy-makers and academicians, held its second meeting at WIPO headquarters from October 31 to November 1, 2000 to pursue discussions initiated in May on the intellectual property aspects of privatization. The nine-member panel of experts discussed ways to ensure that intellectual property considerations are built into national privatization policy frameworks and corporate strategies for the benefit of countries and businesses.

Panelists agreed that privatization is a phenomenon of increasing importance in the economies of all countries. They also recognized that the intellectual property aspects of this process are far more significant than previously recognized and require greater attention. The panel considered a number of proposals to help countries improve the privatization process. In particular, the discussion focused on the importance of determining

the value of intellectual property assets and the need for better management of these intangible resources through improved awareness of their strategic importance to business development.

The panel agreed that WIPO has a significant role to play in addressing intellectual property aspects of privatization by:

- providing advice on legal, economic and procedural aspects of the process;
- offering technical assistance; and
- initiating and fostering links between governments and private sector institutions and other agencies dealing with privatization at the national and international levels.

A final report to be presented to WIPO Director General Dr. Kamil Idris early in 2001 will reflect the conclusions and recommendations resulting from these discussions and those held in May.



Ibero-American Declaration on Intellectual Property

WIPO Director General Dr. Kamil Idris welcomed a commitment by Ibero-American heads of state and government to give high priority to intellectual property matters in policy-making. Dr. Idris' comments followed the adoption of a Declaration on Intellectual Property at the Tenth

Ibero-American Summit of Heads of State and Government held in Panama City on November 17-18, 2000. The Declaration requests the Secretariat of Ibero-American Cooperation (SECIB) to convene an Ibero-American Forum on Intellectual Property, taking into account WIPO's work in the area.

"Intellectual property has earned its rightful place on the agenda of national leaders in this important region of the world," said Dr. Idris. "The declaration reflects the commitment of Ibero-American countries to establish solid intellectual property systems and capitalize on the opportunities."



European Meetings for Performers



Photo: courtesy of ADAMI

The panel of speakers at the ADAMI meeting.

The first European Meetings for Performers, organized by the Society for the Administration of the Rights of Performing Artists and Musicians (ADAMI), was held in Cabourg, France, from November 23 to 25, 2000. It brought together more than 200 participants – actors, musicians, singers, producers, new technology specialists, lawyers, politicians, attorneys and directors and representatives of performers' societies – from all over Europe. WIPO's Copyright Collective Management Division was also represented at the event.

The gathering comprised a number of sessions and

workshops at which the following subjects were covered:

- the new forms in which the profession of the performer can be practiced;
- the new forms of exploitation, use and misappropriation of works and artistic performances;
- the adaptation of performers' rights to new developments in technology;
- the harmonization of rights in the transnational use of works;
- the role of collective management societies in the enforcement of the rights of the future, and the action of

professional groups and non-governmental organizations *vis-à-vis* international bodies.

In addition to the question of protecting rights in a digital environment, participants explored the emergence of new technical means of capturing performances, processing them by computer and producing them anew as simulations of human attitudes or newly-created fictional characters. This would indicate, participants agreed, that the person who engages in work of that kind is comparable to one involved in traditional performances. This sort of "virtual puppeteer" should thus

Academy for Economies in Transition

The WIPO Worldwide Academy (WWA) organized the first session on intellectual property for countries with economies in transition, at the Academy premises in Geneva, from October 9 to 13, 2000. The main objective of the Academy session was to raise awareness of the importance of intellectual property rights as a key tool for economic, social, cultural and technological development.

be added to the list of the various categories of performers, the participants held.

At the end of the period of discussions, a communiqué was issued which emphasized the following points in particular: "Performers hereby declare that there is a need for effective protection of the new forms in which their performances are used in the digital universe. They demand the observance of European directives. They emphasize the need for their protection at the international level and the importance of the success of the WIPO Diplomatic Conference on Audiovisual Performances in December 2000. They express the desire for extension of collective management, in common with producers, in order to contend with the ever-increasing dissemination of works."

On the occasion of this meeting the first "Music Online" prize was awarded by ADAMI, and the participants attended a preview of the film by Gérard Corbiau, "Le roi danse."

Senior officials from Bulgaria, Croatia, Kazakhstan, Kyrgyzstan, Latvia, Poland, The Former Yugoslav Republic of Macedonia, Romania, Tajikistan, the Ukraine and from the Interparliamentary Assembly of the Commonwealth of Independent States (IPA CIS) attended the Academy session. The coordinator was Mr. Mihály Ficsor, Director of the Center for Information Technology and Intellectual Property (CITIP) in Hungary.

