

Contents

WIPO Assemblies of Member States	2
General Assembly Opens in Geneva	2
Key Decisions	4
World Intellectual Property Declaration	7
Progress on IMPACT	8
LDCs Call for More Assistance	10
Italy to Host International Meeting on SMEs	12
Visits	13
WIPO and Russian Federation Reinforce Ties	13
Director General Meets Chinese President	14
China: Performers' Rights	15
Protecting Trademarks in Cyberspace	16
Regional Conference on E-Commerce	17
Forum: Innovation and Creativity in the New Century	19
Workshop on Geographical Indications	20
African Partners for PCT Access	20
Cooperation for Development	21
Intellectual Property for Women in Business	21
Symposium and Seminar in Iran	23
New Products	24

WIPO Assemblies of Member States

General Assembly Opens in Geneva

The WIPO General Assembly opened in Geneva on September 25 with an appeal by WIPO Director General Dr. Kamil Idris for continued support from the Organization's 175 member States to meet the complex challenges of the future. Dr. Idris highlighted the main achievements of the Organization in the past year, which indicate that WIPO's agenda has greatly increased in complexity, breadth, depth, and volume. Dr. Idris further noted that "the agenda of the Organization has never been so inter-related, so pressing nor so complex. It requires from all of us new ways of thinking, new tools and new commitment of political will."

"Let us continue to build an Organization that will view change as a friend – not change for its own sake, but change that permits us to do more good by doing better," said the Director General. "We seek an Organization that is leaner, more focused, more flexible and more responsive to changing global needs."

Mr. Marino Porzio, Chairman of the WIPO General Assembly and Principal Advisor on Intellectual Property to the Minister of External Relations of Chile, congratulated the Director General and WIPO staff on the achievements of the Organization in the recent past. He noted that the Organization's accomplishments had clearly exceeded the expectations of member States and would serve to



bridge the gap between industrialized and developing countries in the field of intellectual property.

The Director General paid tribute to the staff of WIPO and commended them for their dedication and commitment. He called upon member States to recognize the contribution of the staff and the importance of improving staff welfare "to create a solid foundation for staff loyalty on which the Organization can rely and build for its future success."

WIPO Milestones highlighted by the Director General

- March this year saw the filing of the 500,000th PCT application. While it took 18 years to reach 250,000 applications, it took only four years to double that figure.
- The Hague system, now even more flexible and user-friendly following the adoption of the new Geneva Act, registered its 50,000th application in February.
- A record nine States, including Japan, have adhered to the Madrid Protocol in the last 12 months, an indication of the growing realization of the benefits to be obtained from the Madrid system.
- To date the WIPO Arbitration and Mediation Center has received more than 1,240 cases from complainants in 68 countries; over 500 decisions have been rendered. At the request of member States, WIPO is launching a second Internet Domain Name Process to consider outstanding questions in this area. The Center is also in the process of establishing a dispute resolution procedure to serve the needs of the application service provider industry.
- The Organization has several new on-line services, such as the WIPO electronic bookshop and the Collection of Laws for Electronic Access (CLEA) database, which provides searchable on-line access to 900 legislative texts from 35 countries. Texts from a further 35 countries will soon be added.



Photo: Mercedes Martínez Dozal

WIPO General Assembly opens.

- Great headway has been made in the progressive development and codification of intellectual property law. Promotion of adherence to the WIPO Internet treaties, geared to ensuring copyright protection in cyberspace, has been a priority for the Organization.
- A diplomatic conference held in June resulted in the adoption of the new Patent Law Treaty, which harmonizes national and regional patent formalities leading to speedier and more cost-effective procedures.
- The need to adapt to the rapid changes taking place in a technology-driven society has led the Organization to implement a “soft law” approach to certain issues. The joint recommendation on well-known marks adopted last year is an example of this.
- In order to demystify and raise awareness of intellectual property’s importance to social, economic and cultural development, WIPO has created the Least-Developed Countries Unit; the Copyright Collective Management Division; the Infrastructure and Innovation Promotion Division; and the WIPO Worldwide Academy. WIPO’s emphasis is on strengthening national intellectual property systems, creating institutions, and an intellectual property culture at the national level that will have a lasting legacy.
- The WIPO websites continue to attract growing attention. Some 25 million hits were recorded in the first six months of 2000 alone, compared with 29 million for the whole of 1999. An Arabic version of the website is also now available, and a Russian version is in the planning stages. ■

Key Decisions



Photo: Mercedes Martinez Dozal

WIPO Director General Kamil Idris addresses staff members on the results of the General Assembly.

