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Industry Advisory Commission Urges Cheaper Patent Protection

A panel of leading representatives of industry urged the World Intellectual Property Organization (WIPO) and its 175 member States to explore ways of reducing the costs of intellectual property protection. The Industry Advisory Commission (IAC) emphasized that affordable intellectual property protection is a key factor in securing socio-economic development and promoting widespread use of the intellectual property system.

Meeting under the auspices of WIPO in Geneva on May 4 and 5, the IAC adopted a resolution urging WIPO member States to explore ways to lower the costs of obtaining and maintaining intellectual property protection. In another resolution, the IAC, a body that reflects on the role of WIPO from the perspective of industry, also called on WIPO to take the lead in addressing questions concerning the patentability of biotechnology. The resolutions will be presented to the annual meeting of WIPO member States in September.

The IAC urged WIPO member States to adopt a more comprehensive approach to reducing the cost of obtaining and maintaining intellectual property



Members of the Commission (from left to right): Dr. Othman Yeop Abdullah, Executive Chairman, Multimedia Development Corp, Malaysia, Mr. Ashok Soota, Chairman & Chief Executive Officer, MindTree Consulting Pvt. Ltd., India, Mr. Herman P. Spruijt, Member of the Executive Board, Elsevier NV, Netherlands, Mr. Joel Schoenfeld, Senior Vice President and General Counsel, Bertelsmann Music Group (BMG) Entertainment, United States of America.

protection in multiple countries. The Commission advocated a number of medium and long term measures, namely:

- the harmonization of substantive patent law in order to facilitate greater mutual recognition of search and examination results by patent offices;
- further exploratory work on the possible introduction of a Patent Cooperation Treaty (PCT) certificate of patentability and work, in the long term, on the development of the legal framework for a world patent;
- the adoption of a general principle to eliminate barriers

(e.g. fees, unreasonable delays and burdensome procedures) to obtaining and maintaining intellectual property protection at a reasonable cost.

Best Practices

The IAC also supported the development of a set of best practices regarding the use of intellectual property fees at national and regional levels. Such practices include:

- the principle that filing, maintenance and other fees derived by intellectual property offices

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should be used exclusively for purposes related to intellectual property;

- the principle that, in order to lower barriers to access to patent protection, the filing fee should not exceed a designated percentage of the total fees that would be payable if a patent were granted and maintained until expiration of the patent term.

Following an extensive debate on the question, the IAC also called upon WIPO to take a lead role in

urgently suggesting the appropriate application of patentability standards in the field of biotechnology.

This was the third session of the IAC, which was established in the context of efforts by WIPO Director General, Dr. Kamil Idris, to take account of the broadest range of opinions in the framework 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 identi-

fies and reviews issues that may need to be dealt with by WIPO from the specific viewpoint of industry and the market sector. The IAC, whose members sit in their personal capacities, has a purely advisory role.

Members of the WIPO Industry Advisory Commission

Mr. Talal Abu-Ghazaleh, President, Arab Society for the Protection of Intellectual Property, Egypt

Mr. Achi Atsain, President, West African Economic Association, Côte d'Ivoire

Mr. Heinz Bardehle, European Patent Attorney, Bardehle Pagenberg Dost Altenburg Geissler Isenbruck, Germany

Mr. Jason Berman, Chief Executive Officer and Chairman of the Board, International Federation of the Phonographic Industry, United Kingdom

Mr. Robert Bishop, Chairman, Silicon Graphics World Trade Corporation, Switzerland

Ms. Marilyn S. Cade, Director, AT&T, United States of America

Mr. James Cochrane, Executive Director for Europe, Africa and the Middle East, Glaxo Wellcome, United Kingdom

Mr. Hayek, Chief Executive Officer and Chairman, Swatch AG, Switzerland

Mr. Michael K. Kirk, Executive Director, American Intellectual Property Law Association (AIPLA), United States of America

Mr. François Lagrange, Conseiller d'Etat, France

Mr. Ma Lianyuan, Deputy Commissioner, State Intellectual Property Office of the People's Republic of China

Mr. Frederick Mostert, Intellectual Property Counsel, Richemont International Limited, United Kingdom

Mr. Carlos Roberto Liboni, First Vice-President, Federation of Industries of the State of Sao Paulo, Brazil

Mr. Michio Naruto, Vice Chairman, Fujitsu, Japan

Mr. Katsuo Ogawa, President, Patent Attorney, Nitto International Patent Office, Japan

Tan Sri Dato' Dr. Othman Yeop Abdullah, Executive Chairman, Multimedia Development Corp, Malaysia

Mr. Joel Schoenfeld, Senior Vice President and General Counsel, Bertelsmann Music Group (BMG) Entertainment, United States of America

Mr. Ashok Soota, Chairman & Chief Executive Officer, MindTree Consulting Pvt. Ltd., India

Mr. Herman P. Spruijt, Member of the Executive Board, Elsevier NV, Netherlands

Mr. Jack Valenti, Chairman and Chief Executive Officer, Motion Picture Association of America, Inc., United States of America

WIPO and Industry Consortium to Develop Dispute Settlement Guidelines for Application Service Providers

In May the World Intellectual Property Organization (WIPO) and the Application Service Provider Industry Consortium (ASPIC), a non-profit international consortium made up of the world's leading technology companies jointly announced that they are working together to establish a dispute settlement mechanism specifically tailored to meet the needs of the application service provider (ASP) industry.

"We are very pleased to have the opportunity to collaborate with the ASP industry in developing effective and reliable dispute-resolution procedures for an evolving model of Internet commerce," said Mr. Francis Gurry, WIPO Assistant Director General and Director of the Arbitration and Mediation Center. "The ASP model is fundamentally changing the way software is delivered and used on the Internet. To develop further, there must be user confidence in the integrity and reliability of the model and this hinges on mutual respect of rights."