The session provided a forum for exchanging views and experience in the promotion and protection of intellectual property rights among decision-makers, policy advisers, and other senior officials. The presentations and discussions centered on emerging and global issues as well as challenges and opportunities for countries with economies in transition in the 21st century. Among the themes discussed were:

- The economics of intellectual property
- Modernizing the functions and management of national intellectual property offices to

meet the needs of creators and users of intellectual property in the 21st century

- The role of intellectual property for promoting invention, innovation and technological growth
- The role of copyright and related rights in promoting literary, musical and artistic creativity
- Effective enforcement of intellectual property rights: the role of government agencies and the judiciary
- Protection and administration of intellectual property rights in the 21st century: challenges and opportunities for countries with economies in transition and the work of WIPO

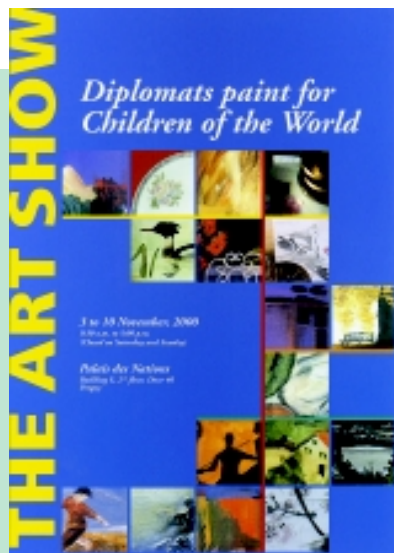
The participants also visited the Swiss Federal Institute of Intellectual Property in Berne and listened to presentations made by staff members from the patent, trademark and copyright departments. The main purpose of the visit was to show the participants how the Institute administers intellectual property rights and to brief them on Swiss legislation in the field of intellectual property.

WIPO Worldwide Academy building.



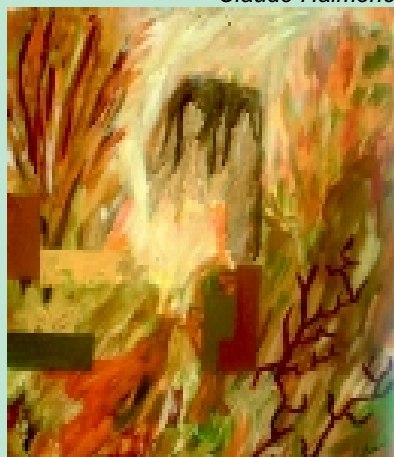
In Geneva: WIPO Sponsored Exhibitions

Diplomats Paint for Children of the World



Mrs Suzan Bartolo and Mr. Hoang Hai, artist

Claude Halmone



WIPO and the United Nations (UN) jointly sponsored an art exhibition organized by the Permanent Missions of Malaysia and Vietnam with all proceeds going to the UN Women's Guild's projects for children throughout the world. The exhibition took place in November 2000 at the Palais des Nations. Diplomats from around the world contributed their artwork that displayed a wealth of talent and covered a variety of styles.

Myriam Nordmann



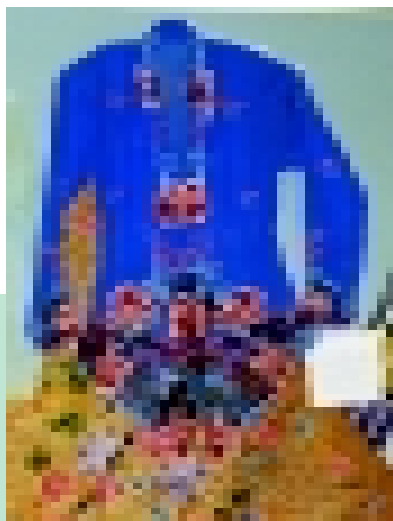
WIPO Amateur Artists

Photos: Mercedes Martinez Dozal



The mezzanine of WIPO's Arpad Bogsh Building hosted in November and December 2000, the artistic creations of current and staff members and their families. On display were paintings, photos, silk flowers, dyed scarves, origami, and other works.

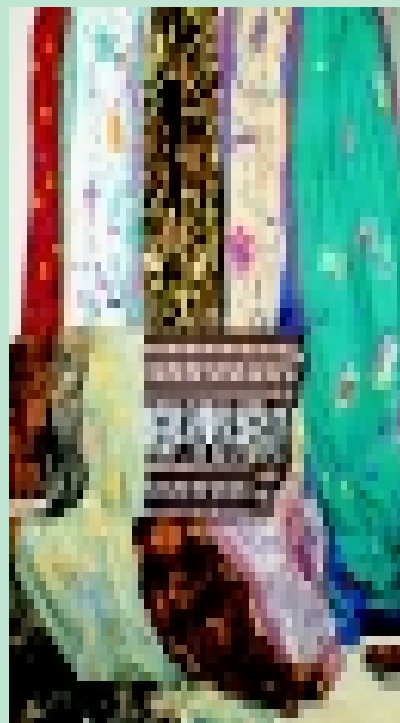




Members of the United Nations Women's Guild

Textiles of the World

In late November 2000, the UN Women's Guild organized a showcase entitled "Textiles of the World" which was also sponsored by WIPO and the UN. Beautifully displayed in the Palais des Nations were textiles and clothes from all parts of the world. A booklet provided information on the various types of textile, methods of dyeing, and origin. Pictured above are members of the UN Women's Guild, 3rd from right is the Guild President Gita Sundararaman.



WIPO Gold Medals

Celebration of Cinema



Mr. Castelo presenting WIPO Gold Medals to Mr. Tahar Chériâa (above), the Syrian actress, Ragda (below left), and the Malian filmmaker, Mr. Cheikh Omar Sissiko (below right).