The WIPO General Assembly adjourned on October 3, having taken a number of important decisions on the proposals brought for consideration during their ten-day session. The decisions relate to WIPO's future work and include the following:

Patent Cooperation Treaty (PCT)

For the fourth consecutive year, member States approved reductions in the filing fees for international patent applications under the PCT. As of January 1, 2001, an applicant seeking protection for his invention in more than six countries or regions will benefit from a fee reduction of up to 17%. Each year since 1998, PCT fees have been lowered for all applicants. The average fee reduction over the same period will have reached 42% by January 2001 for applicants using the most common filing strategy.

Member States also decided to set up a special body to consider proposals for reform of the PCT, including those already presented to the PCT Assembly by the United States and any others to be submitted within the next few months. The PCT reform will address, in particular, issues such as simplification of the PCT filing and processing procedures, reduction of costs, and reduction of duplication of work in search and examination procedures. In consultation with member States, the Director General will designate the members of the special body. The special body will report to the September 2001 session of the PCT Assembly and

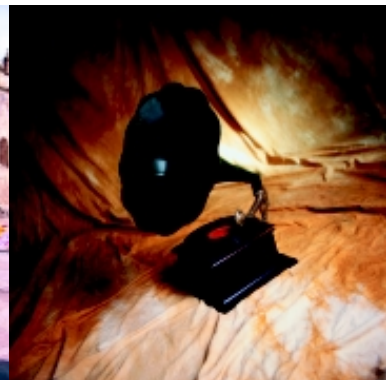
make recommendations for those proposals which can be dealt with in the short term. The special body's mandate includes consideration of other key issues to be addressed after completion of the first stage.

Member States also took note of progress in the PCT automation project known by the acronym IMPACT (Information Management for the Patent Cooperation Treaty).

Global Issues

The Assembly agreed to establish the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

The first meeting of this inter-governmental committee will be



held in Spring 2001. The committee is open to all 175 WIPO member States. Relevant intergovernmental organizations and accredited regional non-governmental organizations will also be invited to attend as observers.

The work of the intergovernmental committee will focus primarily on the links between intellectual property and i) access to genetic resources and benefit sharing, ii) protection of traditional knowledge, and iii) the protection of expressions of folklore.

Small and Medium-Sized Enterprises (SMEs)

Member States approved the proposal by the secretariat to expand WIPO's program of activities to assist SMEs worldwide to enhance their competitiveness through the effective use of the intellectual property system. The aim is to enhance the competitiveness of SMEs and to help them better exploit their niche positions, including via electronic commerce.

Domain Names

The member States reviewed WIPO's work in the field of Internet domain names and

intellectual property and noted the success of the WIPO Arbitration and Mediation Center in providing on-line resolution of Internet domain name disputes.

They also noted with satisfaction the progress of work on a second series of broad-based consultations to address certain domain name and related intellectual property issues where continuing concern and uncertainty remains, such as bad faith, abusive, misleading or unfair use of personal names and geographical indications.

New WIPO Logo

Member States agreed with the proposal to create a new WIPO logo which will better reflect the Organization as dynamic, innovative, open and effective. The demystification of intellectual property is one of the priorities of the Organization and the creation of a new corporate image for WIPO is linked to the success of this endeavor. The new logo will be chosen following an international competition to be launched in 2001.

