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## Experts discuss traditional knowledge and intellectual property

In the course of a two-day Roundtable organized by WIPO on November 1 and 2, traditional knowledge holders, and representatives of governments, research institutes, industry and academia addressed the role of intellectual property in protecting traditional knowledge. Some 150 participants from all regions of the world contributed to the success of this meeting.

Discussions focused on the intellectual property aspects of traditional knowledge and, in particular, the definition, nature, value, ownership, use and protection of traditional knowledge. As yet, there is no agreed definition of traditional knowledge, but it includes traditional medicinal, agricultural and ecological knowledge, as well as traditional music, stories and poems, dance, design, and sculpture. Following an overview of WIPO's past and future activities in the area of intellectual property and traditional knowledge, a panel of experts highlighted the challenges in using existing intellectual property protection systems to protect traditional knowledge. A number of non-governmental organizations (NGOs) as well as



Photo: Mercedes Martínez Dozal

*Addressing the role of intellectual property in protecting traditional knowledge (from left) Mr. Bo Hammer Jensen, Principal Patent Counsel, Novo Nordisk, Copenhagen, Denmark, Shri Sundaram Varma, Society for Research and Initiatives for Sustainable Technologies and Institutions (SRISTI) Ahmedabad, India, Mr. Richard Owens, Director, Global Intellectual Property Issues Division, WIPO, and Mr. Shozo Uemura, Deputy Director General, WIPO.*

representatives of holders of traditional knowledge underlined the need to develop appropriate forms of protection for traditional knowledge.

Two case studies were presented by government representatives from the Philippines and Peru (see next page). These examples drew attention to useful lessons and experiences that had been gained in implementing systems of protection of traditional knowledge at the national level. A number of WIPO Member States expressed their views on the protection of traditional knowledge and, in view of its interdisciplinary nature, underlined the need to coordinate

activities in this area with other international organizations.

Participants agreed that WIPO is an appropriate forum to continue to explore a possible legal framework that combines intellectual property with the social, cultural and economic aspirations of holders of traditional knowledge. Such a framework would fully recognize the relevance of intellectual property protection and the contribution that the intellectual property system may make to protecting traditional knowledge.

[The program, list of participants and papers of the Roundtable will shortly be available on WIPO's website [www.wipo.int](http://www.wipo.int).]

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## Traditional knowledge in the Philippines

The Philippine Archipelago of more than 7,000 islands is home to many indigenous peoples who have nurtured their traditional knowledge, protecting and passing it on from generation to generation.

The recent Indigenous People's Rights Act identifies indigenous peoples of the Philippines as separate groupings of individuals who share a common language, homeland, culture and traditions quite different to those of the majority of Filipinos.

Types of traditional knowledge in the Philippines include:

- **Health care:** herbs and rituals for preventing and curing ailments

- **Agriculture:** farming systems of the Ifugao and Cordillera indigenous peoples including terracing skills for agriculture and care of the forests to sustain irrigation at high elevation

- **Fishing:** customary practices such as *mataw* fishing, where only mature fish may be harvested, and traditional fishing seasons that allow fish stocks to recover

- **Mining:** for gold and other minerals accompanied by strict



A typical Ifugao house, Kiangang, Luzon, Philippines.

Photo: Robert Holmes/Corbis

religious rituals; extraction and processing of ores although very basic, are environmentally friendly

- **Arts and crafts:** such as pottery, brassware, woodwork, rattan, body tattooing, and textile designs

- **Music, dance and literature:** now better known internationally due to tourism, Government programs and the commercial success of traditional indigenous music

- **Architecture:** Ifugao architecture that is adapted to the environment, topography and climate and is made from local materials.

[Information obtained from "Efforts at Protecting Traditional Knowledge: The Experience of the Philippines", a paper presented at the Roundtable by Mr. David Daoas, Attorney, Chairperson, National Commission on Indigenous Peoples, President's Office, Manila, Philippines.]

### Protecting traditional knowledge in Peru - finding a balance between the holders and users

Since 1996, the Peruvian Government has been working on legislation to protect traditional knowledge. The objective, in 1996, was to create a legal framework that would guarantee a fair and equitable distribution of the benefits of traditional knowledge within, and between, indigenous communities. During this process, it became clear that participation with the indigenous communities in this drafting stage was essential. To this end, the Government organized a series of workshops with the United Nations Development Program (UNDP) and the International Labour Organization (ILO) in April and May 1999, as well as a seminar with WIPO in May 1999. These focused on establishing the viewpoints of all of the actors affected in some way by traditional knowledge.

The information gathered during these various meetings and workshops illustrated the need to redefine the objectives of the legislation. It was evident that a regime that was too protectionist would discourage users of traditional knowledge from developing it further, whereas a regime that was too liberal would alienate the indigenous people who would simply feel robbed of their heritage. Work is now under way preparing draft legislation that will seek to find an equilibrium to benefit all the holders and users of traditional knowledge.