New Course

ASPs are charting a new course for the development of the Internet and promise to alter the way people use the information superhighway. ASPs deliver and manage applications and computing services from remote data centers to multiple users via the Internet or a private network. For application users, obtaining mission critical applications from an outside supplier provides a



cost-effective solution to the demands of system ownership, such as up-front capital expenses, implementation challenges and a continuing need for system administration and maintenance, upgrades and customization. Estimates show that the future outsourcing of software applications is likely to be a US\$ 25 billion industry by 2002.

Since its establishment in June 1999, ASPIC groups some 400 member companies worldwide. Formed by 25 of the world's leading technology companies, the consortium's mission is to promote the application service provider industry by sponsoring research, fostering standards and articulating the strategic and measurable

benefits of ASP as a new computing delivery model. To accomplish this, ASPIC provides common definitions for the industry, serves as a forum for the discussion of issues, sponsors industry research, fosters open standards and guidelines, and promotes best practices, among other activities.

ASPIC recognized from the outset the importance of effective dispute avoidance and resolution mechanisms to helping parties realize their commercial goals. According to Traver Gruen-Kennedy, the Consortium's chairman, "In the ASP world, management of information technology becomes the management of contracts. Effective dispute

avoidance, management and resolution mechanisms are about instilling confidence in a business relationship, not undermining it. Having in place such mechanisms will lead to more robust contracts and better business relationships.”

Encouraged by the WIPO Arbitration and Mediation Center’s successes in the area of Internet domain name dispute resolution, Mr. Gruen-Kennedy approached the Center in February 2000 to explore potential areas of co-operation. The Consortium’s Board subsequently requested the Center’s assistance in developing guidelines for dispute avoidance and settlement specifically geared towards the ASP industry.

Areas of Dispute

There are a number of areas in an information technology relationship out of which disputes might arise, including software or hardware performance, quality or function, project management performance, copyright and proprietary rights infringement, service failure, and loss of data or data integrity. Because of the “one-to-many” delivery model, an ASP’s liability exposure in each of these and other areas is multiplied several-fold. Particularly in a cross-border international relationship, the commercial and legal risks increase significantly, as does the potential for conflict due to different legal regimes, different commercial and legal cultures, and language and cultural differences. The quick and cost-efficient resolution of disputes, together with effective dispute

avoidance strategies, is fundamental to the success of the ASP industry.

The “ASP Best Practices and Guidelines for Dispute Avoidance and Resolution” are expected to be ready for voluntary adoption by consortium members towards the end of this year. “The dispute-resolution procedures must be considered to be effective and attractive by industry since their success will depend on widespread voluntary take-up by application service providers,” said Mr. Gurry.

Established five years ago, the Geneva-based WIPO Arbitration and Mediation Center is providing dispute resolution services relating to the Internet and electronic commerce. Aside from offering traditional arbitration and mediation services, the WIPO Center is recognized as one of the leading dispute resolution service provider for domain name disputes. To-date, more than 300 domain name cases have been filed with the Center by trademark holders seeking to wrest back their Internet identity from alleged Internet pirates or “cybersquatters”.

Measures to Simplify Trademark Licensing Get Green Light

Members of the World Intellectual Property Organization (WIPO) Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) agreed at the end of March on a set of measures to simplify and harmonize procedures relating to trademark licenses. The committee adopted by consensus a Joint Recommendation Concerning Trademark Licenses which is to be submitted for formal approval by member States at the September 2000 meeting of the WIPO Assemblies.

The proposed joint recommendation represents a series of guidelines which set out a maximum list of indications and elements that may be required by national or regional authorities with respect to a request for recordal or for cancellation or amendment of the recordal of a license. These measures are of significance in countries where the national trademark legislation requires that details of licensing agreements be formally registered with the national authorities.

Complement to TLT

Representatives approved the proposed Joint Recommendation Concerning Trademark Licenses on the understanding that this matter would be formally considered in future negotiations relating to the revision of the Trademark Law Treaty (TLT).

The proposed joint recommendation complements the TLT insofar as it deals specifically with the simplification and harmonization of procedures relating to trademark licenses. This subject is not covered

by the TLT which was adopted in October 1994 and entered into force on August 1, 1996. Twenty-five countries are party to the treaty today.

Trademarks and service marks are increasingly marketed on a global scale. Protection of these marks, however, can only be obtained at a national or regional level. The procedures required by national or regional offices differ greatly from country to country and the formal requirements that have to be complied with are, in some cases, costly and time consuming.



The conclusion of the TLT was a timely and cost-effective solution to this problem. The application of the treaty serves to streamline and harmonize the formal requirements set by national and regional offices for the filing of national or regional trademark applications, the recordal of changes and the renewal of trademark registrations. In this way, applicants benefit from cost savings and also have easier access to worldwide trademark protection.

The proposed joint recommendation is part of WIPO's policy to adapt to the rapid pace of change in the field of industrial property by

considering new options to accelerate the development of international harmonized common principles and rules. This approach is designed to complement the traditional and more lengthy treaty-based approach to international standard setting. While not legally binding, the recommendation, once adopted, will have strong persuasive authority. The adoption of the proposed joint recommendation does not preclude the provisions from being incorporated into a future revision of the TLT.

Broader Issues Considered

The SCT also considered the broader issue of the use of trademarks and other distinctive signs on the Internet and the possible consequences for international trademark law. The problems associated with the use of trademarks on the Internet stem from the territorial nature of intellectual property rights as well as the global reach of the Internet which results in a single act having effect simultaneously in practically all the jurisdictions in the world. The question of whether it is necessary to improve existing standards to address this problem will be the subject of on-going discussion by Standing Committee members.