World Intellectual Property Day

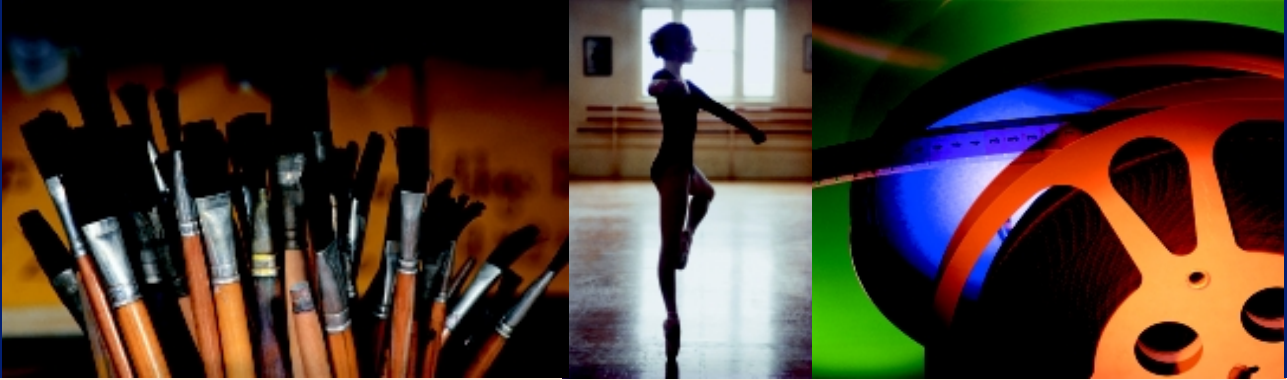
April 26 – the date marking the entry into force of the WIPO Convention – was designated as

World Intellectual Property Day. Each year this day will be observed by WIPO and its member States through various activities. The Day will serve as a special occasion to heighten public awareness about the role and contribution of intellectual property in the economic, cultural and social development of all countries.

Trademark Licenses

After three years of deliberations by their experts, the member States adopted a joint recommendation designed to simplify and harmonize procedures relating to the recordal of trademark licenses.

The Joint Recommendation Concerning Trademark Licenses consists of 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. Many countries require the recordal of trademark licenses with a government authority and such requirements, which vary from country to country, may impose heavy burdens on trademark owners and licensees, thereby hindering the development of international trade. ►



The Joint Recommendation complements the Trademark Law Treaty (TLT) through the simplification and harmonization of trademark licensing procedures. It is foreseen that the provisions contained in this Joint Recommendation will be reconsidered, at a later date, in the context of a comprehensive revision of the TLT.

Last year, member States adopted a Joint Recommendation on the Protection of Well-Known Marks intended to clarify, consolidate and supplement the existing international protection of well-known marks. The recommendation establishes specific criteria for the definition of well-known marks and sets out conditions to determine whether a mark is well-known or not within a member State.

The adoption of international resolutions is part of WIPO's policy to adapt to rapid changes in the field of industrial property by considering new options to speed up the development of internationally harmonized principles and rules. This serves as a complement to the traditional and more lengthy treaty-based approach to international standard-setting.

World Intellectual Property Declaration

Member States took note of the World Intellectual Property Declaration, adopted earlier this year by the WIPO Policy Advisory Commission (PAC).

Program and Budget

Member States approved proposals concerning a new policy on budget and surplus funds that would fundamentally transform the budgetary and financial operations of the Organization. These changes will ensure the incorporation of any surpluses generated in the future into the regular budgeting process. The result will be even greater financial transparency and accountability for the Organization whose income derives mostly from the services it provides to industry and the private sector. The budgetary and financial operations of the Organization will be streamlined, which should lead to simpler and clearer procedures.

Constitutional Reform

Member States took a decisive first step in simplifying the unwieldy legal and decision-

making structure of WIPO governing bodies which have evolved over the Organization's existence. This first step effectively eliminated five governing bodies, reducing the total number from 21 to 16. Discussions on further reform will continue among member States.

Premises

Member States were informed about the progress of work on two building projects. The first, the renovation of the former World Meteorological Organization (WMO) building, is targeted for completion in September 2002, with the creation of 450 work places, a cafeteria for 300 people and 144 parking places. Work on the construction of a new office building with 500 work places and a conference room for 600 delegates is targeted to begin in October 2001 and to be completed in mid-2004. ■

World Intellectual Property Declaration

On September 26, Prince Hassan bin Talal of Jordan formally presented to the General Assembly the World Intellectual Property Declaration, a strong message about the importance of intellectual property as a tool for wealth creation. The Declaration will bolster efforts to expand awareness about the universal value of intellectual property.

