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## Cutting edge issues of e-commerce, tackled by international experts at WIPO International Conference in Geneva

Photo: Mercedes Martinez Dozal



*"The fact is, the Internet can help African singers more than it can help Madonna. I say that because today customers can go to a record store and buy Madonna—but maybe not find the music of African singers."—Mr. William Daley, Secretary of Commerce, United States of America.*

Photo: Mercedes Martinez Dozal



*"The international community established an institution that specializes in intellectual property. Therefore, this institution must have a hold on the development of international norms in its area of competence. This is the clear position of my country."—Mrs. Catherine Trautmann, Minister of Culture, France.*

On September 14, Dr. Kamil Idris opened the International Conference on Electronic Commerce and Intellectual Property before an audience of some 700 participants from industry, government, interest groups and the media. The Secretary of Commerce of the United States of America, the Honorable William Daley, gave a keynote address in which he highlighted the growing importance of electronic commerce for both developing and developed countries alike.

In his introductory remarks Dr. Idris described the gathering as an "historic event" and welcomed the broad international participation at the conference, the first of its nature to take an in-depth look at the cutting-edge issues of electronic commerce and its relationship to intellectual property.

Intellectual property rights are of central importance in maintaining a stable and positive environment for the development of electronic commerce, which is rapidly and fundamentally changing the way business is being conducted, in ways previously unforeseen.

**E-commerce - an economic reality**  
Dr. Idris noted that with the con-

clusion of the so-called "Internet" treaties in 1996 - the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), the international community had begun the process of adjusting the intellectual property system to the digital economy. He said WIPO has been "working very hard to ensure the effective implementation of both treaties." Over the past year, WIPO's work in the economically important area of electronic commerce has grown. The Director General said "electronic commerce has therefore graduated from the preparatory, experimental stage to an economic reality with immense significance." He added, "we very much hope that this conference will assist in better defining further adjustments that are necessary and issues that need to be addressed."

**Today's "technologically-driven economy"**

Secretary Daley underlined the vital nature of WIPO's work in today's technologically-driven economy. "Especially as the Internet grows, WIPO will have an ever-increasing role to play" he said "so I look forward to a global dialogue on all the intellectual property issues the Internet raises". Secretary Daley commended

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If you are interested in receiving copies, contact:

**The Publications Officer**  
WIPO  
34, chemin des Colombettes  
P.O. Box 18  
CH-1211 Geneva 20  
Switzerland  
phone: 41 22 338 91 11  
fax: 41 22 733 54 28  
e-mail: wipo.mail@wipo.int

For comments or questions, contact:

**The Editor**  
*WIPO Magazine*  
(at the above address)

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WIPO's work in trying to curb the abuse of trademarks on the Internet. Earlier this year, WIPO presented a series of recommendations to the Internet Corporation for the Assigned Names and Numbers (ICANN), the non-profit international corporation formed to oversee a select number of the Internet's core technical management functions. The WIPO report addressed questions relating to domain names and intellectual property related dispute-resolution issues. Secretary Daley told the conference that ICANN adopted WIPO's recommendations on a uniform dispute-resolution policy. "WIPO demonstrated, once again, the key role it can play in solving the complex Internet issues. And I thank them for all the work they have done."

Secretary Daley said the only way the Internet will ever reach its

potential "is if we strengthen its intellectual property protection." He observed that the only products that can be delivered on-line are intellectual goods, such as music, software, and literary works which benefit from copyright protection. He also underscored the benefits of using the Internet for electronic commerce for developing countries. Secretary Daley said the Internet offers artists from all over the world - developed and developing countries alike - the same opportunities for marketing their works.

The Conference offered participants a variety and unique combination of speakers, ranging from government ministers and policy-makers to top executives of industry worldwide as well as senior representatives of public interest groups and non-governmental organizations.



Photo: Mercedes Martinez Dozal

*"The volume of sales made on-line is already vast, and policy makers clearly cannot afford to ignore electronic commerce." —Mr. Daryl Williams, Commonwealth Attorney General, Australia.*



Photo: Mercedes Martinez Dozal

*"The Internet has broken the barriers of time, distance, and sometimes costs, thus making it possible for small, distant countries to compete in new market niches." —Mr. Reginald Farley, Minister of Industry and International Business, Barbados.*



## Cutting edge issues....

The work program was divided into general sessions and workshops on specific issues. The sessions dealt with general themes relating to e-commerce and intellectual property, such as trends in technology development, the business potential of e-commerce, developing countries and e-commerce, the legal aspects of e-commerce, and other policy issues. The workshops focused on specific issues like:

- On-line delivery of publications, music, films and software
- Domain names and trademarks on the Internet
- Music on-line
- Electronic rights management
- Cybersurveillance
- On-line dispute settlement
- Liability and on-line service providers
- Films on-line
- Security and authentication (encryption & digital signatures)
- Digital libraries, patent and trademark databases
- Museums on-line

## Just in case you missed it...

The full program plus a comprehensive alphabetical list of speakers, and in many cases their presentations and contact details, may be downloaded from the WIPO website at: <http://ecommerce.wipo.int/conferences/papers/index.html>. In addition, many of the sessions and workshops were taped and may be heard over the Internet if your computer has a sound card installed with RealPlayer, which may be downloaded together with the audio files from : <http://ecommerce.wipo.int/conferences/broadcasts/index.html>

During the Conference 700 listeners tuned in to a special web audio transmission of the proceedings.