WIPO Member States Discuss Intellectual Property and Genetic Resource Issues

Member States of WIPO, meeting in Geneva on April 17 and 18, discussed intellectual property issues relating to genetic resources. Topics discussed included access to genetic resources, benefit sharing and the possible impact of these on patent law, protection of traditional knowledge, access to and transfer of technology and technical and scientific cooperation.

The emergence of knowledge-based models of economic development has fuelled a growing interest in tradition-based innovation and creativity. At the request of its member States, WIPO has, since 1998, been actively exploring the possible role of the intellectual property system in protecting biological diversity and traditional knowledge.

In a concluding statement, the Chairman of the meeting on Intellectual Property and Genetic Resources, Mr. Weerawit Weeraworawit, Deputy Director General of the Department of Intellectual Property, Ministry of Commerce, Bangkok, summarized the broad consensus of delegates on a number of key issues. An excerpt of his statement follows:

- The issue of genetic resources and intellectual property is not a North-South issue, but a matter of great importance and concern to all the member States of WIPO. It has to be approached by considering all the relevant and related issues.
- The issues of access to genetic resources, biodiversity, protection of traditional knowledge and expressions of folklore, access to and transfer of



technology, scientific and technical cooperation in the preservation and sustainable use of biodiversity, benefit sharing and the relationship with international treaties on intellectual property are complex and inter-related. Consequently, they should be tackled in a comprehensive manner, drawing on the existing works and expertise of WIPO and the other international organizations concerned.

- Intellectual property has an indispensable role in the formulation of an internationally acceptable regime on the above-mentioned issues.
- WIPO should facilitate the continuation of consultations among member States in coordination with the other international organizations concerned, through the conduct of appropriate legal and technical studies, and through the setting up of an appropriate

forum within WIPO for future work.

- The issue of access to genetic and biological resources helps contribute to the momentum of the ongoing consultative process on the new global issues of folklore, traditional knowledge, genetic resources and biodiversity, so it merits in-depth and intensive study and discussion taking into account all other relevant factors.

The meeting mandated the WIPO secretariat to prepare a questionnaire on the legal practices of member States concerning the broad range of issues covered during the talks in order to collect relevant information and prepare an overview paper. It was also agreed that a report of the meeting would be sent by WIPO to the Conference of the Parties of the Convention on Biological Diversity, which met in Nairobi, in May 2000.

Worldwide Academy and the University of Turin to Offer Post-Graduate Diploma



The Geneva signing ceremony at WIPO.

The University of Turin and WIPO agreed on May 12 to grant a joint post-graduate diploma in intellectual property law. The agreement was signed by WIPO Director General Dr. Kamil Idris and the Rector of the University of Turin, Professor Rinaldo Bertolino, at WIPO's Geneva headquarters.

"This agreement signals a milestone in the fledgling history of the WIPO Worldwide Academy," said Dr. Idris. "This marks the first opportunity for the Academy to grant, jointly with one of Europe's finest and oldest academic institutions, a post-graduate degree in intellectual property law."

The WIPO Worldwide Academy (WWA), set up in 1998 as a center for the development of human resources in intellectual property, and the University of Turin have jointly designed this new post-graduate specialization course on intellectual property law. This initiative took shape following an official visit by Dr. Idris to Italy in September 1998.

The three-month program is designed for professors and professionals with a grounding in intellectual property law who wish

to acquire the knowledge and skills required to play a more active role in its teaching and practice. Half of the 40 students admitted to the course each year will be sponsored by the WWA and will come from developing countries. The other 20 students will be selected from Italy and other industrialized countries. The first course will take place from September 4 to November 30, 2000 in Turin and will be conducted in English. The Italian government will co-sponsor this program through the Department for Cooperation of the Ministry of Foreign Affairs.

"The growth of local human resource capacities in the field of intellectual property and the training of trainers is among the long-term objectives of this course," said Dr. Idris. In this respect, he underlined the extensive experience of the University of Turin, which, in collaboration with the International Training Center of the International Labor Organization (ILO) in Turin and the Italian Ministry of Foreign Affairs, has been offering a similar post-graduate diploma in international trade law for several years.

Curriculum

The curriculum covers seven modules: patent law, trademark law, copyright law, unfair competition and trade secrets, *sui generis* rights, antitrust, and intellectual property implications of digital technology and electronic commerce. Teaching will center on the international legislative aspects of intellectual property law. Teachers will be chosen jointly by WIPO and the University of Turin, which was founded in 1405 and today has some 70,000 students, 1,300 professors and nearly 800 researchers and assistants.

The 13-week course will be held at the premises of the ILO International Training Center in Turin. Successful candidates will be awarded a diploma bearing the logos of WIPO and the University of Turin.

Also present at the Geneva signing ceremony were other University officials, namely Professors Marco Ricolfi and Massimo Travostino. The Italian government was represented by His Excellency Ambassador Andrea Negrotto Cambiaso, Permanent Representative of the Italian Mission to the United Nations in Geneva and Mr. Zamboni di Salerano, Minister Plenipotentiary, Delegate for International Intellectual Property Agreements at the Ministry for Foreign Affairs. Mr. François Tremaud, Director General of the ILO International Training Center and Mr. Giulio Piva, Deputy Director of the ILO International Training Center, were also present.

WIPO Gold Medals Awarded at Geneva Exhibition of Inventions

WIPO presented two inventors with Gold Medals at Geneva's 28th International Exhibition of Inventors in April. An international jury designated by the organizers of the Geneva Exhibition decided on the winners for the best invention by a woman and the best invention by a national from a developing country.

The WIPO Gold Medal scheme is part of the Organization's commitment to promote innovation at every level of society in every part of the world. Since the 8th Geneva Exhibition in 1979 when WIPO first participated, a total of forty-

three WIPO medals have been awarded to inventors at the exhibition.