[Information obtained from "The Experience of Peru", a paper presented at the Roundtable by Mrs. Begoña Venero Aguirre, Head of Patents, National Institute for the Defense of Competition and Intellectual Property (INDECOPI), Lima, Peru.]

## WIPO launches electronic bookshop

WIPO took its publications sales into cyberspace in November with the launching of an electronic bookshop. By clicking <http://www.wipo.int/ebookshop> clients are transported to a virtual site from which it is possible to select and order paper versions of books and periodicals and CD-ROMs. At present, approximately 100 publications in a range of languages may be ordered from the electronic bookshop. This broad selection includes publications in the areas of industrial property, copyright and related rights, patents, marks, trade (TRIPS), licensing/franchising, industrial designs, and arbitration/mediation. There are also a number of downloadable, free-of-charge, general information products.

WIPO's electronic bookshop is equipped with a virtual shopping cart feature which allows shoppers to submit orders and to pay on-line with a valid credit card (American Express, MasterCard, Eurocard or Visa). This connection is via a secure server, using the secure socket layer (SSL) protocol which means that the information is encrypted as it is transmitted



over the Internet. Customers who do not wish to use the SSL connection, may send their orders by fax, e-mail or regular mail to WIPO's Marketing and Distribution Section.

Introduction of the French and Spanish on-line versions of WIPO's electronic bookshop is expected soon. In the meantime, French and Spanish versions of WIPO publications may be ordered via the English electronic bookshop site.

[www.wipo.int/ebookshop](http://www.wipo.int/ebookshop)

## WIPO welcomes new ratifications of the “Internet Treaties”

In November, the Director General of WIPO, Dr. Kamil Idris, welcomed the ratification by Argentina and Slovenia of two WIPO treaties which establish basic standards of protection for copyright and related rights on the Internet and other digital networks—the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Dr. Idris also welcomed the ratification by Mexico of the WPPT.

“We are delighted with these new ratifications which bring us closer to the entry into force of these treaties and the application of international standards to ensure the protection of intellectual property rights in cyberspace,” said Dr. Idris. “These international treaties will help ensure a stable environment for exploiting the potential of the Internet, a global medium that presents huge opportunities for all countries.”

The “Internet Treaties” were adopted in December 1996. At present, eleven countries (Argentina, Belarus, Burkina Faso, El Salvador, Hungary, Indonesia, Kyrgyzstan, Panama, Republic of Moldova, Slovenia and the United States of America) have ratified the WCT and ten countries (Argentina, Belarus, Burkina Faso, El Salvador, Hungary, Mexico, Panama, Republic of Moldova, Slovenia 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



Photo: Mercedes Martínez Dozal

*Mr. Alberto J. Dumont, Minister, Deputy Permanent Representative, Permanent Mission of Argentina in Geneva deposits Argentina's instruments of ratification to the “Internet Treaties” with the Director General.*

into force would herald a new era in the protection of copyright and related rights on digital networks.

Dr. Idris underscored the importance of these treaties in light of the explosive global growth of the Internet. The Director General urged other countries to speed up the ratification process to ensure rapid entry into force of the WCT and WPPT. “Entry into force of these treaties”, he said “will not only safeguard the interests of copyright and related rights holders, but will also maintain the

integrity of the content appearing on the Internet.”

Argentina’s instruments of ratification were deposited with the Director General by Mr. Alberto J. Dumont, Minister, Deputy Permanent Representative, Permanent Mission of Argentina in Geneva. He was accompanied by Mrs. Hilda Retondo, National Director, National Directorate of Copyright, Buenos Aires and Mrs. Marta Gabrieloni, Counselor, Permanent Mission of Argentina in Geneva.

### The “Internet Treaties”

The WCT and WPPT, known as the WIPO “Internet Treaties”, adapt the legal principles underpinning the international protection of copyright and the rights of performers and phonogram producers into cyberspace and more particularly, the Internet. In addition, they clarify how national law must regulate access to and use of creative works which, given the global scope of the Internet, may be downloaded anywhere in the world at the push of a button.

## Visits

### WIPO Director General visits Japan

The Director General, Dr. Kamil Idris, participated in a series of events on November 16 organized by the Government of Japan to commemorate the 100th anniversary of Japan's accession to the Paris Convention for the Protection of Industrial Property.

In the course of his visit to Tokyo, Dr. Idris had an audience with Their Imperial Highnesses Prince and Princess Hitachi. Also present were Mr. Takahiko Kondo, Commissioner, Japanese Patent Office, Mr. Todd Dickinson, United States Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, and Dr. Ingo Kober, President, European Patent Office. Separately, the Director General met with Mr. Takashi Fukaya, Minister of International Trade and Industry and members of the international intellectual property community.

A focal point of these centennial celebrations was a symposium entitled "Intellectual Property Rights - Catalyst of Growth in the 21<sup>st</sup> Century" which was attended by some 400 participants from

government, academic, industry and diplomatic circles. In his opening address, Mr. Kondo, Commissioner of the Japanese Patent Office, stressed the importance of future global patent system and the need to enhance and harmonize patent search standards and operations to improve the efficiency of these global systems.