## WIPO outlines "Digital Agenda"

The Director General, Dr. Kamil Idris, wrapped up the International Conference on Electronic Commerce and Intellectual Property by presenting a ten-point plan that sets out a Digital Agenda for WIPO. The Digital Agenda was also presented to WIPO member States at their General Assemblies that commenced on September 20. It received widespread support.

Intended as a set of guidelines and goals, WIPO's Digital Agenda is in line with the Organization's determination to seek solutions to problems raised by the impact of electronic commerce on intellectual property rights. It reflects WIPO's desire to take practical steps to ensure that all countries participate in the process of defining policy and addressing the issues in order to adapt intellectual property law for the digital age.

The ten points of the WIPO Digital Agenda are:

1) Broaden the participation of developing countries through the use of WIPONET and other means for:

- access to intellectual property information;
- participation in global policy formulation;
- opportunities to use intellectual property assets in electronic commerce.

2) Entry into force of the WIPO

Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) before December 2001.

3) Promote adjustment of the international legislative framework to facilitate electronic commerce through:

- the extension of the principles of the WPPT to audiovisual performances;
- the adaptation of broadcasters' rights to the digital era;
- the review of the need for the conclusion of an international instrument on the protection of databases.

4) Implement the recommendations of the Report of the Domain Name Process and pursue the achievement of compatibility between identifiers in the real and virtual worlds through the establishment of rules for mutual respect and the elimination of contradictions between the domain name system and intellectual property rights.

5) Develop appropriate principles with the aim of establishing, at the appropriate time at the international level, rules for determining the circumstances of intellectual property liability of Online Service Providers (OSPs) which are compatible and workable within a framework of general liability rules for OSPs.

6) Promote adjustment of the institutional framework for facilitating the exploitation of intellectual property in the public interest in a global economy and on a global medium through administrative

coordination and, where desired by users, the implementation of practical systems in respect of:

- the interoperability and interconnection of electronic copyright management systems and the metadata of such systems;
- the online licensing of the digital expression of cultural heritage;
- the online administration of intellectual property disputes.

7) Introduce and develop online procedures for the filing and administration of international applications for the Patent Cooperation Treaty (PCT), the Madrid System, and the Hague Agreement at the earliest possible date.

8) Study and, where appropriate, respond in a timely and effective manner to the need for practical measures designed to improve the management of cultural and other digital assets at the international level by, for example, investigating the desirability and efficacy of:

- model procedures and forms for global licensing of digital assets;
- the notarization of electronic documents;
- the introduction of a procedure

for the certification of websites for compliance with appropriate intellectual property standards and procedures.

9) Study any other emerging intellectual property issues related to electronic commerce and, where appropriate, develop norms in relation to such issues.

10) Coordinate with other international organizations in the formulation of appropriate international positions on horizontal issues affecting intellectual property, in particular:

- the validity of electronic contracts;
- jurisdiction.

Corbis/D. Boone



*Erratum*

On page 5 of the March issue of the *WIPO Magazine*, Mr. Kaoru Yosano was incorrectly identified in the caption beneath his photograph. He is the **Minister of International Trade and Industry of Japan**. We regret the error.

## WIPO welcomes U.S. ratification of "Internet" treaties

WIPO Director General, Dr. Kamil Idris welcomed the ratification by the United States of America of two WIPO treaties which establish the basic standards for protection of copyright and related rights on the Internet and other digital networks, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).

"We are very pleased with this significant new development which signals broader global acceptance of these important treaties" said Dr. Idris. "The United States of America plays a leading role in promoting the use and developing the content of the Internet and for that reason we are delighted that they have now ratified the WCT and the WPPT".

The U.S. Secretary of Commerce, William Daley announced his country's ratification of the WCT and WPPT and urged other countries to follow suit. "As trusting as I am of e-mail, these papers were just too important, not to deliver personally" he said. "So, I am pleased to announce this morning I formally deposited our instruments of ratification. I understand just this summer, Hungary and Argentina passed implementing legislation. And I know we all look forward to the 15 members of the European Union joining us."



Photo: Mercedes Martinez Dozal

*"The United States of America plays a leading role in promoting the use and development of the content of the Internet and for that reason we are delighted that they have now ratified the WCT and the WPPT."—said Dr. Idris (left), following the deposit by Mr. William Daley, U.S. Secretary of Commerce of his country's instruments of ratification.*

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 cyberspace, particularly on the Internet. 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, may be downloaded anywhere in the world at the push of a button.

The WIPO "Internet" treaties were adopted in December 1996. At present, nine countries (Belarus, Burkina Faso, El Salvador, Hungary, Indonesia, Kyrgyzstan, Panama, the Republic of Moldova and the United States of America) have ratified the WCT and seven countries (Belarus, Burkina Faso, El Salvador, Hungary, Panama, the

Republic of Moldova and the United States of America) have ratified the WPPT. At least 30 States must adhere to each of the treaties before they enter into force. Entry into force would herald a new era in the protection of copyright and related rights on digital networks.

Dr. Idris underlined the importance of these treaties, in particular in light of the explosive growth in the number of Internet users worldwide and the rapid expansion of electronic commerce in copyrighted works. "These treaties will help to promote the quality of the content appearing on the Internet as well as protecting the rights of holders of copyright and related rights." The Director General urged other countries to speed up the ratification process to ensure quick entry into force of these treaties.