WIPO's Policy Advisory Commission (PAC), an advisory body chaired by Prince Hassan, adopted the Declaration last Spring. PAC members include eminent policy makers such as Bulgarian President Petar Stoyanov, former President Fidel Ramos of the Philippines, and Japan's Vice Minister for International Affairs, Ministry of Trade and Industry, Mr. Hisamitsu Arai. The Declaration, initiated by Mr. Arai, recognizes the universal value and relevance of intellectual property in today's knowledge-based societies.

"The declaration itself lays the foundations for a common understanding," said Prince Hassan. "Not only on the nature but also on the scope of the basic notions related to intellectual property as well as relevant guiding principles concerning the necessary equity within the intellectual property system."

The Declaration recommends the implementation of a wide range of activities designed to promote public awareness, dissemination of value-added intellectual property information, and better international registration services. It outlines measures to promote effective use of intellectual property and to protect cultural diversity and identity.

"The Declaration illustrates how intellectual property is native to all peoples, is relevant in all times and cultures, and underlines how it has marked the world's evolution and contributed historically to the progress of societies," Prince Hassan told the Assembly. The Declaration highlights the importance of

"The Declaration illustrates how intellectual property is native to all peoples, is relevant in all times and cultures, and underlines how it has marked the world's evolution and contributed historically to the progress of societies"

strategies to enhance global cooperation in implementing and further developing the intellectual property system for the benefit of all.

When Dr. Idris assumed the leadership of the Organization in November 1997, he realized that intellectual property issues were not high enough on the agenda of national leaders and moved to establish the PAC. Today, intellectual property is a policy strategy for nations as well as a business strategy for business leaders.

The General Assembly formally noted the Declaration. They also took note of a document on the role of WIPO in a changing world prepared by PAC member Mr. Henry Olsson, Special Government Advisor to the Swedish Ministry of Justice. The paper addresses the main controversial issues today in the field of intellectual property such as patent protection for plants, pharmaceuticals, and genes, and indicates possible approaches to deal with these issues. ■



Photo: Mercedes Martínez Dozal

Prince Hassan bin Talal arrives at WIPO to present the World Intellectual Property Declaration.

Progress on IMPACT

During the WIPO Assemblies, the member States were updated on the progress of the IMPACT (Information Management for the PATent Cooperation Treaty) Project. The 40 million Swiss franc project for PCT (Patent Cooperation Treaty) automation is the largest single information technology project ever undertaken by WIPO.

The rapid expansion of the PCT system – with an average growth rate of almost 20% per year over the last ten years, culminating in an expected 90,000 filings in 2000 – demonstrates the importance of this project to the intellectual property community. Automation of the PCT would mean lower costs for applicants who will also benefit from services that are more efficient. WIPO is now one year into the project, which it plans to complete by 2003.

The project has four overlapping stages, named to reflect the components of the system they will deliver:

1. IMPACT Communication System (COR)

The objective of the COR stage is to establish a new system for communication of certain PCT-related documents to designated/elected Offices, International Searching Authorities, International Preliminary Examining Authorities and/or national Offices of PCT Contracting States. Planning for the COR stage has been

completed. The scope of this first stage of the project has been defined, a business model prepared and an implementation scenario established.

2. IMPACT International Bureau (IB)

The IB stage, still in the planning phase, will establish a new system for the processing of international applications within the International Bureau (apart from the IB's receiving office), which will include the automated publication of international applications. The draft definition of the scope of the IB stage is currently under review and will be finalized during the final quarter of 2000. Detailed planning of the IB stage is scheduled for the first quarter of 2001.

3. IMPACT Receiving Office/International Bureau (RO/IB)

The objective of the RO/IB stage is to establish a new system for the processing of international applications filed with the International Bureau receiving office. The draft definition of the scope of this stage should also be finalized during the last quarter of 2000 and detailed planning should start in the first quarter of 2001, in parallel with the planning of the IB stage.

4. IMPACT Electronic Filing (e-filing)

The e-filing stage has two distinct objectives; the adoption and the development of a standard for the electronic filing and processing of



international applications based on the present PCT-EASY software. The international bureau has accordingly developed a high-level project plan.

The e-filing stage of the IMPACT Project is divided into two stages, PCT e-filing Pilot and PCT e-filing Implementation.