In his keynote address, Dr. Idris commended the enormous efforts and achievements of the Japanese industrial property community. He noted that Japan has a long and fruitful record of intellectual property protection. Recognizing the importance and economic value of intellectual property protection for both developed and developing countries, Japan has also made significant financial donations to WIPO for the purposes of development cooperation within the Asia and Pacific region.

The Director General highlighted the growing importance of intellectual property rights, in light of the emergence of knowledge and

The Paris Convention applies to industrial property in the widest sense, covering inventions, marks, industrial designs, trade names and geographical indications. Concluded in 1883, it is one of the pillars of the international intellectual property system setting out minimum standards of protection for creators and owners of intellectual property in the 156 states which have signed the treaty to date.

information based economies. He underlined the crucial role of the intellectual property system in converting information and knowledge into tangible and commercially valuable assets.

#### WIPO Gold Medal Award

During his visit to Tokyo, Dr. Idris conferred a WIPO Gold Medal Award on Dr. Akira Aoki, Patent Agent, in recognition of his outstanding contribution to the promotion of international cooperation in the field of intellectual property and inventive and innovative activity.



## Lebanese Parliamentarians visit WIPO Headquarters for an insight into the Organization's work

A group of Parliamentarians from the Republic of Lebanon visited WIPO headquarters in Geneva from November 10 to 12 for a series of in-depth briefings about the work of the Organization and the importance of intellectual property in the 21<sup>st</sup> century, and to discuss areas of cooperation between WIPO and Lebanon. The Parliamentarians exchanged views with WIPO officials about the benefits of a strong intellectual property system and its role in promoting economic, social, and cultural development.

The Parliamentary delegation was headed by Mr. Elie Ferzely, Vice-President of the National Assembly, and included Mr. Chaker Abou Sleiman, President of the Parliament's Commission of Administration and Justice, and Commission members Mr. Camille Ziadé, Mr. Ahmad Fatfat, and Mr. Yassin Jaber, who is also the former Minister for Economy and Trade. They were accompanied by Mrs. Salwa Rahal Al-Faour, Head of the Office of Intellectual Property Protection, Ministry of Economy and Trade, and Mr. Simon Mouawad, Administrative Secretary of the Commission of Administration and Justice. Ambassador Walid A. Nasr, Lebanon's Permanent Representative to the UN in Geneva, also participated in the meetings.

The group met with a number of WIPO officials to discuss the Organization's norm-setting activities in the progressive development of intellectual prop-



Photo: Mercedes Martinez Dozal

*Mr. Elie Ferzely, Vice-President of the National Assembly, Lebanon, (left) discusses the benefits of a strong intellectual property system in promoting economic growth with WIPO Director General, Dr. Kamil Idris.*

erty law, the Cooperation for Development Program, and the services that WIPO provides to the private sector. The visitors also met with WIPO Director General, Dr. Kamil Idris, who highlighted the need for countries such as Lebanon to invest in the intellectual property system. This, he pointed out, would help developing countries secure a competitive edge in the knowledge-based economies of the 21<sup>st</sup> century.

Dr. Idris said the visit enabled WIPO to provide an insight into the work of the Organization and its significance to developing countries. "Today, no one can neglect the critical importance of a robust intellectual property system in promoting economic, social and cultural development" he said. "We want to work with every sector of society—government, parliament, civil society—to ensure that everyone can reap the benefits of the system". The Director General emphasized that "protection of intellectual property is only a means to an end, and not an end in itself. The intellectual property system must serve the wider goal of economic, social, and cultural development."

Lebanon has made great strides in promoting its intellectual property infrastructure. In March 1999, the Lebanese Government adopted legislation to strengthen copyright protection. It is currently preparing a revision of the law on industrial property that will be submitted for approval in the year 2000.

Lebanon joined the Paris Convention for the Protection of Industrial Property in 1924 and the Berne Convention for the Protection of Literary and Artistic Works in 1947. These key treaties are the backbone of the international intellectual property system. Lebanon is also party to the WIPO Convention (since 1986), Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (since 1924), Nice Agreement (since 1961), and the Rome Convention (since 1997).

# Global Intellectual Property Issues

## Fact-finding mission explores traditional knowledge in Bolivia

From November 17 to 19, WIPO carried out a fact-finding mission to Bolivia to discuss the possibility of using established intellectual property rights to protect traditional knowledge and to learn more about the need for protection for the diverse elements that make up traditional knowledge in Bolivia.

During the mission, meetings were held with representatives from indigenous communities such as the Mallcus of Tiawanaku and the Aymaras as well as the Federation of United Indigenous Peoples of Bolivia. Elements of intellectual property protection in these very different communities are often part of traditional customs. In some communities, for example, certain colors belong, by tradition, to a particular family and the use of another family's color is penalized by the community. During discussions with the holders of traditional knowledge it became clear that they were concerned about their vulnerability to misappropriation of sacred, indigenous symbols and handicrafts by private organizations.