# WIPO General Assemblies

On September 20, WIPO opened the meetings of its General Assemblies with the election of Mr. Marino Porzio (Chile) as Chairperson of the Assemblies. Mr. Porzio succeeds Mrs. Sheila Batchelor (Canada) as Chairperson.

The Assemblies also elected Mr. Ian Heath (Australia) as First Vice Chairperson and Mr. Alexander D. Korchagin (Russian Federation) as Second Vice Chairperson.

In a speech to the Assemblies, Mr. Porzio, Principle Advisor on Intellectual Property to the Minister of External Relations of Chile, said the work of WIPO has acquired increasing importance in light of the revolution taking place in the area of information technologies. "Intellectual property as it has developed...is now more than ever facing a revolution that is based on information technology development. The changes that have been produced because of this new technology are real and tangible and this has given rise to new activities mainly in the area of services which will have a decisive influence in many of the traditional institutions of intellectual property."

Mr. Porzio, a former Deputy Director General of WIPO in the 1980s, said a key feature of the new digital era is the speed of change of technologies. This poses a challenge to WIPO in its work to promote the protection of intellectual property through international cooperation. The technologies are changing at a much quicker pace than the formulation of rules to protect that same technology. "Perhaps the key feature of the era

that we are embarking on is the dynamism - the speed of change - and this is a challenge in many areas of intellectual property and particularly for this Organization based, as they are, on a legal tradition that can not always achieve the same speedy shift as new technology," Mr. Porzio said.

Globalization, Mr. Porzio said, has given rise to the internationalization in the production of goods, services and trade and has demonstrated the interdependence of markets. "It has obliged us to look at intellectual property with new eyes and to see that the institutions involved in intellectual property must change if they

are to continue to provide the services that are expected of them." He said that WIPO is at present in a "pivotal position" to assist countries in meeting the challenges posed by the digital era in relation to intellectual property. Mr. Porzio said the solutions must be "modern, economic and appropriate in order to resolve, development issues."

Mr. Porzio commended WIPO Director General Dr. Kamil Idris and his vision for the future of the Organization. He praised Dr. Idris' efforts to modernize the Organization "to make it better able to meet the challenges of the years to come."



Mr. Marino Porzio of Chile, (right) newly elected Chairperson of the WIPO General Assemblies, assumes his duties.

Photo: Mercedes Martinez Dozal

## Member States approve 8 percent growth in program and budget for 2000-2001

The member States of the World Intellectual Property Organization (WIPO) approved by consensus the program and budget for the 2000-2001 biennium presented by WIPO Director General, Dr. Kamil Idris.

The program and budget for the 2000-2001 biennium proposes a budget of 409.7 million Swiss Francs (CHF). This represents an increase of 8 percent over the 1998-1999 biennium (378.9 million CHF). Projected income for the same time period is 409.8 million CHF as compared to 391.8 million CHF in the previous financial period. The surplus in the 2000-2001 biennium is therefore expected to be negligible.

The program and budget proposes an increase of 11.2 percent in the program allocation for supporting developing countries and countries in transition. WIPO's activities in the development of intellectual property legal norms will increase by 11.3 percent as compared to the last biennium. The Organization's activities in global protection systems - namely, the Patent

### PCT fees to be reduced once again

The WIPO Assemblies also approved a proposal to once again lower the fees of the Patent Cooperation Treaty (PCT) by an average of 13 percent effective January 1, 2000. The cumulative effect of this measure (including two earlier PCT fee reductions in 1998 and 1999) would mean a 29.2 percent reduction in the cost for an applicant using the PCT.

Cooperation Treaty (PCT), the Madrid System for the International Registration of Marks, and the Hague System for the International Deposit of Industrial Designs - will increase by 10.1 percent.

Another feature is a reduction in the contributions by member States of 10 percent below the 1999 level, which is in itself 10 percent below the 1998 level. Unlike other specialized agencies of the United Nations, WIPO is mostly self-financed, expecting to generate some 91 percent of its income in 2000-2001 from international registration and other services it renders essentially to the private sector.

The program and budget for 2000-2001 seeks to ensure that WIPO continues as a modern, forward-looking organization that is efficient, transparent and accountable to its member States and the private sector that it services. Emphasis will continue to be placed on modernizing and strengthening the global intellectual property system, streamlining international cooperation in the field of intellectual property and increasing the participation of civil society in further developing the intellectual property system. WIPO will continue to offer strong technical cooperation programs for developing countries and countries in transition. Dr. Idris described the program and budget proposals as a "global intellectual property development strategy" taking a "do more with less" approach.

The program and budget document is available on the Internet at <http://www.wipo.int>.

## Vision and strategic direction of WIPO

Every fourth year the Director General presents a medium-term plan for the future development of WIPO to the General Assemblies. Dr. Idris told WIPO staff "An institution without a vision and a strategy for realizing that vision is doomed to irrelevance. That will never be our fate, for we know what our goals are, what has to be done and how to go about it effectively and efficiently, in close partnership with our member States,



*The Arpad Bogsch Building, overlooking the Place des Nations, Geneva, designed by Pierre Brillard and constructed between 1973 and 1978. It has 19 levels, five underground and 14 above ground.*



the private sector and civil societies." Dr. Idris went on to outline his vision for the Organization highlighting the challenges posed by globalization and new technologies. To reply to these challenges he stressed the need for an intellectual property culture where all of the actors and factors from economic, social, and cultural fields might converge and be directly involved in the development of IP. He emphasized how this would readily respond to changes in IP and be conscious of their impact on day-to-day living. Furthermore, he indicated that the responsibility for this new powerful culture of intellectual property is vested in all the actors on the intellectual property stage, and that such col-

lective responsibility was based on the pillars of:

- Demystification
- Empowerment
- Collective leadership
- Synergies

Dr. Idris emphasized that his vision is not to set a timetable; rather, it is intended to create con-

ditions for collectively paving the way to the formulation of a global intellectual property strategy. He concluded by recognizing that political imagination, goodwill, and collaboration among member States, the market sector, and the Secretariat are the keys to WIPO's continued success.