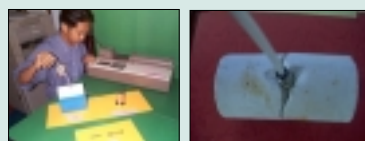
Mrs. Katja Hardenfels receives WIPO Gold Medal Award from Mr. Vladimir Yossifov, Director, Infrastructure and Innovation Promotion Section, WIPO.

Photo: Gérard Chardonnes

Mr. Omar Husaini, a national of Malaysia, received recognition for his invention of a strength-measuring device for weak rock and hard soils (H-Ometer). A German national, Mrs. Katja Hardenfels, was awarded the medal for her "Master Pad", a universal memory aid for use especially as a notification system for medical treatments. The "Master Pad" can also be used during natural disasters and deep-sea diving.

WIPO's Gold Medal Award program seeks to stimulate inventive and innovative activity around the world, particularly in developing countries. The award serves to attract and enhance public recognition of inventors and their work. The granting of the medals improves the image of inventors through recognition of their merits as creators who contribute to national wealth and development. Some 573 WIPO Gold Medals have been awarded to inventors from 78 countries, including women, young inventors and children.

The Strength Measuring Device for Weak Rock and Hard Soil



H-Ometer is a cylindrical probe with an expandable flexible membrane designed to apply a uniform pressure to the walls of a cavity, such as a borehole. It is a hollow steel tube 12mm in diameter open at one end with a hole in the mid-portion of the curved surface, and 50mm in length. The H-Ometer is mainly for use in civil engineering especially in geotechnical engineering and geological engineering. It was developed by a group of researchers headed by Mr. Husaini Omar at the Mountainous Terrain Development Research Center, Faculty of Engineering, Universiti Putra Malaysia.



Mr. Omar Husaini receives WIPO Gold Medal Award from Mr. Yossifov.

Photo: Gérard Chardonnes

Patent Cooperation Treaty (PCT)

PCT Registers 500,000th Patent Application

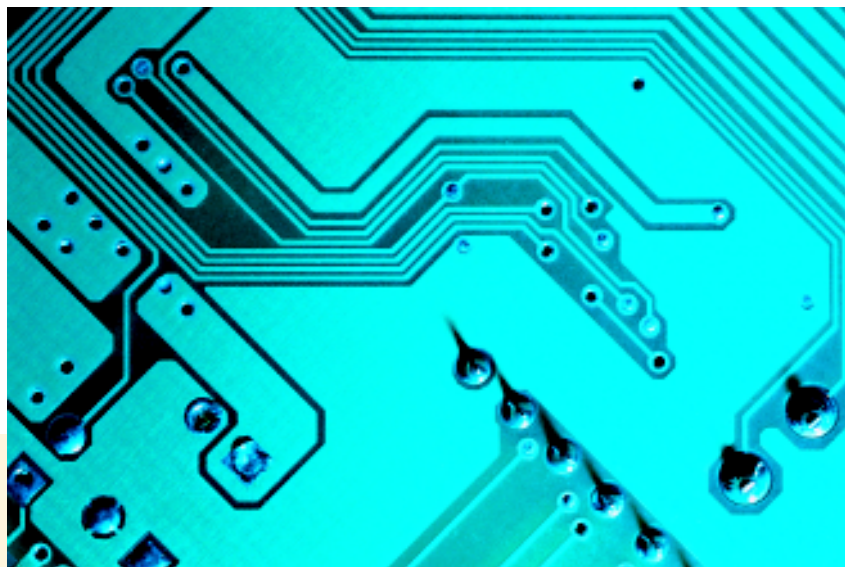
The Patent Cooperation Treaty (PCT) marked a milestone in its history with the recent filing of the 500,000th application by the Procter & Gamble Company. Procter & Gamble, along with Siemens, Philips, Ericsson, Bosch, Motorola and Nokia, has been one of the PCT's top users over the years since its inception in 1998.

The 250,000th international application under the PCT was received in February 1996, 18 years after the Patent Cooperation Treaty first came into effect. Accelerated growth of the PCT in recent years is demonstrated by the fact that it has taken only four years since the 250,000th filing to reach the milestone of 500,000 international applications. Statistics for the beginning of 2000 indicate record use of the PCT. In February alone, the PCT received 7,585 international applications, representing the highest number of international applications received in a given month.

"The PCT's sustained record performance is a sign of the user community's confidence in the system and recognition of the PCT as a cost-effective and efficient solution for business and inventors seeking patent protection in multiple countries," said WIPO's Director General, Dr. Kamil Idris. "The success of the PCT spurs WIPO to continue working to improve and upgrade the services which the system provides to industry and commerce."

Patent Protection, Commercial Value

Technological developments such as Johannes Gutenberg's printing



press, Alexander Graham Bell's telephone and Harley Procter's Ivory Soap spurred the evolution of intellectual property protection. However, the world has changed dramatically since the time of these inventions and today the communications landscape is radically different. This means that an invention's commercial value hinges to a large extent on the efficiency and reliability of the protection offered by the international patent system. The PCT is the best option for inventors to ensure that their works are protected in multiple countries.

The PCT offers advantages to patent applicants, national patent offices, and the public in its 108 member States. Instead of filing separate national patent applications with the office of each country in which a patent is sought, the PCT allows an inventor to file one "international" application in one language and to seek protection

simultaneously in any of its member States. The success of the system and its bright prospects for the future are largely based on the multiple benefits offered by the PCT that result in significant savings—both in terms of time and money—for the user.