Discussions also emphasized the importance of harnessing available intellectual property protection to protect traditional knowledge before embarking on a *sui generis* system.

The mission also met with government officials and in particular the



Photo: Nuno Pires de Carvalho

*Aymaras Shamans performing a ritual ceremony to the pachamama (the mother land) to promote a positive outcome to discussions with the WIPO Delegation in the Cancilleria, the Ministry of Foreign Affairs, Bolivia.*

Institutional Working Group on Intellectual Property that strives to ensure compliance with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The new Bolivian Patent Law, which will provide for the protection of traditional knowledge, was also considered. Initiatives aimed at protecting traditional knowledge were the subject of much discussion, for they often pose difficulties in obtaining protection for traditional knowledge in the form

of rights that depend on novelty as a condition for protection (e.g. patents, industrial designs).

The mission made significant progress in highlighting available means of offering some protection to holders of traditional knowledge and WIPO will continue to assist Bolivia in identifying how the existing intellectual property system can help protect traditional knowledge.



# Cooperation for Development

## WIPO welcomes launch of post-graduate intellectual property program at University Hassan II

The World Intellectual Property Organization welcomed the launch of a post-graduate teaching program on intellectual property at the University Hassan II in Casablanca, Morocco. The program was inaugurated on October 20 at a ceremony in Casablanca attended by WIPO Deputy Director General, Mr. Roberto Castelo, and senior Moroccan officials.

“After intense cooperation between WIPO and the University Hassan II and months of preparation, we are very pleased to see the implementation of this program” Mr. Castelo said. “The importance of teaching intellectual property to law students at a time when intellectual property assets are defining the economic and cultural wealth of nations cannot be over-emphasized.” Mr. Castelo, who heads WIPO’s Cooperation for Development Program, also commended the University for introducing this program and thereby recognizing the significance of teaching intellectual property at a post-graduate level.

In the first such collaboration with an Arab university, WIPO provided support to the University in putting in place a two-year program that would lead to a post-graduate degree in intellectual property law (Diplôme d’études supérieures spécialisées de propriété intellectuelle). WIPO trained three professors from the University in academic institutions

in France and the United States of America. The professors also participated in seminars organized by WIPO. Moreover, WIPO provided computer hardware and software for research purposes. During the course of the program WIPO will also send experts to lecture on specific topics of intellectual property.

The two-year curriculum covers both industrial property and copyright. Demand for the inaugural program was high. Of 120 candidates, only 30 were chosen through competition and jury selection.

University Hassan II has designated one of the three law professors who are specialized in intellectual property teaching to participate in WIPO’s distance learning program. The professor is designated to teach students in other countries of the world through the on-line program managed by WIPO.

Mr. Castelo also announced that WIPO will donate a video-conferencing facility to the University to facilitate distance-learning initiatives and exchanges with other academic institutions.



*Mr. Ahmed Mikou, Head of the department of specialized studies in intellectual property (left) and Mr. El Bechir Kouhlani, Dean of the University.*

## Intensive program for customs officials creates core trainers for eleven Asian countries

To develop a core group of trainers in the effective enforcement of intellectual property rights, WIPO invited eleven senior customs officials from Asian countries to an intensive orientation and study program. The ultimate objective of the program is to provide customs authorities in the region with fully-briefed trainers who will in turn train their colleagues and subordinates. This practical orientation and study program gathered together a rich variety of experts and approaches to enforcement issues and took the participants from Geneva, to Washington, D.C., and finally to London from September 29 to October 12.

### Geneva

In Geneva the participants focused on the work of WIPO including:

- WIPO's Cooperation for Development Program
- a general overview of industrial property and copyright and related rights
- a special presentation by the WIPO Academy on the enforcement of intellectual property rights
- the key elements of the "Banderole" system and a feasibility study carried out at the request of countries from Latin America and the Caribbean.

Participants also made two field trips. The first was to the headquarters of the World Trade Organization (WTO) where they discussed compliance by WTO member States with obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) as well as the provisions



Photo: Christian Polte

*The city of Geneva with WIPO headquarters in the foreground.*

of the Agreement relating to enforcement of intellectual property rights. The second trip was to the World Customs Organization and included a presentation of their model legislation developed to complement the enforcement requirements of the TRIPS Agreement.

## Washington

The Washington phase of the program began at the United States Patent and Trademark Office (USPTO) with an overview of enforcement issues currently being addressed. This was followed by a presentation of country reports by each participant, including measures taken by their respective administrations to comply with the TRIPS Agreement.

The participants also heard presentations on:

- work by the Canadian Customs and Trade Administration and the differences in the roles played by Canada and the United States customs in implementing obligations under the TRIPS Agreement
- procedures to be followed by the Department of Justice and the courts when dealing with intellectual property cases
- work carried out by the customs laboratory in Newington, Virginia, to analyze agricultural products of uncertain geographical origin and other items that appear to be counterfeit



Photo: Corbis

*The Washington phase of the program finished with a trip to the Port of Baltimore and an overview of the work of US customs in the detention and seizure of counterfeit goods.*

- intellectual property databases used at border controls to detect counterfeit trademarks
- Internet piracy and how internet service providers (ISPs) in the United States can now be required to remove infringing material from their sites.