Stage 1 calls for:

- the finalization of the amendments to the PCT Administrative Instructions, which will establish the legal framework and technical standards necessary for the implementation of electronic filing of applications;
- the commencement of the construction of a prototype in March 2001;
- the construction of a pilot system that will enable the receipt from November 2001 by the RO/IB of international applications in paper form, with parallel electronic submission, prepared using PCT-EASY software; and
- the review and entry into force of the modified PCT Administrative Instructions in September 2002, enabling the receiving Offices with the necessary technical capacity to receive international applications in electronic form.

Stage 2 calls for:

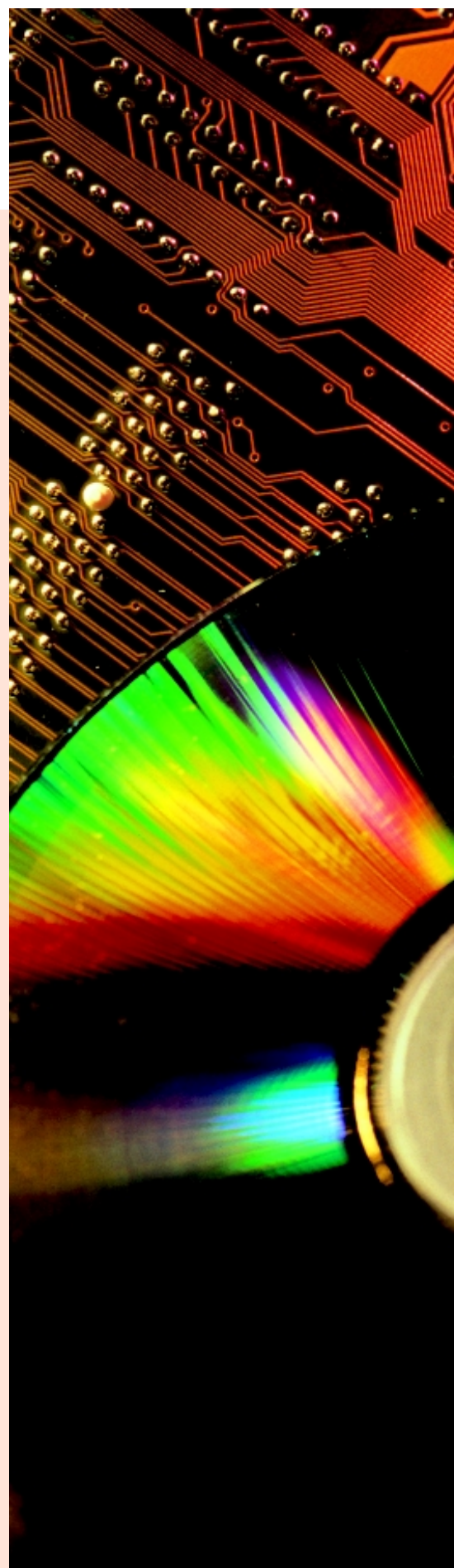
- the RO/IB to commence receipt of applications in electronic form in December 2002;

PCT Users

In 1999, 212 PCT applicants accounted for 31.4% (21,359) of the 68,038 international applications published, each with 35 or more such applications. Of these 212 applicants, 46.2% were from the United States of America, 17.0% from Japan, and 11.8% from Germany. Forty-nine applicants had over 100 published applications in each in their names. As was the case in 1998, Siemens Aktiengesellschaft was the largest PCT user, with 1,348 international applications published in 1999.

- the availability of RO server software to receiving Offices other than the RO/IB in April 2003; and
- the release of the enterprise version of the PCT-EASY in July 2003.

