NL remarks with relation to document SCIT/RES/6

General remarks
1. In the past the role of the International Bureau (IB) in the area of intellectual property information to a large extent consisted of
a) monitoring what was going on and
b) providing a platform for harmonisation through cooperation.
This model has worked very well. However, the differences in tradition and state of development between the various member States of WIPO sometimes gave rise to lengthy debates before agreement could be reached about the manner in which to proceed.
As a result, one or two more small-scale forms of cooperation between national and/or regional Offices started to grow. The standards agreed upon through such cooperation were, however, as a rule presented to the IB as well, with the aim of turning them into appropriate WIPO Standards.

2. When SCIT was created in 1998, the role to be played by the IB drastically changed. Rather than being mainly a "Secretariat" the IB moved into the role of project leader. The mandate of SCIT actually was, however, rather restricted. See paragraphs 6 and 7 of document SCIT/RES/6.
As a result, the big intellectual property Offices continued and intensified their cooperation in the area of intellectual property information, in particular with relaton to electronic filing and document exchange. The medium-sized and smaller Offices, however, suddenly missed the platform that enabled them to cooperate when seeking a solution for a problem felt.

3. Will a change in the structure of SCIT have a large influence on the way in which SCIT has been operating in the first two years of its existence?
NL thinks that the answer is YES. Both SCIT itself and its three Working Groups are far too large and heavy to be able to react in a quick and efficient manner on problems arising. Furthermore the division of often interrelated subject matter over three Working Groups raises the danger of diverging developments and lack of consonance. In information technology projects usually decisions have to be taken with relation to such things as infrastructure, development (or adaptation) of Standards, and security matters. This means that the project leader of a SCIT project who needs feed back from his principal in connection with important decisions to be taken, may have to consult three (or even four) different bodies which at best are meeting twice a year. There must be room for improvement here.

 4. NL notes that the IB is extremely busy with its own automation. Furthermore there are two SCIT projects, WIPOnet and IPDL, which do require considerable attention for quite some time to come. The capacity of the IB to provide a platform for harmonisation through cooperation, therefore in all likelihood will be limited.

However, the structure proposed as OPTION II has the advantage that much more emphasis is placed on the platform-function of the IB. Such is in line with the Guiding Principle mentioned in paragraph 2(d) of document SCIT/RES/6. This particular structure therefore might inspire small and medium-sized intellectual property Offices of WIPO member States to seek a more active form of participation than has been possible up to now under SCIT.

Improving on OPTION II

5. An interesting aspect of OPTION II is that policy making (Advisory Group) and carrying out of (strategic) plans (Standing Committee) are separated. However, NL does not favour a complete split between policy making and carrying out. The proposal by IB doesn't do so either. The mandate of the Standing Committee as given in paragraph 15 of document SCIT/RES/6 includes the adoption of policies, recommendations and statements of principle. Nevertheless NL feels that the Advisory Group and the Standing Committee should not be presented as unlinked entities.

Linked or unlinked, the Standing Committee of OPTION II still will be a large and heavy body. It has to be since every member State of WIPO has to have the opportunity to give input. But how can this OPTION be turned into something working effectively?

6. NL would suggest that the large Standing Committee be accompanied by two much smaller subcommittees, each consisting of 15-20 delegations. One of these is the Advisory Group on IT. Its mandate could be the one given in paragraph 10 of document SCIT/RES/6, including the part within square brackets. Obviously the Advisory Group should also advise the Standing Committee in matters of policy and strategy. This includes the drafting of the Strategic Plan of the Standing Committee.With regard to the composition of this Group the principle indicated in paragraph 14 of document SCIT/RES/6 should be pursued.

7. The other subcommittee is a Steering Committee. For this subcommittee NL envisages the following tasks:
   a) making recommendations to the Standing Committee on the acceptance of proposed new projects and the priority given to them;
   b) monitoring the progress on carrying out the Strategic Plan once adopted (spendings, delays, overall planning);
   c) acting as the first instance to be consulted when in a project problems occur for which the project team cannot find an appropriate solution inside its mandate.

As regards the composition of the Steering Committee, paragraph 14 of document SCIT/RES/6 should apply *mutatis mutandis*.