Participants then began intensive work on “fact pattern scenarios” whereby they were presented with fictitious situations, including the importation of infringing goods,

and discussed various ways of resolving the case. The fact pattern scenario was then addressed in the light of obligations under the TRIPS Agreement to highlight the changes needed in a customs officer’s approach.

The program in Washington closed with a one-day visit to the US Customs Port which included presentations on ways of detecting and seizing counterfeit items and the use of modern databases to check infringing items.

## London

The program in London commenced at H.M. Customs and Excise, the oldest department in the Government dating back more than 200 years. This phase of the program continued with presentations on:

- current European Union legislation that complies with the provisions of the TRIPS Agreement
- work carried out by the Value Added Tax Intelligence and Research Team.



Photo: Hulton-Deutsch Collection/Corbis

*A customs officer inspects a hogshead of Spanish sherry in the vaults of the Port of London’s bonded warehouses, December 1960.*

The program concluded with a field trip to the Port of Dover which handles two million vehicles and earns around £500,000,000 annually in revenue. The visit included live cases in which databases were accessed to check the origin of items arriving at the docks. During this trip the group also heard from intellectual property rights owners who stressed the importance of close communication with customs officials in preventing infringing goods from entering the country.

## Highlighting intellectual property issues with the world media

An enthusiastic group of twenty journalists from developing countries visited WIPO headquarters in Geneva from November 22 to 25 for a seminar to highlight the growing importance of intellectual property, and its role in promoting economic, social, and cultural development.

Opening the seminar, Deputy Director General Mr. Roberto Castelo, emphasized the pivotal role the press plays in explaining to the general public the growing importance of intellectual property protection with the emergence of knowledge-based economies. He described the seminar as an important step forward in implementing the Organization's public outreach initiative. "Journalists have a key role to play," he said. "Today, intellectual property assets are defining the wealth of nations. The subject of intellectual property is no longer confined to a narrow elite of inventors, lawyers and technocrats. Society as a whole is divided into users, consumers and owners of intellectual property assets. Intellectual property is of concern to everyone, but not everyone is aware of the importance of the intellectual property system and its crucial link to economic, social and cultural prosperity," Mr. Castelo noted that "the press is one of our most important partners in demystifying intellectual property and in disseminating this information to the general public who are the main benefactors of the system."



Photo: Mercedes Martínez Dozal

*Twenty journalists from developing countries discuss the growing importance of intellectual property and its role in promoting economic, social, and cultural development with intellectual property experts at WIPO.*

During the seminar, the journalists met with experts in the fields of both copyright and industrial property, as well as specialists in emerging intellectual property issues pertinent to traditional knowledge, folklore, biotechnology, and electronic commerce.

The seminar concluded with field visits to the Swiss Federal Institute of Intellectual Property in Berne—where the journalists listened to presentations by experts on trademark registration, patent protection, and the Swiss copyright system—and to a major multi-national company where presentations included:

- branding policy from a marketing perspective
- the financial significance of trademarks to the company.

Participating journalists came from Brazil, China, Colombia, Côte d'Ivoire, Ecuador, Egypt, India, Jordan, Lebanon, Nigeria, Peru, Singapore, South Africa, Sri Lanka, Thailand, Trinidad and Tobago, Tunisia, and Zambia.

The field visits provided an opportunity for the journalists to gain first-hand experience of the commercial importance of intellectual property and to see in practice what they had heard about in theory during their stay at WIPO.

## Increased cooperation among EAPO member States results in doubling of patent applications

From November 3 to 4, WIPO participated as an observer at the eighth session of the annual meeting of the Administrative Council of the Eurasian Patent Organization (EAPO) in Cholpon-Ata, Kyrgyzstan.

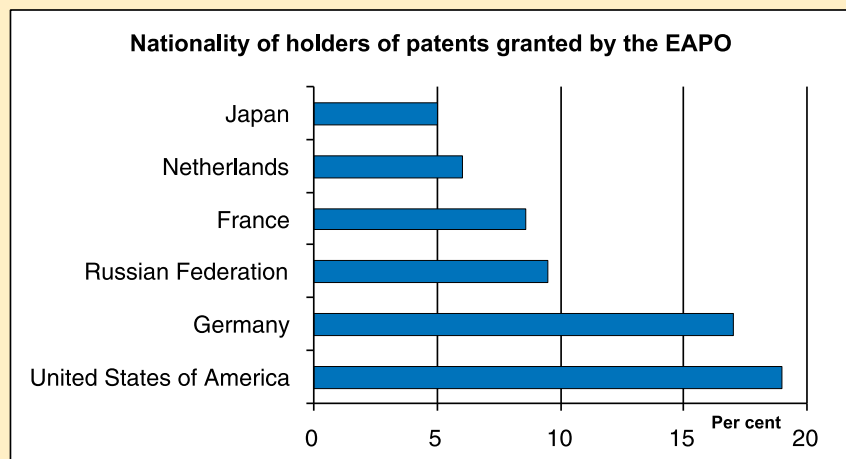
The session commenced with approval of the EAPO program and budget for 2000 and the activity report for 1998. The EAPO is making steady progress with increasing numbers of applications for patents. Compared with 1997, the number of Eurasian applications has more than doubled, rising from 458 to 1,095. Most of these were filed under the Patent Cooperation Treaty. In addition, the number of applications filed by EAPO member States more than doubled to 80 applications with the largest number coming from the Russian Federation.