Due to the necessity for extensive redrafting and further consultations concerning proposed new Part 7 and Annex F of the PCT Administrative Instructions, the PCT Assembly agreed, at its 28th session in May 2000, that the target dates for PCT on-line filing needed to be reviewed. During the September session of the PCT Assembly, member States took note of the new schedule and dates for the IMPACT Project submitted in the progress report. ■

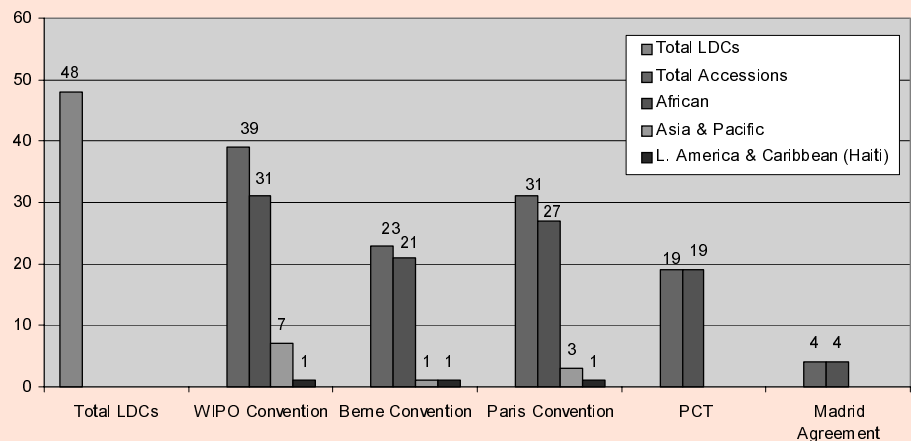


LDCs Call for More Assistance

In the third millennium, intellectual property protection is increasingly seen as an important and effective policy instrument helpful in a wide range of issues in social and economic development. During the General Assembly of member States, a number of Least Developed Countries (LDCs) requested increased assistance from WIPO in order to fully exploit such opportunities. In this era of knowledge-based economies and societies, many LDCs see accession to the WIPO's Convention and conventions administered by WIPO as a key element in the pursuit of national development objectives. WIPO's LDCs Program aims to assist them in achieving that goal.

In the past, the intellectual property arena focused on two major areas: the patent system, established to protect inventions related to products or processes in a particular field of technology; and copyright, traditionally related

LDCs' membership of WIPO Convention and Conventions administered by WIPO



to the world of arts and ideas that were not generally the focus of major studies or controversy. Today, intellectual property rights (IPRs) involve economics, law, international relations, culture, health, human rights, politics, and ethics.

There are 48 LDCs worldwide, of which only 39 have acceded to WIPO membership. The graph above shows the LDCs' membership of the WIPO

Convention and Conventions administered by WIPO. Haiti is the only LDC in the Latin American and Caribbean Region and therefore stands alone on the graph.

LDCs' membership of WIPO Convention and Conventions administered by WIPO

Some 15 LDCs have notified WIPO that they have copyright legislation and some also have intellectual property legislation. A number of LDCs have established collective management societies in copyright and related rights. WIPO currently has about 24 Nationally Focused Action Plans (NFAPs) and other related projects in the LDCs.

The overall weakness of the intellectual property system in LDCs include, among other things, lack of developed managerial and technical capacities, both in the public and private sectors, weaknesses in their public administrations, legal systems and



Market place in Haiti.

institutions, and deficiencies in their physical infrastructure. In this context, WIPO attaches special importance to the development of LDCs by providing country-specific, multi-disciplinary assistance through the NFAPs.

The Program for LDCs broadens the Organization's approach to assist LDCs by interacting with new partners such as policy

makers and government officials, non-governmental organizations and the civil society to establish and modernize intellectual property systems, consistent with national objectives and requirements. It coordinates efforts to overcome the developmental problems faced by LDCs in close cooperation with United Nations organizations and regional intellectual property organizations.

Promoting and strengthening the intellectual property system requires focusing on more than just the development of norms and rules and the establishment of enforcement mechanisms. Certain non-legal factors impeding acceptance of intellectual property systems in the socio-economic development of the LDCs need to be addressed systematically by WIPO if the LDCs are to benefit. The program takes into account this concern of LDCs by focusing on information and communication technologies for LDCs as it provides the basis for the functioning of a knowledge-based economy.

The lack of adequate information about the intellectual property systems in the LDCs often leads to the conclusion that intellectual property protection is a vehicle for protecting foreign interests. The systematic spread of information, through traditional and modern means of communication, on the qualitative and quantitative aspects of the theory and practice of various disciplines of intellectual property can better help explain the social, economic, and cultural value of intellectual property protection.