Photo: H. Salgado

## A tribute to two former Directors General marks the opening day of the WIPO General Assemblies

On Monday September 20 two of the WIPO headquarters buildings were renamed as a tribute to the Organization's two former Directors General. The main tower will henceforth be known as the "Arpad Bogsch Building" and the adjacent structure, currently referred to as BIRPI (the French acronym for the United International Bureaux for the Protection of Intellectual Property) will be known as the "Georg Bodenhausen Building."

The late Mr. Bodenhausen, a Dutch national, was the first Director General of WIPO from 1970 to 1973, after having been Director of BIRPI, the predecessor Organization to WIPO, since 1963. Dr. Bogsch, a national of the United States of America, was Director General of WIPO from 1973 to 1997 and received a very warm welcome back from friends and colleagues at the special ceremony.

Photo: Mercedes Martinez Dozal



*The Georg Bodenhausen Building, chemin des Colombettes, Geneva, designed by Pierre Brillard and constructed between 1958 and 1960, enlarged and modernized between 1988-89. It has six floors, one of which is underground.*

## IAC commends WIPO for work in area of domain names

The Industry Advisory Commission (IAC), composed of senior representatives of industry, praised WIPO for its work in proposing standards for the use of trademarks on the Internet and advised the Organization to continue its "global leadership" role in this area. The IAC urged the Organization to continue to highlight the respect of the rights and obligations of domain name holders.

In a statement issued at the end of the one-day meeting on September 13, the IAC commended WIPO for its "proactive contribution to the ICANN process to date." The IAC also advised WIPO "to continue its global leadership with member States in ongoing communications, awareness and building of global awareness of the benefits of a balanced approach to the recognition and respect of the rights and obligations of domain name holders and intellectual property owners and users in cyberspace."

The IAC was referring to a series of recommendations presented for consideration by the Interim Board of the Internet Corporation for Assigned Names and Numbers (ICANN), the non-profit international corporation formed to oversee a select number of the Internet's core technical management functions. The WIPO Report was the culmination of a process initiated by WIPO in July 1998 and addresses questions relating to domain names, intellectual property and related dispute-reso-

lution issues. For the first time ever, the Report set out a definition for the abusive use of trademarks on the Internet.

With the explosive growth of the Internet and the increasing use of domain names as business identifiers, these issues have sparked great interest and worldwide debate. Among the problems identified in WIPO's report, and directly addressed by its recommendations, were abusive registrations of domain names, also known as "cybersquatting," as well as the countervailing practice, referred to by domain name holders as "reverse domain name hijacking." The WIPO Report addressed four key areas: dispute prevention, a uniform system of dispute resolution, the protection of famous and well-known marks in generic top level domains (gTLDs), and the impact on intellectual property of adding new gTLDs. WIPO made a number of recommendations aimed at meeting the concerns of the rapidly expanding Internet-user community, and at giving recognition to the diverse social, commercial and communication purposes for which the Internet is used.

The IAC recognized the importance of the Internet as "a critical communication and information access infrastructure of global importance to individuals, commercial and non-commercial stakeholders and entities, and for government at all levels." The IAC also thanked WIPO and the member States "for the valuable contribution of WIPO"

through the Internet domain names process, including the development of dispute settlement procedures and advised the Organization to continue, as a matter of urgent priority "to develop solutions on the outstanding issues for adoption by ICANN and other appropriate bodies."

In addition, the IAC held talks on a broad range of issues relating to electronic commerce as well as to efforts by WIPO to promote public awareness and understanding of intellectual property and its contribution to economic and social development. The IAC agreed to meet again next spring to continue discussions on a large range of topical items, including biotechnology and the impact of the global economy on the intellectual property system.

This was the second meeting of the IAC, which was established as part of the efforts by the Director General to take into consideration the broadest range of opinions in the context of the Organization's policy-making and program planning. The views from industry are important to WIPO as the private sector benefits directly from the organization's services. The Commission identifies and reviews issues that may need to be dealt with by WIPO from the specific perspective of the industry and market sectors. The IAC, whose members sit in their personal capacities, has a purely advisory role to the Director General.

# Academy

Young professionals and students from across the globe dedicate six weeks to the study of intellectual property in WIPO Academy's second Summer Internship Program.

Photo: Mercedes Martínez Dozal



Interns, research advisors, and mentors worked together with the WIPO Academy to create a rewarding Internship Program.