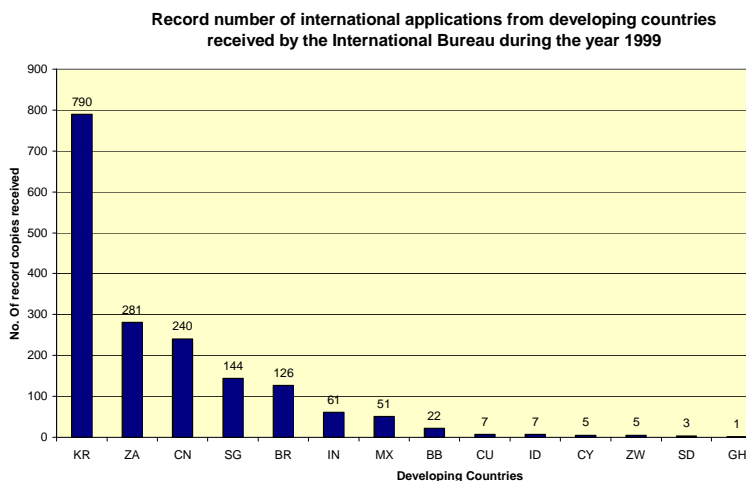
"Patents provide incentives by offering public recognition for creativity and material reward for marketable inventions," Dr. Idris said. "Inventors are society's most valuable resource. They are outstanding human beings who are capable of converting ideas into tangible objects through a process of creative genius. Invention and innovation must be encouraged and to do so inventors must have the incentive to create."

Developing Countries Now Account for Half of PCT Contracting States

With the recent accession of Belize to the PCT, the number of developing countries party to the PCT has grown to 54, which is half the total number of contracting States of the PCT.

The growing interest of developing countries in the PCT system is also reflected in the increase in international applications originating from those countries. Last year the number of applications filed by applicants from developing countries rose to 1,745. Although this is only 2.36 percent of all international applications filed last year, this number represents a 48 percent increase over the number in 1998. The graph shows the developing countries from which those applications originated and the corresponding number of applications.

With the objective of further supporting the above-mentioned development and in order to make the PCT system more relevant to developing countries, the Developing Countries (PCT) Division was expanded since 1998. The Division has, over the past two years, undertaken several PCT-related programs in or for developing countries. Those programs have included, among others, the organization of the first ever PCT Academy in Geneva for the officials of the industrial property offices of developing countries, the organization of a number of regional and national seminars on the PCT in various countries of Africa, Asia and the Pacific and Latin America and the Caribbean, and training in PCT procedures for the officials of the patent offices in Geneva and in the countries concerned. In addition, the Developing Countries (PCT) Division has been providing PCT-related information to inventors,



industry, patent attorneys, government officials and other interested parties from developing countries.

BB Barbados	KE Kenya (AP)
BR Brazil	KR Republic of Korea
CN China	LK Sri Lanka
CU Cuba	MX Mexico
CY Cyprus	SD Sudan
GH Ghana	SG Singapore
ID Indonesia	ZA South Africa
IN India	ZW Zimbabwe

WIPO Highlights PCT and Electronic Commerce at Telecom Americas

The International Telecommunication Union (ITU) Telecom Americas, held in April in Rio de Janeiro, provided an opportunity for WIPO to showcase its work in the areas of the Internet and electronic commerce. The WIPO stand also presented the international filing and registration systems for patents, trademarks and industrial designs that are administered by the Organization. Some 265 exhibitors participated in the event, the largest of its kind ever held in the region.

In addition to general issues relating to intellectual property, visitors to the WIPO stand showed particular interest in the Organization's work relating to electronic commerce and the



Internet. The event provided an opportunity for visitors to get better acquainted with WIPO's Digital Agenda, a ten-point plan that sets out a series of guidelines and goals

for WIPO to tackle questions raised by the impact of electronic commerce on intellectual property rights. The exhibition took place in conjunction with the ITU Forum that included high-level panel discussions covering the whole gamut of telecommunications issues, including e-commerce and Internet strategies for the developing world. The first objective on WIPO's Digital Agenda is to broaden the participation of developing countries in policy-making issues relating to new technologies and their use.

The WIPO stand featured a presentation on the Patent Cooperation Treaty (PCT) which over the past two decades has revolutionized the way patent protection is sought in multiple countries. Technology associated with the development of the cellular telephone to the microchip to life-saving drugs has passed through the PCT. Another display at the stand featured information materials about Brazil's National Institute of Intellectual Property.

An estimated 1,500 people visited the WIPO stand. Visitors came mostly from the communications sector, an area in which intellectual property plays an increasingly important role and constitutes a valuable capital and marketing asset.

ITU Telecom Americas 2000 was opened by the President of Brazil, H.E. Mr. Fernando Henrique Cardoso, and other senior officials, including the Minister of Communications, H.E. Mr. Jão Pimenta de Veiga Filho and the Secretary-General of ITU, Mr. Yoshio Utsumi.

Cooperation for Development

National Seminar on Legal Framework of Intellectual Property Rights in Paramaribo

A National Seminar on the Legal Framework of Intellectual Property Rights jointly organized by WIPO and the Suriname Ministry of Justice and Police was opened on May 4 by Mrs. Yvonne Raveles-Resida, Minister of Justice and Police, in Paramaribo. The two-day seminar's main objectives were:

- To increase awareness and understanding of the importance of intellectual property in national development;
- To examine the international patent systems and the use of technological information systems, as well as the international conventions on copyright and related rights, including the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement;
- To consider various developments at the national and international levels of trademark protection;

- To discuss mechanisms to be applied to the exercise, administration and enforcement of intellectual property rights.

Mr. Malcolm Spence, Chief Technical Examiner at the Intellectual Property Office of Port of Spain, Trinidad and Tobago, shared his knowledge and experience in the field of industrial property. A judge from Suriname, Mr. E. Obre, as well as Mrs. Yvonne Roeplal-Soeratrham, Head of the Intellectual Property Office, Suriname, made presentations and answered questions from the participants in a round table discussion. Two WIPO officials gave presentations as well.