Since the establishment of the LDCs Program in WIPO, work has begun to demonstrate the usefulness of intellectual property systems to ministers, parliamentarians, and journalists in the LDCs. The Program aims to show the link between the intellectual property system, investment, research for development, and transfer of technology in order to encourage institution building and modernization of the intellectual property systems of the LDCs. ■

From January 1998 through June 2000, the following activities were accomplished by WIPO in the LDCs:

- 1927 intellectual property officials from the LDCs received training in awareness building and human resource development (1,351 from Africa, 343 from Asia-Pacific, 210 from Arabic-speaking LDCs and 23 from Haiti);
- 34 LDCs have received assistance in building-up or upgrading their intellectual property offices with adequate institutional infrastructure and resources, qualified staff, modern management techniques and access to information technology support systems;
- the intellectual property offices of most LDCs, including those which are not WIPO members, received, on request, advisory missions on modernizing management systems and streamlining administrative procedures;
- many LDCs' officials had sponsored study visits through the WIPO Worldwide Academy and tours organized to offices in industrialized countries to study various aspects of modernization;
- 32 LDCs have been beneficiaries of WIPO assistance on legislation in the areas of intellectual property, copyright and neighboring rights and geographical indications;
- advice and assistance were given in connection with the setting-up or strengthening of collective management societies in the LDCs;
- to create awareness of the importance and implications of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), WIPO, in close cooperation with other international organizations, has organized national, regional and interregional meetings for the LDCs on the implementation of the TRIPS Agreement. A clear and balanced view of the Agreement enables the LDCs to assess the conformity of their existing national legislation vis-à-vis the provisions of the TRIPS Agreement.

Italy to Host International Meeting on SMEs

WIPO Director General Dr. Kamil Idris and Italy's Minister for Industry and Foreign Trade Mr. Enrico Letta announced the convening of an international conference in Italy early next year aimed at increasing the competitiveness of small and medium-sized enterprises (SMEs) through the effective use of the intellectual property system. The announcement followed a meeting between Dr. Idris and Mr. Letta on October 4 at WIPO headquarters in Geneva.

Mr. Letta, who is also responsible for the Italian Patent and Trademark Office, said that the Italian government has an enduring interest in promoting SMEs. At the meeting of WIPO's Assemblies, the Italian delegation joined other member States in expressing strong support for WIPO's promotion of the use of

the intellectual property system by SMEs. Last June, the Italian Ministry for Industry and Foreign Trade, together with the Organization of Economic Cooperation and Development (OECD), organized a conference for ministers responsible for SMEs and industry in Bologna, Italy.

WIPO also took part in the Bologna conference, entitled "Enhancing the Competitiveness of SMEs in the Global Economy: Strategies and Policies." The conference adopted the Bologna Charter, which outlines a blueprint for governments to follow in promoting the SMEs sector. Mr. Letta said that next year's SME Forum in Italy would be organized in partnership with WIPO. "This meeting will be a follow-up to the excellent initiative taken by the Italian

government in favor of SMEs," observed Dr. Idris. "The purpose of the Forum will be to build a new regime that would upgrade and enhance the competitiveness of SMEs in the market with the aim of improving their financial performance." Dr. Idris highlighted the fact that in most national economies SMEs represent a highly innovative and dynamic sector that contributes significantly to economic growth and that, in some instances, the growth rate of these enterprises exceeds that of large corporations.

During the WIPO Assemblies discussions on SMEs, Dr. Idris noted that "encouraging small and medium sized enterprises worldwide to more effectively use the intellectual property system as part of their business strategy is becoming a priority among policy-makers." Modern technologies, in particular the Internet, have increased the ease and speed of knowledge and information sharing. This has resulted in greater attention being devoted to legal and technical mechanisms for protecting intangible assets in the global market economy. "Intellectual property, therefore, will play an even greater role in this knowledge-driven economic environment," Dr. Idris said. ■



Photo: Mercedes Martinez Dozal

Dr. Kamil Idris, the Ambassador and Permanent Representative of Italy Mr. Andrea Negrotto Cambiason, and Mr. Enrico Letta announced the convening of the international conference for SMEs in Italy.