Twenty young people from around the world welcomed the opportunity to join the Organization as interns this summer and gain hands-on experience of working in the field of intellectual property. The interns were assigned to various offices in WIPO to take part in the day-to-day operations of the offices. Whilst some of the students were assigned individual mentors to guide them in their work others elected to carry out individual research, and were assisted in this by their own research advisor. The research

advisor's role was to assist the students in preparing research outlines and identify background-reading materials. In addition, staff at the WIPO Library guided students around the Library as well as providing an introduction to additional material available on the Internet. This work was complemented by daily lectures on the work carried out at WIPO and an outline of key issues facing the Organization to ensure that each intern was given a thorough overview of the full range of WIPO's activities.

Students completed their work with presentations on their individual internships to the Director General. The research papers will be compiled and published as reference materials for future internship programs.

Photo: Mercedes Martínez Dozal



Some twenty countries were represented by the young people who took part in the 1999 WIPO Summer Internship Program.

## Exchanging views on geographical indications in South Africa

For the first time an African country, South Africa, was chosen as the location for an international exchange of views on the potential for the commercial use and improved protection of geographical indications.

Some 100 participants from more than 50 countries attended the two-day Symposium in Somerset West, Cape Province, South Africa, that was organized by WIPO with the cooperation of the Department of Trade and Industry, South African Patents and Trademarks Office. Geographical indications are often thought of as an exclusive type of intellectual property mainly of interest to a few wine and cheese producing countries. This is not so. Nine international experts provided participants at the Symposium with a thorough briefing on the present protection for geographical indications and potential developments. This included brief analyses of the use of this IP right in countries such as South Africa and the United States of America, as well as in the European Union.

Photo: Marcus Hopperger



Capetown, center of Capeland, the gateway to the wine producing region of South Africa.

Participants also benefited from an overview of the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement relating to geographical indications and how in accordance with the Agreement, member States of the WTO (World Trade Organization) must ensure that their legislation allows for the protection of geographical indications. Thus, in addition to creating an obligation to safeguard the geographical indications native to other countries, the

TRIPS Agreement also introduces an opportunity for countries to explore the protection that geographical indications may provide for their own goods.

The Symposium closed with a presentation on how geographical indications such as Cognac in France, basmati rice in India and long jinhea tea in China can be used as part of a collective marketing strategy to promote products from an entire region.



Photo: Shanti Bajaj

### What is an "indication of source"

This is an indication of where a product comes from. It is important that the indication of source relates to the geographical origin of a product and not to another kind of origin, for example the head office of the manufacturer or the place where the product was assembled or packaged. The indication of source does not imply that the product is of a certain quality nor that it has been produced in a particular way or that it has any other characteristics, it simply states where the product is from.

### What is an "appellation of origin"

This indicates not only where a product has come from but also refers to a certain reputation, notable characteristic or quality that the product has because of where and how it has been made.

Some of the speakers, participants, and organizers of WIPO's 7th International Symposium on Geographical Indications; the first to be held in Africa.

# Cooperation for development

## CIS countries consider key elements for an IP office

Essential characteristics of an IP office in the CIS should include an autonomous fee-financed office which deals with the whole range of intellectual property rights. This was the consensus reached by a three-day WIPO Symposium for heads of intellectual property offices attended by some 80 representatives from countries of the CIS plus representatives from the USA and the Coalition for Intellectual Property Rights (CIPR).

The Symposium was organized in cooperation with the State Agency on Industrial Property Protection (AGEPI) and took place from August 31 to September 2 in Kishinev, Moldova.

The Symposium was opened by Mr. Gheorghe Duca, Chairman, Commission for Culture, Education and Mass Media, Parliament and the Republic of Moldova.

The Symposium commenced with a practical overview of the work of an IP office including discussions on :

- the role and place of the office in the executive power branch
- principal activities of the office :
- granting of patents
- registration of trademarks
- valuation of IP rights
- financing the office through fees, budget or both
- external services of the office
- computerization of registration services

In addition there were presentations and discussions on :

- cooperation with inventors' organizations and industrial property agents
- the role of the judiciary, customs and the police in the enforcement of IP rights
- compliance with the provisions of the TRIPS Agreement

The Delegation of the United States of America, led by Mr. Bruce Lehman, President of the International Intellectual Property Institute (IIPI) and former commissioner of USPTO, made a special presentation on industrial

property as an engine of global economic growth. This was followed by Ms. Mary Ann Alford of the Coalition for Intellectual Property, a recently established NGO operating in several CIS countries, who made a special presentation of trademarks. Both presentations were greeted with much interest and lively debate.

Participants proposed that in future meetings the representatives of copyright offices should also be invited.

Participants came from Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Tajikistan, Turkmenistan, The Former Yugoslav Republic of Macedonia, Ukraine, United States of America, and Uzbekistan.

Photo: Mihai Marcutsa



Representatives from 22 countries of the CIS, the United States of America and the Eurasian patent Office (EAPO) were invited to take part in the Symposium.

## Seminar demonstrates considerable interest in copyright protection in CIS

Participants from Central Asian countries, eager to address copyright issues that have emerged with the globalization of trade and information networks met from August 25 to 27, in the Museum of History, Bishkek, the Kyrgyz Republic. This regional seminar was organized by WIPO and the State Agency of Intellectual Property of the Government of the Kyrgyz Republic.

The three-day seminar commenced with an overview of international conventions and treaties in the field of copyright and related rights and was followed by individual country reports from the invited countries. These focused on adherence and implementation of international agreements.