The Administrative Council is composed of representatives of all member States; it is the governing

body of EAPO. During the session the Council unanimously decided to file a declaration under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, accepting the provisions of the treaty and regulations.

Next year EAPO will celebrate its fifth anniversary with a joint WIPO-EAPO-EPO international

conference on the role of regional patent organizations and the creation of a global system for the protection of industrial property.



### The Eurasian Patent Office (EAPO)

The objectives of EAPO are to strengthen cooperation among its member States in the field of the protection of inventions and to establish a regional system for obtaining protection on the basis of a common patent granted for the territory of all member States. EAPO was established by the Eurasian Patent Convention, which had been prepared with the assistance and advice of WIPO and was signed at Moscow on September 9, 1994, by the Governments of 10 states party to the Paris Convention for the Protection of Industrial Property and to the Patent Cooperation Treaty (PCT) (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, and Ukraine).

# Standing Committee on Copyright and Related Rights holds third session

Representatives from some 80 member States of WIPO met from November 16 to 20 to discuss issues relating to copyright and related rights. At this third session of the Standing Committee on Copyright and Related Rights (SCCR), delegates looked at three issues in particular, namely,

- protection of audiovisual performances
- protection of databases
- protection of the rights of broadcasting organizations.

Nine intergovernmental and 44 non-governmental organizations also participated in the discussions.

## Protection of audiovisual performances

Current discussions in the context of the SCCR focus on the need to establish an international instrument to protect audiovisual performances. The WIPO Performances and Phonograms Treaty (WPPT), concluded in December 1996, updates and harmonizes the regulatory environment for the protection of performers only in sound performances and not audiovisual performances.

Among the issues examined in this context were contractual arrangements involving the transfer of rights from performers to producers of audiovisual works, and rights of broadcasting and communication to the public. Although there was no convergence of views on these questions, the Committee

decided to hold a series of meetings in the first half of 2000 to discuss remaining issues and to assess the progress of work. A decision would then be taken in 2000 regarding the organization of a diplomatic conference to consider an international instrument on the protection of audiovisual performances.

## Protection of databases

Negotiators expressed a range of views and underlined the importance of obtaining more detailed and comprehensive documentation on the economic implications of granting more than existing normal copyright protection to databases, particularly in relation to developing countries and countries in transition to a market economy.

The advent of digital technologies means that it is possible to reproduce and distribute information such as that stored within computerized databases quickly, easily, at low cost and with high quality. The debate on the subject of broader international protection for databases centers on two main concerns. On the one hand, under current arrangements, databases enjoy protection from unauthorized usage only if they are deemed to constitute intellectual creations, for example, if the database constitutes an original arrangement of material. This means that many databases, such as telephone directories or meteorological databases, which are costly to produce, do not qualify as original intellectual creations and are not protected under existing international copyright law. On the other hand, many countries are concerned about the impact that



*The Standing Committee unanimously re-elected Mr. Jukka Liedes of Finland (left) as Chairman.*

## Background on the SCCR

The SCCR was established in 1998 to examine matters of substantive law and the harmonization of standards in the field of copyright and related rights. The work of the Standing Committee is designed to ensure that existing international standards of protection are updated and enhanced and that new standards are introduced as necessary.

The main and most important steps towards establishing minimum standards of copyright protection within the digital environment were taken in 1996 with the conclusion of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). These treaties contain a general update of the legal principles underpinning international protection of copyright and the rights of performers and phonogram producers in cyberspace. They also clarify that national law must prevent unauthorized access to and use of creative works which, given the global reach of the Internet, may be distributed, accessed and reproduced anywhere in the world at the push of a button.

At present, twelve countries have adhered to the WCT and eleven countries to the WPPT. At least 30 states must adhere to each of the treaties before it enters into force. This would herald a new era in the protection of copyright and related rights on digital networks.

protection of such databases will have on the flow of information and access to educational and scientific data in the public domain as well as broader economic implications, particularly in the context of developing and least developed countries.

Further discussions will be held on this subject at future sessions of the Standing Committee.