Discussions centered on matters related to the legal developments and changes foreseen at the national level in Suriname, such as the modernization of legislation on intellectual property, the formulation of new regulations and procedures, and on other questions related to copyright and the digital environment. Questions regarding collective management of copyright and related rights—including the possibility of establishing an author's society—were also discussed.



Representatives from Suriname and Trinidad and Tobago and WIPO officials.

WIPO Offers Courses in Latin America and the Caribbean



Photo: Simon Hirsch

El Malecón, La Havana

WIPO organized two specialized courses in April in the Latin American and Caribbean region in cooperation with local organizations.

The first, organized with *Universidad de Los Andes* (ULA) and the Inter-American Copyright Institute (IIDA), was a post-graduate course on copyright for university professors. Thirty-two participants from Argentina, Brazil, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala and Peru attended the course, held at the university in Mérida, Venezuela.

The second course, organized in cooperation with the Industrial Property and Copyright Office of Cuba (OCPI and CENDA), was the first WIPO Academy course on Intellectual Property held in a Latin American country with interpretation services from and into the Portuguese language. The five-day course was held at the Hotel Palco in Havana, Cuba. Among the twenty-three participants were two Congressmen, one Vice-Minister, several supervisors and heads of intellectual property

offices from the region and other government officials. The countries represented were Angola, Argentina, Bolivia, El Salvador, Equatorial Guinea, Guinea-Bissau, Guatemala, Honduras, Mexico, Mozambique, Nicaragua, Panama, Paraguay, Peru, Sao Tome and Principe, Uruguay and Venezuela.

The Director of WIPO's Cooperation for Development Bureau for Latin America and the Caribbean, Mr. Ernesto Rubio, visited both courses while in progress. He met with participants in Venezuela, who expressed their appreciation for the academic quality of the course and the logistic support offered by the ULA. In Havana, he opened the Academy session with Dr. Daniel Codorniú, First Vice-Minister, Ministry of Science, Technology and Environment, and gave a speech on behalf of the Director General of WIPO.

Seminars in Turkmenistan and Kyrgyzstan Study Commercialization, Enforcement Issues



Photo: The Patent Office of Turkmenistan

Three of the participants in Ashgabat.

Government officials, managers of enterprises, and independent inventors building businesses based on their own inventions gathered in Ashgabat, Turkmenistan in April for a WIPO Seminar on Commercialization and Valuation of Industrial Property Assets.

Speakers at the seminar shared with those present their practical experience in negotiating licensing arrangements and in valuation of tangible assets. In the discussions that followed, participants focussed on the need for the infrastructure and appropriate legislation in Turkmenistan that would allow better management of intangible property assets. Recognition was also given to the importance of counseling from industrial property attorneys for licensing transactions.

The participants agreed that the national taxation system should become more "inventor-friendly" in order to promote use of industrial property assets. Emphasis was

placed on the good example of the Belarus experience in state regulation of industrial property assets. Participants agreed that the Turkmen Patent Office should act as the focal point for facilitating contacts and spreading information in their country.

WIPO organized a national seminar on enforcement measures required under the TRIPS Agreement in Bishkek at the request of the government of the Kyrgyz Republic, which recently joined the World Trade Organization (WTO). Some

140 participants from all seven regions of the country, representing the judiciary, the police, the customs, as well as owners of industrial property rights attended the April seminar.

Discussions on the various aspects of enforcement of industrial property rights were animated. A presentation by the Director of the State Agency of Intellectual Property of the Kyrgyz Republic highlighted that although necessary legislation is in place, a mechanism of coordination between various agencies is lacking. In response to questions regarding various agencies' activities in protecting intellectual property, respective officials informed participants of their intention to strengthen their offices' activities in the enforcement of such rights. Participants concluded that local intellectual property rights owners should play an active role as well in defending their infringed rights.

Collective Management Discussed in Cairo

A regional conference held in April in Cairo examined various issues regarding the protection of copyright and related rights, with a special emphasis on collective management of such rights as a tool for economic, social and cultural development.

Among the topics presented at the Cairo meeting were:

- The Enforcement of Copyright and Related Rights
- The Role of the Private Sector in Combating Piracy
- The Impact of Unauthorized Copying on the Publishing Industry and Collective Administration of Reproduction Rights
- Collective Management of Copyright: The Case of Protection of Expressions of Folklore

The conference was jointly organized by WIPO, intellectual property offices in the Arab region, the International Reproduction Rights Organization (IFRRO) and the General Federation of Arab Publishers and the Federation of Arab Authors. The Conference provided a forum for interaction between the public and private sectors as well as interested non-governmental organizations (NGOs). Specific concerns regarding the legislative frameworks for protection and management of rights, as well as how best to utilize them, were discussed. Participants also shared experiences of constraints and difficulties with existing systems.

More than 60 participants from 18 countries attended and reached consensus on the following:



From left to right: Mrs. Nahla Haidar El Addal, Director, Copyright Collective Management Division of WIPO, Ambassador Abdel Raouf El-Reedy, chairing the session, and Mr. Bengt Hermansen, Deputy Director General, Ministry of Cultural Affairs, Oslo, Norway.

- The importance of intellectual property for developing countries and the ever-increasing impact of intellectual property on economic, social, cultural, and technological progress;
- That copyright-related activities are of significant importance for such progress and can yield substantive economic benefits;
- The important contribution of collective management organizations in that respect through efficient protection of rights, the promotion of wealth creation, national creativity and the welfare of intellectual property creators, and in preserving cultural diversity;
- That the most up-to-date international norms should be applied for appropriate protection and management of copyright and related rights in an era of increasing globalization and digitization of works, particularly the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, the WIPO Copyright Treaty (WCT) and the WIPO Performance and Phonograms Treaty (WPPT).