The eighty participants expressed much interest the second day of



*Participants from the Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan attended the three-day seminar.*

debate on the topic of copyright on the eve of the third millennium. Participants were briefed on the latest developments in the United States of America by Ms. Marybeth Peters

from the Copyright Office, Washington, D.C.. This was followed by a similar update from a European perspective by Mr. Volker Schöfisch from the German Ministry of Justice, Berlin.

## African countries tackle IP issues of the digital age in Mombasa

Over one hundred IP professionals from 19 African countries gathered in Mombasa, Kenya from July 26 to 28, to consider intellectual property issues facing them in the digital age.

The three-day sub-regional Symposium was organized by WIPO with the cooperation of the Government of the Republic of Kenya, and the United States Patent and Trademark Office.

Each day of the Symposium was dedicated to a different theme and commenced with copyright. Presentations on this theme included :

- international standards for protecting copyright
- copyright protection on the Internet
- intellectual property and e-commerce

The first day concluded with a round-table discussion on the protection of audio-visual performances, database protection and the protection of broadcasters. The second day was dedicated to trademark issues including:

- ~ international standards for protection trademarks and the implications of the TRIPS\* Agreement
- ~ trademark protection on the Internet
- ~ using the Madrid System for the international registration of marks



*Some of the speakers, participants, and organizers of the Symposium, that brought together over 100 professionals from 20 African countries to discuss intellectual property issues facing them in the digital age.*

This was followed by a round-table discussion on the difficulties faced by developing countries in implementing international treaties.

The final day of the seminar focused on patents including :

- international standards for protecting patents
- the TRIPS Agreement
- the Patent Cooperation Treaty (PCT) for developing countries

The final day concluded with an overview of intellectual property enforcement under the TRIPS Agreement.

Participants from Botswana, Eritrea, Ethiopia, The Gambia, Ghana, Lesotho, Liberia, Malawi, Mauritius, Namibia, Nigeria, Seychelles, Sierra Leone, South Africa, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe attended the Symposium

### *Erratum*

On page 7 of the March issue of the *WIPO Magazine*, a story entitled "First WIPO post-graduate course is held in Venezuela" omitted to mention the outstanding contribution of the Especialización en Propiedad Intelectual de la Universidad de Los Andes in the organization of the course. We very much regret this omission.

# Copyright

## Regional forums make progress identifying new international standards for broadcasters' rights

**Regional roundtables on the rights of broadcasting organizations and the protection of databases held in Buenos Aires, Cotonou, Rabat, and Manila revealed varying views on the type and level of protection to be extended to these intellectual property rights.**

**The roundtables all included an informative overview of existing and proposed international protection for broadcasting organizations and a summary of the latest developments together with ideas on how to move ahead with improving levels of protection.**

The following is a summary of existing protection. WIPO held a series of international discussions that preceded these roundtables on broadcasting, in Manila in April 1997, Mexico in February 1998 as well as two sessions of the Standing Committee on Copyright in November 1998 and May 1999 to establish new international standards for the rights of broadcasting organizations. Several proposals have now been received by the International Bureau that identify a new series of exclusive rights for broadcasters that include rights for 50 years in terms of:

- rebroadcasting
- cable distribution
- communication to the public
- making available interactive transmissions
- reproduction, distribution or importation of fixations
- distribution to the public of program-carrying signals
- decoding

The roundtable discussions on the protection of databases indicate that while some countries support continued discussions towards the future adoption of an international instrument on the protection of

databases which do not meet the criteria for protection under copyright, many countries are still hesitant as to the need for such a supplementary protection.

### Existing Protection Rome Convention 1961

The Rome Convention secures protection in performances of performers, phonograms of producers' phonograms and broadcasts of broadcasting organizations. It includes a set of minimum rights governing broadcasting organizations' power to authorize or prohibit the rebroadcasting and fixation of their broadcasts. This is currently binding on the 58 States party to the Rome Convention and provides for protection for at least 20 years.

### The Satellite Convention (1974)

The Satellite Convention deals with the protection of satellite signals by which programs are transmitted between broadcasting organizations. It requires that Contracting States take adequate measures to prevent the distribution on or from their territories of any program-carrying signal by distributors for whom the signal was not intended. It is currently binding on 22 countries.

### The TRIPS Agreement (1994)

The TRIPS Agreement (the Agreement on the Trade-Related Aspects of Intellectual Property Rights) complements international treaties already established by WIPO in the field of intellectual



Cotonou, one of four regional roundtables to identify new international standards for broadcasters' rights.



## CLEA goes live on the Internet



property. It provides for a set of minimum rights similar to that under the Rome Convention that allow broadcasting organizations the right to prohibit the fixation, reproduction of fixations, the rebroadcasting by wireless means of broadcasts as well as the communication to the public of television broadcasts without their authorization. It is currently binding on the 132 member States of the WTO and provides for protection for at least 20 years. The member States may choose to offer, however, a similar protection of the owners of copyright in the subject matter of broadcasts.

### The WPPT (1996)

The WPPT (WIPO Performances and Phonograms Treaty of 1996) harmonizes and updates international norms on the protection of performers (except for their audiovisual performances) and producers of phonograms, but it does not cover the third traditional category of related rights beneficiaries, mainly broadcasting organizations.

CLEA, a major electronic collection of intellectual property laws from a wide range of countries was launched on the Internet by WIPO on September 15. This Collection of Laws for Electronic Access (CLEA) database is a unique international electronic archive of intellectual property legislation. Delivered over the Internet in English, French and Spanish, this powerful, information resource may be accessed by researchers, legal professionals, policy-makers and administrators across the globe via <http://clea.wipo.int/> or <http://www.wipo.int/clea>.