8. Task c) just defined, i.e. acting as the first instance to be consulted, may require a considerable amount of time from the persons delegated to take part in the work of the Steering Committee.

In order to help the Steering Committee, a well qualified project secretariat is needed. This secretariat will take care of the daily business, thereby acting as a filter enabling the members of

the Steering Committee to concentrate on the more difficult and/or far-reaching questions and to pay sufficient attention to their other steering tasks.

Given its cental position the IB should, in the opinion of NL, provide for the project secretariat. This seems even more handy since at least a number of the project leaders will be staff of the IB as well.

9. Preferably members of the Advisory Group on IT should not at the same time be members of the Steering Committee.

With relation to the Advisory Group NL supports

    a) the view expressed in paragraph 12 of document SCIT/RES/6 that such a body will not maintain its own project activities;

    b) the meeting frequency outlined in paragraph 13 of the said document. However, when no agreement can be reached through electronic communication, a higher meeting frequency than once a year will be needed.

With relation to the Steering Committee item a) just mentioned applies as well. As regards the meeting frequency of this Committee a higher number than once a year is likely to be needed, e.g. four times a year.

Standing Committee on Technical Standards and Documentation

10. With relation to the mandate of the Standing Committee as presented in paragraph 15 of document SCIT/RES/6, NL notes that the Standards arrived at by the Committee are of technical nature. Further approval by other WIPO bodies therefore doesn't seem to be necessary. Obviously, when a Standard is created on the request of another WIPO body, it should be checked with that WIPO body whether the direction of development and the final Standard are meeting the requirements of said WIPO body.

On the other hand policies, recommendations, and statements of principle, agreed upon by the Standing Committee, might indeed need the backing of the WIPO General Assembly or of another relevant WIPO body. Nevertheless the proposed membership of the Standing Committee (see paragraph 17 of document SCIT/RES/6) ought to make such backing self-evident.

11. As already noted in paragraph 2, above, the IB has two very different roles to play. One role is to act as an enabling Secretariat. The other role is to act as a project leader.

NL has the feeling that in meetings these two roles should be clearly separated. The IB as a Secretariat would, as is the case up to now, also act as a secretariat for the meetings of the Standing Committee and for those of its subordinated bodies. The IB as a project leader, carrying out projects belonging to the Stategic Plan of the Standing Committee, rather should, however, have a special observer status in the Standing Committee.

In connection herewith NL notes that it should be clarified to which extent WIPO's internal automation belongs to the Strategic Plan of the Standing Committee. The state of the said automation is likely to have a considerable bearing on this Strategic Plan.

Working methods of the Standing Committee

12. NL has no fixed ideas yet about the working methods of the Standing Committee, assisted by the two subcommittees. Project Task initiation and Priority setting clearly are important issues. Given the urgency that may be required, e.g. where the need for a (revised) WIPO Standard arises from an ongoing project, the Steering Committee should have the power to initiate new tasks immediately.

With relation to paragraph 31 of document SCIT/RES/6, NL notes that also the effect on internal systems of other Offices than the IB should be taken into account.

The choice between Task Forces and Working Groups for carrying out the various tasks, is not an easy one. Task Forces once created seem to obtain a permanent character rather easily. And the use of communication by electronic means will also be the normal practice in Working Groups, as paragraph 23(vii) of document SCIT/RES/6 shows. The question of the working language(s) might cause problems. Even when in the development stage the use of a single working language would be acceptable, the final outcome (policy, recommendation, Standard, statement of principle) has to be presented in at least English and French.

13. Irrespective whether a project is carried out by a Working Group or by a Task Force, the project should have a project leader or rapporteur. Where possible, agreement should be reached by (electronic) correspondence. Meetings might be necessary when problems arise for which no (clear) solution can be found.

Basically the Standing Committee should meet once a year. Quaterly reports from the Steering Committee about the progress of ongoing projects and the initiation of new projects where necessary, should be made available in electronic form to all members and (special) observers of the Standing Committee as soon as possible.

The membership of the two subcommittees could be fixed for a biennial period. Then one half of its members step down and are replaced. In this way the maximum duration of the membership of a subcommittee would be four years.