Participants also agreed that governments should be supported in establishing proper legal frameworks for copyright protection and management in the digital era, especially in regard to legislators creating the appropriate legislation to strengthen the management of rights. They advocated further cooperation between national governments, WIPO, and NGOs in establishing and strengthening collective management organizations in the Arab Region.

The participants called for more awareness-raising campaigns,

seminars and workshops at regional, sub-regional and national levels, in order to promote a better understanding of the need for adequate copyright protection and collective management organizations among audiences such as rights' owners, users, policy-makers and the judiciary. They called for an exploration of a regional approach to collective management needs, which many participants believed could be more cost-effective than present systems.

In 1999, WIPO established a new division to ensure that the collective management of copyright and related rights makes a full contribution to the economic and social development of countries. To pursue this goal, WIPO is working closely with the governments of many countries in the establishment or strengthening and modernizing of collective management organizations.

Several national and regional projects aiming at capacity building in the area of collective management are underway, ranging from software development, legal advice and guidelines on model statutes, to human resources development. An emphasis on cooperation with specialized non-governmental organizations playing a crucial role in this field, as well as the organization of such forums as the Cairo conference, are a key part of the division's work.





Awards Presented for WIPO Architectural Competition



Pictured are the award winners from the WIPO Architectural Competition (from left to right) : Mr. Behnisch of Behnisch Behnisch & Partner (winner), Mr. Rudolf Luscher of Rudolf Luscher Architect (3rd Place), Mr. Sumi (President of the Jury), Miss Rougé of Massimiliano Fouksas (2nd Place), Mr. Richter and Mr. Dahl Rocha of Richter & Dahl Rocha Architects (3rd Place).



WIPO Launches Arabic Website

In April, WIPO launched an Arabic website in a bid to give wider access to important intellectual property-related material. Users can now access intellectual property resource material in Arabic, English, French, and Spanish at the WIPO website: <http://www.wipo.int>.

“Access to information is critical in today’s knowledge-based societies,” said Dr. Kamil Idris, Director General of WIPO. “The addition of Arabic to the WIPO website will enable an even larger number of people to access important reference materials relating to intellectual property, a key tool in capturing the value of knowledge.”

In 1999, the WIPO website (the main site plus 10 subsidiary sites) registered 29 million hits from all over the world. WIPO is



increasingly using the opportunities afforded by the Internet to disseminate information relating to intellectual property. Websites in other languages—Russian and Chinese—are also foreseen.

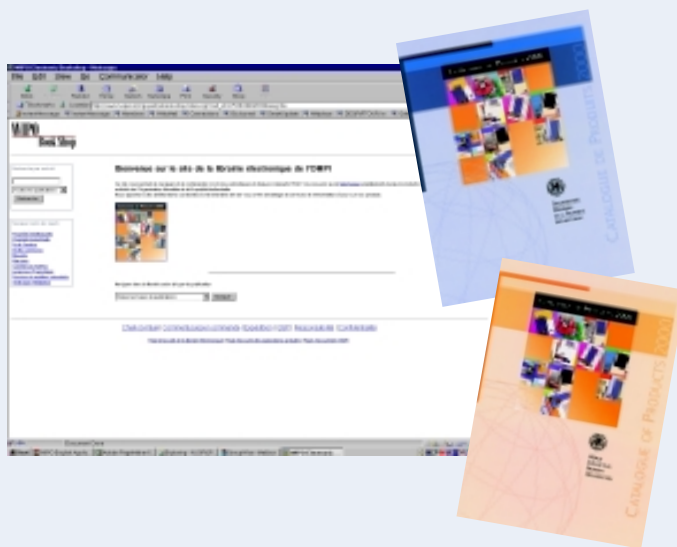
The Arabic website contains most of the treaties that are administered by WIPO, as well as general

information about WIPO and intellectual property. It also provides a schedule of forthcoming meetings and access to a broad selection of conference documents. Pointers are also provided to information that is available in other languages.

WIPO ebookshop in French and Spanish

The French and Spanish versions of the WIPO electronic bookshop were launched in April. WIPO first took its publications sales into cyberspace in November 1999. By clicking <http://www.wipo.int/ebookshop> clients are transported to a trilingual virtual site from which it is possible to select and order paper versions of books, periodicals and CD-ROMs. A broad selection of publications available at the site covers industrial property, copyright, neighboring rights, patents, marks, 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 protocol (SSL) which means that the information is

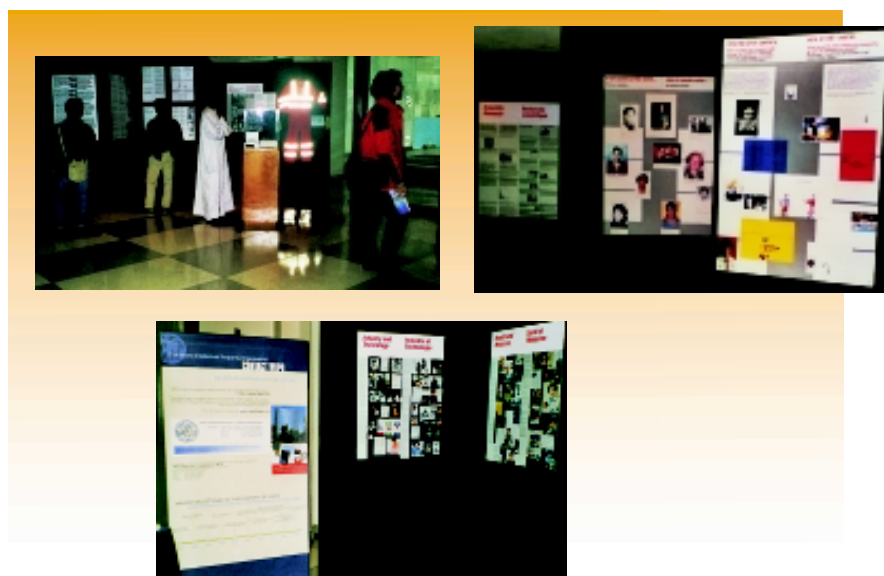
encrypted as it is transmitted over the Internet. Customers who do not wish to use the SSL connection may send their orders by fax, e-mail or regular mail to WIPO's Marketing and Distribution Section.