The database currently contains the full text of intellectual property legislation of 35 countries and the European Communities, as well as the full text of all treaties administered by WIPO. Each of the legislative texts and treaties is preceded by a bibliography which includes details such as publication dates, entry into force, related texts and language availability. A series of indexes and hyperlinks ensure that users are able to identify, access and display the desired text with great ease. The CLEA database is a "work in progress;" it will be continuously expanded and upgraded to provide users with a

fully comprehensive research tool. The CLEA will complement the existing paper-based collection maintained by WIPO and will enhance its usefulness by providing ready access, via the Internet, to regularly updated information on the intellectual property legislation of member States.

The texts contained in this electronic collection have been transmitted to WIPO by the intellectual property offices of the countries concerned. Member States of the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works are required to communicate all new legislative texts concerning the protection of industrial property and copyright to WIPO. Similarly, members of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) are also required to communicate such texts to the TRIPS Council.

For further information, please contact Mr. Alfredo Ilardi, Head of the Collection of Laws Section, Tel: (+41 22) 338 91 27; Fax: (+41 22) 338 80 50; E-mail: [alfredo.ilar-di@wipo.int](mailto:alfredo.ilar-di@wipo.int).



## WIPO welcomes accession by Jamaica to Paris Convention

On September 24, Jamaica's Minister of Commerce and Industry, Mr. Philip Paulwell, deposited his country's instrument of accession to the Paris Convention for the Protection of Industrial Property which sets out basic international standards of protection for industrial property. The Director General, Dr. Kamil Idris, welcomed this act which he said "clearly demonstrates the Government of Jamaica's commitment to strengthening intellectual property protection in the country."

Jamaica's accession to the Paris Convention means that all WIPO member States in the Latin America and Caribbean region are now party to this important treaty. Jamaica is the 156th State to become a member of the Paris Convention.

The Paris Convention, together with the Berne Convention for the Protection of Literary and Artistic

Photo: Mercedes Martinez Dozal



Mr. Philip Paulwell, (left) Jamaica's Minister of Commerce and Industry, Mr. Ransford Smith, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Jamaica to the U.N., and Ms. Dianne Daley, Director, Copyright Unit, Office of the Prime Minister, Kingston, deposit their country's instrument of accession to the Paris Convention with the Director General.

Works, is a cornerstone of the international system of intellectual property protection. "The Paris Convention is a key component in developing an effective and robust system of intellectual property protection that will enable countries to harness the economic, social and cultural benefits that may be derived from national

intellectual property assets", Dr. Idris said.

The Paris Convention, sets out basic standards of protection for industrial property in its widest sense, including inventions, marks, industrial designs, trade names, geographical indications and the repression of unfair competition.

## First Seminar on WIPO's new treaty on Industrial Designs - the Geneva Act

On December 10, 1999, WIPO will hold its first Seminar on The Geneva Act, WIPO's latest international treaty, which aims to offer a cost-effective and user-friendly means of protecting industrial designs in countries across the world.

The Seminar will deal with the origins and objectives of the new Act, plus the innovations of the Geneva Act as compared with the existing system. In addition, it will cover the initial reactions of both national administrations and



## Finalists chosen for architectural competition to build new WIPO building in Geneva

users to the new system that will need to be put in place in the years to come. Many of the speakers chosen to present this comprehensive course were key players in the diplomatic conference that led to the adoption of the Act with first-hand experience of the workings of many national systems. The course is intended for anyone interested in the international protection of industrial designs, whether national administrators, practitioners or users. The Seminar will be conducted in English and French with simultaneous interpretation between the two languages

The Seminar will take place at:

Intercontinental Hotel  
Chemin du Petit-Saconnex, 7-9  
1211 Geneva

on:

Friday, December 10, 1999  
Registration from 9 a.m.  
Opening of the Seminar at 10 a.m.  
Closure at approximately 5 p.m.

Registration forms may be obtained from "Meetings" on the WIPO website <http://www.wipo.int> or by contacting:

Mr. Giulio Zanetti  
Associate Legal Officer  
Legal Section  
International Registrations  
Department  
World Intellectual Property  
Organization (WIPO)  
34, chemin des Colombettes  
P.O. Box 18  
CH-1211 Geneva 20

Telephone: (+41 22) 338 80 51  
Facsimile: (+41 22) 740 14 29  
E-mail: [giulio.zanetti@wipo.int](mailto:giulio.zanetti@wipo.int)

Twenty-eight architectural firms from eighteen countries have been chosen to compete in the final round of a competition for a major project to extend WIPO's premises in Geneva. An 18-member international jury, met from September 6 to 8 to short-list the finalists from a list of 186 applicants.

The jury will award an amount of 100,000 Swiss Francs for the first prize which will be announced in March 2000. An additional amount of 150,000 Swiss Francs has been set aside for runner-up prizes. Studies relating to the implementation of the project are expected to begin in May 2000.

The WIPO member States endorsed the organization of this international competition in September 1998 and set aside some 82.5 million Swiss Francs for the project. A plot of land located next to WIPO headquarters was acquired for this purpose. The architectural competition covers the construction of a building complex comprised of:

1) An office building with some 500 work places, several small meeting rooms, underground parking, a cafeteria, service areas and links to the main WIPO building.