The Minister of Culture, Mr. Abdel Baki Hermassi awards the gold medal to Mr. Ezzel El Alatli.



WIPO Deputy Director General Roberto Castelo attended the closing ceremony on October 28, 2000, of the *Journées cinématographiques de Carthage* (JCC) in Tunisia to award three WIPO Gold Medals for artistic distinction. The JCC, held biennially since 1964, is a film festival that brings together producers, directors and actors from the African continent, Arab countries, and countries of the Mediterranean.

The WIPO Gold Medal was previously awarded only to inventors. This event marked the first time that the medals were bestowed for artistic achievements. Mr. Castelo presented the medals to the founder of the JCC, Mr. Tahar Chériâa, to the Malian filmmaker, Mr. Cheikh Omar Sissiko, and to the Syrian actress, Ragda. Earlier in the festival, another WIPO gold medal was also awarded to the Egyptian actor Ezzel El Alatli.

Invention and Innovation: Exhibition in Tripoli



Opening ceremony of the Al-Fateh International Exhibition.

After an eight-year hiatus, the second Al-Fateh International Exhibition of Invention and Innovation was held in Tripoli, Libya from October 21 to 25, 2000. The Industrial Research Center (ICR) organized the

exhibition under the auspices of the General Industrialization Corporation and in cooperation with WIPO.

On display were inventions in energy sources, water technology,

protection of the environment, means of combating desertification, food, communications materials, and medical technology. A WIPO stand at the exhibition provided information on the Organization's general activities and on the Patent Cooperation Treaty (PCT). WIPO gold medals were awarded to three inventors:

- Mr. Mohammed El-Basher Mohammed El-Hochiry, a mechanical engineer, for a navigation and guidance system;
- Mr. Abdul Hakim Mohamid Said Bin Ali, Libyan Arab Airlines, for a machine for maintaining the combustion chamber on Fokker 27 airplanes;
- Dr. Aisha El Breki, Head of the Textiles and Leather Department, ICR, for the production of artificial silk.

“Marcas 2000”

From November 20 to 24, 2000 Cuba hosted a seminar on appellation of origins as well as the *Marcas 2000* seminar and exhibition. WIPO Deputy Director General Mr. François Curchod opened the seminar on appellations of origin on November 20. *Marcas 2000*, an event which followed the seminar, featured some 12 exhibitions stands focusing on trademarks and their use and a four day seminar from November 21 to 24, 2000.



From left : Ms. América N. Santos Riveras, Director General, Oficina Cubana de la Propiedad Industrial (OCPI), Mrs. Helen Lom, of WIPO, Ms. Clara Miranda Vila, Head, Marks Department, OCPI, and Ms. Marie Paule Rizo, WIPO.

The exhibit - which drew some 1000 visitors - took place at the *Capitolia* in Havana, an historic site housing a library and museum. The WIPO stand

particularly highlighted the Madrid system for the protection of marks. Visitors quickly snapped up all the available brochures and information on the stand.

Calendar of Meetings

January 22 to 26 (Geneva)

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

This session will consider the restructuring of the SCIT, as well as progress reports on major information technology projects, such as WIPONET and IMPACT, and other matters covering issues related to standards and documentation.

Invitations: States members and member organizations of WIPO and/or the Paris Union, the European Community, and, as observers, certain non-governmental and intergovernmental organizations.

February 5 to 8 (Geneva)

Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD)

The Committee will review and evaluate the activities carried out within the framework of the WIPO program for cooperation for development under the current Program and Budget, and make recommendations on the future orientation of the said program.

Invitations: As members, the States members of WIPO; as observers, selected intergovernmental and non-governmental organizations.

February 20 (Geneva)

Conference on Intellectual Property Questions Relating to the Country Code Top-Level Domains (ccTLDs)

This Conference is part of the ccTLD program recently launched by WIPO at the request of its Member States. The WIPO Conference on Intellectual Property Questions Relating to the ccTLDs will devote particular attention to future trends for the country domains, the treatment of intellectual property in the ccTLDs from the various regions of the world and how rightsholders are coping with infringements.

Invitations: Participants from the public and private sectors and ccTLD administrators.

March 6 to 9 (Geneva)

Working Group on Constitutional Reform (Third session)

The Working Group will continue its work based on the results of its second session (July 4 to 6, 2000).

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

March 12 to 16 (Geneva)

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

The Committee will continue its work on the draft provisions on the protection of marks and other industrial property rights in relation to the use of signs on the Internet, and on geographical indications. The Committee will also discuss its future work.

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

March 19 to 23 (Geneva)

Working Group on the Modification of the Regulations Under the Lisbon Agreement (Second session)

The Working Group will discuss proposals on the modification of the Regulations Under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, drawn up in light of the discussions that took place at the first session of the Working Group, with a view to those modifications being submitted for adoption by the Assembly of the Lisbon Union at its next session.

Invitations: As members, the States members of the Lisbon Union; as observers, the States members of the Paris Union that are not members of the Lisbon Union, and certain organizations.

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