### Protection of the rights of broadcasting organizations

At the second session of the SCCR in May 1999, members of the Committee reaffirmed their general willingness to update the existing rights of broadcasting organizations. Existing rights are provided for in the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations of 1961. Given the rapidly developing technological environment in which broadcasting organizations

operate, there is growing consensus that it is necessary to update and enhance international protection for these organizations. The need to address this issue is further underlined by the fact that such protection is not provided for in the WPPT.

During the current session, discussion of this matter focused on the scope of a new instrument, the definition of the notion of broadcasting, the object of protection and categories of organizations to be protected, taking into account the technological developments in the field of communication. Talks also covered the scope of rights, including limitations, terms of protection, obligations concerning technological measures, rights management and information. The Committee will continue these talks at future sessions.

## Director General appoints Professor Atsain to IAC

The Director General of WIPO, Dr. Kamil Idris, has appointed Dr. Achi Atsain, distinguished Professor of Economics at the University of Abidjan and former Cabinet Minister of the Côte d'Ivoire, to the Industry Advisory Commission (IAC). Professor Atsain joins a prestigious group of business leaders on the IAC, which advises the Director General on intellectual property questions of specific interest to industry.

Dr. Idris praised Professor Atsain's eminent career in the service of his country, his broad international experience, and his impeccable academic credentials. "We are pleased and honored that Professor Atsain has accepted our invitation to become a member of the Industry Advisory Commission. His extensive background in



*Dr. Achi Atsain, Professor of Economics, University of Abidjan is appointed to the Industry Advisory Commission.*

finance and economics and his broad international experience will be an asset to the work of the Commission" Dr. Idris said.

In appointing members to the IAC, Dr. Idris has sought to ensure a balance in geographical distribution, as well as diversity in professional and academic backgrounds. Professor Atsain brings to the Commission a broad range of experiences. His present position is Special Advisor in the Office of the President of the Côte d'Ivoire; he is also a member of the National Assembly. From December 1993 to August 1999, he served as Minister of Employment, Civil Service and Social Welfare. Professor Atsain also teaches economics at the University of Abidjan and has authored and contributed to over 30 works relating to various aspects of economic development. Several United Nations agencies, as well as the World Bank, have benefited from the Ivorian economist's expertise.

### The Work of the IAC

The establishment of the IAC in 1998 marked the beginning of a new partnership between WIPO and the private sector. The Commission, which brings together, in bi-annual meetings, some 20 representatives of industry and academia, is of crucial importance to WIPO in view of the fact that industry benefits most directly from intellectual property protection. In addition, the challenges that industry faces due to globalization and rapid developments in technology directly affect and are affected by intellectual property. At its inaugural meeting earlier this year, Dr. Idris said the establishment of the IAC marked "an historic shift in the policy of this Organization and in the vision which we would like to have for this universal body". He said the Commission will "ensure that, in particular, our norm-setting activities and the global protection systems will meet with the interests and needs of your respective institutions, industry and the market sector interests". The IAC provides a forum for industry leaders to exchange views with WIPO.



## WIPO Director General takes part in meeting with US President

Broader grass roots participation in matters relating to international trade topped the agenda of a meeting convened by US President Bill Clinton for heads of international organizations on December 1 in Seattle, Washington. The Director General of WIPO, Dr. Kamil Idris, who took part in the meeting, welcomed the initiative and underlined the need to reach out to the general public to demystify the issues covered by the United Nations, its specialized agencies, and other international bodies.

At the meeting, called by President Clinton on the sidelines of the World Trade Organization (WTO) Ministerial Conference, Dr. Idris joined his counterparts in exploring how the international community can help ordinary citizens take advantage of the economic benefits of global free trade and investment.

The Director General shared his views on capacity building in developing countries for the promotion of creativity and the use of intellectual property for social, economic and cultural develop-

ment. Dr. Idris also provided information on WIPO's technical assistance activities with developing countries. These include providing countries with the necessary training and legal and technical advice, among other things, to assist them in realizing the inventive and creative potential of their people.

## UN libraries working together to cut the cost of information and improve global accessibility

Librarians from 28 United Nations programs and agencies, including WIPO, met in New York in September for the first meeting of the United Nations System Consortium, led by the Dag Hammarskjöld Library, to examine cost savings and efficiencies through joint subscriptions to electronic information accessible via the Internet.

Historically, agencies throughout the United Nations system independently acquired the information

resources necessary to fulfil their mandates. Over the past few years, a significant increase in the amount of electronic information delivered via the Internet has made it possible to attempt a system-wide sharing of information of common interest. The Consortium has worked to ensure a dramatic increase in the availability of electronic information products and services for member States, UN system staff and clients of UN system libraries. The benefits include volume driven discounts,

timely delivery of critical information, and 7-day, 24-hour accessibility to that information, regardless of geographical location.

Electronic information services available via the UN System Consortium include the Economist Intelligence Unit Viewswire and Country Data, NewsEdge and Reuters, Janes On-line, ProQuest Direct, Oxford Analytica and Lexis-Nexis.