2) A conference room for 600 delegates with related facilities and located in the immediate proximity of the main WIPO building.

3) Enlargement and restructuring of the lower floors of the main WIPO building, notably to provide parking facilities for delegates and visitors.

The first phase of the competition took place in November 1998 when WIPO publicized the competition in major newspapers worldwide. By February 1999 some 800 architects from about 60 countries had expressed interest in the competition. Some 186 applicants submitted profiles, which formed the basis of the selection for the finalists.

Twenty-eight finalists from Australia, Belgium, Denmark, Estonia, France, Germany, Germany, Israel, Italy, Japan, Malaysia, Mexico, Morocco, Norway, Spain, Switzerland, Thailand, United Kingdom and the United States of America go into the final round of WIPO's international architectural competition.

# La Batie

**Under the slogan "Support Artists and Their Rights" WIPO offered its own support of the Festival de la Batie, a major arts festival held in Geneva and the surrounding area from September 3 to 19. WIPO was a co-sponsor of the festival, which drew an audience of some 61,000 from throughout Switzerland and France to a variety of performances in music, theater, dance, and the visual arts.**

One of the central themes of this year's festival was the practice of "sampling", that of using bits and pieces of other artists' works and incorporating them into one's own. WIPO participated in a number of events and public debates centering around the copyright questions raised by sampling as well as other recent developments in the performing arts.

They included a roundtable discussion held at WIPO headquarters on the theme Copyright in the Digital Era: Challenges and Opportunities, which included as participants a diverse group of composers, performers, music producers, lawyers, and journalists. The Organization was also featured on a live broadcast of a local arts-oriented television program dedicated to the subject of sampling and copyright, as well as at a public debate at an artists' workshop in Geneva. The latter event featured artists and performers from around Europe as participants, discussing various aspects and interpretations of copyright protection, the rights of artists, and the nature of creativity in the digital age.



Photo: Daniel Ybarra

Artists, copyright experts, and performers consider copyright protection at Abanico, a workshop dedicated to bringing artists and the public together.

WIPO's partnership with the festival emphasized the Organization's commitment to promoting and encouraging the creative arts and artists, highlighted important aspects of its work, and helped emphasize a key message: that respect for the creative works of artists encourages better music, art, films, and literature, ultimately enhancing the quality and enjoyment of life.

Photo: Catherine Jewell



Photo: Catherine Jewell



A roundtable discussion held at WIPO brings composers, performers, producers, lawyers and journalists together to consider copyright in the digital age.

# Calendar of meetings

November 1 and 2 (Geneva)

## **Roundtable on Intellectual Property and Traditional Knowledge**

To facilitate an exchange of views among policymakers, holders of traditional knowledge and other interested parties concerning more effective application of, and possible improvements to the intellectual property system to protect traditional knowledge.

Invitations: Member States of WIPO; international and national governmental and non-governmental organizations concerned; representatives of holders of traditional knowledge, including indigenous groups and local communities, and members of the public.

November 8 to 10 (Geneva)

## **Working Group on Biotechnology**

To develop an inventory of current issues in the field of biotechnology related to intellectual property to serve as a basis for information exchange and study by WIPO.

Invitations: Experts from various sectors and interest groups relevant to biotechnology.

November 16 to 20 (Geneva)

## **Standing Committee on Copyright and Related Rights (Third Session)**

The Committee will continue its work based on the results of its second session (May 4 to 11, 1999).

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



# New publications

The following new products were issued by WIPO:

- Basic Facts about the Patent Cooperation Treaty (English) No. 433(E), (French) No. 433(F), (German) No. 433(G), Free*
- The Management of Internet Names and Addresses: Intellectual Property Issues (English) No. 439(E), (French) No. 439(F), (Spanish) No. 439(S), Free*
- User's Guide for Article 6ter CD-ROM (English) No. 477(E), (French) No. 477(F), Only with CD-ROM*
- What is Copyright? (French) No. L450CR/F, (Spanish) No. L450CR/S, Free*
- What is an Industrial Design? (French) No. L450D/F, (Spanish) No. L450D/S, Free*
- What is a Patent? (French) No. L450PA/F, (Spanish) L450PA/S, Free*
- What is a Trademark? (French) No. L450TM/F, (Spanish) No. L450TM/S, Free*
- Frequently Asked Questions (French) No. L450FQ/E, (Spanish) No. L450/FQ/S, Free*
- Intellectual Property Reading Material (English) No. 476(E), 50 Swiss francs*
- International Patent Classification, 7th edition -Vol. 1-10 (English) No. 560(E), (French) No. 560(F), 300 Swiss francs*
- Industrial Property Laws and Treaties - Empty Binders No. XI & XII (English) No. B609(E), (French) No. B609(F), 15 Swiss francs each*
- Copyright and Neighboring Rights Law and Treaty - Empty Binders No. IV, V & VI (English) No. B616(E), (French) No. B616(F), 15 Swiss francs each*
- Intellectual Property and Human Rights (English) No. 762(E), 20 Swiss francs*



WIPO publications may be obtained  
from the Information Products Section:

**WIPO**

**34, chemin des Colombettes**

**P.O. Box 18**

**CH-1211 Geneva 20**

**Switzerland**

**phone: 41 22 338 91 11**

**fax: 41 22 740 18 12**

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Orders should indicate: (a) the number or letter code of the publication desired, the language (E for English, F for French etc.), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail. Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 70, Switzerland.