“Women Invent” Travels to New York

A WIPO exhibition celebrating the creativity of women from the five continents was on display at the United Nations headquarters in New York for a four-week period this spring.

“Women Invent”, first inaugurated in WIPO's Information Center in September 1998, pays homage to women from all walks of life who have had the determination and confidence in their work and ideas to pursue them to fruition. Women and girl inventors—most of them award-winners—were featured in the gallery of inventors, including pioneers of invention as well as women inventors of this century who have pushed back the frontiers of science and technology.

The stories told by these women stimulated visitors to the exhibit



—many of them children—to learn more about the lives and work of these enterprising inventors.

Dominican Republic Joins WIPO

WIPO Director General Dr. Kamil Idris welcomed the accession by the Dominican Republic to the Convention Establishing the World Intellectual Property Organization. The instrument of accession was deposited with the Director General by Mr. Luis Manuel Bonetti, Minister for Industry and Commerce, on March 27, 2000.

The Dominican Republic is already a member of four treaties administered by WIPO, namely, the Paris Convention for the protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods, and



Mr. Luis Manuel Bonetti, Minister for Industry and Commerce, and Dr. Kamil Idris, WIPO Director General.

the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

The exhibition demonstrates the range of creativity, diversity and color that characterizes the art scene in the Dominican Republic.

Mr. Bonetti and Dr. Idris opened an exhibition of paintings by contemporary artists from the Dominican Republic entitled "Artistas Dominicanos, Varias Generaciones" which was held at WIPO headquarters in celebration of the Dominican Republic's accession.

UPOV has New Vice Secretary-General

The Council of the International Union for the Protection of New Varieties of Plants (UPOV) appointed on April 7 Dr. Rolf Jördens, a German national, to the post of Vice Secretary-General. Dr. Jördens succeeds Mr. Barry Greengrass, a national of the United Kingdom, who will retire this year after twelve years of service with UPOV. UPOV's Secretary-General is Dr. Kamil Idris, who is also the Director General of the WIPO.

Dr. Jördens, a native German speaker who is also fluent in English and French, will take up his position this summer to become the fifth Vice Secretary-General of UPOV. The new Vice Secretary-General holds a doctorate in Agricultural Economics from the University of Stuttgart-Hohenheim, Germany. He has had a scientific and administrative career in the Federal Government in the field of agriculture. Since July 1997,

Dr. Jördens has been President of the Federal Office of Plant Varieties (Bundessortenamt) in Hanover, Germany.



What is UPOV?

UPOV is an intergovernmental organization which cooperates in administrative matters with WIPO. Its offices are located in the WIPO headquarters building in Geneva, Switzerland.

The purpose of the International Convention for the Protection of New Varieties of Plants is to ensure that the breeder of a new plant variety is recognized and protected for a given period of time as an intellectual property right. The member States of UPOV grant such a right, under their national legislation, in accordance with the provisions of the Convention.

The following 44 States are member States of the International Union for the Protection of New Varieties of Plants (UPOV):

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Kenya, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Moldova, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Trinidad and Tobago, Ukraine, United Kingdom, United States of America, Uruguay.

More information on UPOV is available at www.upov.int

Calendar of Meetings

May 11 to June 2 (CICG, Geneva) **Diplomatic Conference for the Adoption of the Patent Law Treaty**

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

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

July 4 to 6 (Geneva) **Working Group on Constitutional Reform (Second session)**

The Working Group will continue its work based on the results of its first session (March 22 to 24, 2000).

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

July 10 to 13 (Geneva) **Working Group on the Modification of the Regulations Under the Lisbon Agreement (First session)**

The Working Group will be presented with a study identifying provisions in the Regulations Under the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration that could be improved in the light of experience acquired with the implementation of the said Agreement.

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

July 10 to 14 (Geneva) **Standing Committee on Information Technologies (SCIT) (Fifth Plenary session)**

The Committee will discuss, among other issues, project management methodologies to be implemented by WIPO and planning mechanisms relating to the Information Technology Strategic Implementation Plan. (During the same week, a PCT informal consultation meeting will be held to discuss electronic filing of PCT international applications.)

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

September 11 to 15 (Geneva) **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) (Fifth session)**

The Committee will continue its work based on the results of its fourth session (March 27 to 31, 1999).

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

September 25 to October 3 (Geneva) **Assemblies of the Member States of WIPO (Thirty-fifth series of meetings)**

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

Invitations: As members or observers (depending on the assembly), the States members of WIPO; as observers, other States and certain organizations.

October 2 to 13 (Geneva) **Committee of Experts of the Nice Union (Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks) (Eighteenth session)**

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

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

October 9 to 13 (Geneva) **Working Group on the Modification of the Regulations Under the Madrid Agreement and Protocol (First session)**

The Working Group will be presented with proposals for the modification of the Common Regulations Under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement, based on experience acquired with the implementation of those treaties, and will be called upon to prepare recommendations for consideration by a future session of the Assembly of the Madrid Union.

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

Products

The following new products were issued by WIPO:

- *WIPO Academy - Catalogue of Courses 2000-2001* (English) No. 467(E), free of charge
- *Symposium on the International Protection of Geographical Indications, Somerset West, South Africa, Sept. 1 & 2, 1999* (English) No. 764(E), 30 Swiss francs
- *Catalogue of Products 2000* (English) No. CAT.E, free of charge
- *Catalogue de produits 2000* (French) No. CAT.F, free of charge



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