## When was chewing gum invented and how would your life be different without inventions?

These were two of the questions to which a group of students from the International School of Geneva sought answers at WIPO's exhibition "At Home with Invention". The group of young students received a guided tour around this, WIPO's second exhibition, that has attracted many international visitors since it was opened in May 1999.



*Special care has been taken to highlight the intellectual property rights in the objects that fill this inventive home.*

The exhibition follows the layout of a traditional home with a living area, bedroom, and kitchen, and special care has been taken to highlight the intellectual property rights in the

items that fill this inventive home. Some of these, such as the latest multimedia computer, semi-

transparent CD-ROM player and a brightly colored vacuum cleaner are clearly innovative but the exhibition also highlights simple inventions like the paper-clip, ring-pull can and collapsible water bottle. The items that fill this home have all been the object of a patent, trademark or industrial design application, or copyright protection.

The run of this popular exhibition has been extended to spring 2000. To see the exhibition, come to the WIPO Information Center, 34, chemin des Colombettes, Geneva, Monday to Friday: 9.30-17.00

# 1999-2000

The Director General  
extends Season's Greetings  
and Best Wishes for the New Year

يتقدم المدير العام  
بأطيب تمنياته  
بمناسبة الأعياد المجيدة  
ورأس السنة الجديدة

Le Directeur général  
vous souhaite de bonnes fêtes de fin d'année et  
vous présente ses meilleurs vœux pour l'année nouvelle

Генеральный директор  
шлет свои поздравления по случаю новогоднего праздника  
и наилучшие пожелания в Новом году

El Director General  
le desea unas Felices Fiestas  
y un Próspero Año Nuevo

总干事  
谨致节日问候  
并祝新年万事如意

# Calendar of meetings

## November 15 to 22 (CICG, Geneva)

### Working Group on IPC Reform

The Working Group will continue its discussions of the IPC reform aimed at the accommodation of the IPC to the electronic information era.

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

## 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.

## November 29 to December 3 (Geneva)

### PCT Committee for Administrative and Legal Matters

The Committee will discuss proposed amendments of the PCT Regulations and proposed modifications of the PCT Administrative Instructions concerning certain aspects of the processing of international applications which relate to the draft Patent Law Treaty that will be submitted as the basic proposal to the Diplomatic Conference for the Adoption of the Patent Law Treaty to be held in Geneva from May 11 to June 2, 2000.

*Invitations:* Contracting States of the PCT, International Searching Authorities and International Preliminary Examining Authorities, and, as observers, member States of the Paris Convention for the Protection of Industrial Property and certain intergovernmental and non-governmental organizations.

## December 6 & 7 (Geneva)

### Workshop on Implementation Issues of the WCT and the WPPT

The Workshop will examine implementation issues of the provisions on limitations and exceptions as well as technological measures of protection contained in the two Treaties.

*Invitations:* States members of WIPO and/or the Berne Union, the European Community and certain organizations.

## December 6 to 10 (Geneva)

### Standing Committee on Information Technologies (SCIT) Plenary (Fourth session) and SCIT Working Groups (Second session)

The Committee will discuss, among other issues, the draft Information Technology Strategic Implementation

Plan and the SCIT Work Program for the 2000-2001 biennium. The Working Groups will continue to deal with matters regarding the WIPO Global Information Network and consider the revision of WIPO Standards.

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

## December 8 & 9 a.m. (Geneva)

### Advisory Committee on the Management of Copyright and Related Rights in Global Information Networks

The Committee will continue its work analyzing the various network based rights management systems and discuss the establishment of an observatorium to follow future developments in the field.

*Invitations:* States members of WIPO and/or the Berne Union, the European Community and certain organizations.

## December 9 p.m. & 10 (Geneva)

### Workshop on Liability of On-Line Service Providers

The Workshop will discuss existing and foreseen national and regional legislation regarding service providers' liability, the practical implementation of such legislation in the private sector and whether international harmonization is advisable or necessary.

*Invitations:* States members of WIPO and/or the Berne Union, the European Community and certain organizations.

## Year 2000

## March 22 to 24 (Geneva)

### Working Group on Constitutional Reform (First session)

The Working Group will consider and study proposals concerning constitutional reform and will report on its progress to the Assemblies of Member States in the year 2000.

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

## March 27 to 31 (Geneva)

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

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

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

# Products

## The following new products were issued by WIPO:

- Set of 3 WIPO posters (Arabic) No. TRIPOST/A, (Chinese) No. TRIPOST/C, (English) No. TRIPOST/E, (French) TRIPOST/F, (Russian) No. TRIPOST/R, (Spanish) No. TRIPOST/S, 25 Swiss francs each
- *What is Copyright ?* (Chinese) No. L450CR/C, Free
- *What is an Industrial Design ?* (Chinese) No. L450ID/C, Free
- *What is a Patent ?* (Chinese) No. L450PA/C, Free
- *What is a Trademark ?* (Chinese) No. L450TM/C, Free
- *FAQs* (Chinese), No. L450FQ/C, Free



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