Visits

WIPO and Russian Federation Reinforce Ties

A visit to Moscow on October 11 and 12 by WIPO Director General Dr. Kamil Idris was marked by the signing of a landmark program of cooperation, which promises to boost intellectual property protection in Russia. The Russian Vice Premier Mr. Ilia Klebanov, who oversees intellectual property questions within the Russian government, witnessed the signing on October 11 by Dr. Idris and Mr. Alexander Korchagin, Director General of the Russian Agency for Patents and Trademarks (ROSPATENT), on behalf of the Russian Federation.

The program will serve as a basis for the further development of existing legal and technical infrastructure in the field of intellectual property. Plans include a series of initiatives to modernize and upgrade the existing system, reinforce awareness and use of the intellectual property system by the business sector in the Russian Federation, and improve access to technology-related information.

Dr. Idris welcomed the event as a further indication of the Russian government's commitment to intellectual property protection. "These are the finest days of cooperation between WIPO and the Russian Federation," he said. "ROSPATENT is a full partner and we are sure that, under the leadership of Mr. Korchagin, our future collaboration with ROSPATENT will continue to be constructive and fruitful." Earlier this year, a decree by President Vladimir Putin reinstated ROSPATENT as a federal executive authority of the Russian Federation, demonstrating the full



In the center are Dr. Kamil Idris and Mr. Alexander Korchagin at Red Square in Moscow.

Photo: Igor Gulber

support of the Russian government of this body. Under this decree, ROSPATENT is responsible for all aspects of intellectual property protection, including copyright and related rights.

The Director General also addressed an International Conference on the Role of Regional Patent Offices in the Creation of the Worldwide Industrial Property Protection System held in Moscow on October 12. Mr. Roman Ormorov, Director of Kyrgyzpatent, the State Agency of Intellectual Property of the Kyrgyz Republic and Chairman of the Administrative Council of the Eurasian Patent Organization (EAPO), opened the conference, which marked the fifth anniversary of the establishment of EAPO.

Mr. Korchagin, on behalf of President V. Putin, then issued a statement expressing the steadfast commitment of the government of the Russian Federation to the

further development of the intellectual property system in that country and congratulated the Eurasian Patent Organization on its success.

In his remarks to the conference, Dr. Idris underlined the key role of regional intellectual property institutions in demystifying intellectual property and in achieving efficiency gains through harmonization and unified procedures. He emphasized the need to support the work of these institutions and applauded EAPO for its impressive achievements. In recognition of his outstanding contribution to intellectual property protection in the region, Dr. Idris also conferred a WIPO Award on Mr. Victor Blinnikov, President of the Eurasian Patent Organization, and congratulated him on his recent re-election as head of the Organization. ■

Director General Meets Chinese President

WIPO Director General Dr. Kamil Idris met the President of the People's Republic of China Mr. Jiang Zemin on October 11 in Beijing. The International Conference on Engineering and Technological Sciences offered both the President and Dr. Idris an occasion to speak on the universal relevance of intellectual property to an international gathering of scientists.

President Jiang Zemin highlighted the importance of intellectual property issues to the scientific community. The presence of other speakers, including Professor Samuel Ting, a Chinese Nobel laureate in physics, underscored this point. Dr. Idris praised President Jiang's personal commitment to the cause of promoting intellectual property protection in China.

"Intellectual property rights are the foundation of human existence and co-existence," said Dr. Idris in his address to the conference. "Intellectual property rights in this century will be foreign to no culture and native to all nations." He emphasized the critical importance of intellectual property in today's society, particularly in the development of engineering and technological sciences and pointed to the opportunities and challenges presented by modern information technologies. "The digital age requires us to invent and implement effective enforcement measures that ensure respect for intellectual property rights as well as the integrity of the intellectual property system." In this regard, he also referred to the need to



Dr. Idris meets with Mr. Xu Jialu, Vice-Chairman of the Standing Committee of the National People's Congress to discuss a range of copyright issues.

update and modernize established intellectual property concepts to ensure that the system was able to accommodate the rapid changes in technology and its application in all spheres of life.

The Director General outlined a number of measures, for example training and public awareness campaigns, undertaken by WIPO to promote use of and to demystify intellectual property. "It is vital that leaders, policy-makers, and the general public understand the importance of intellectual property in shaping their future and, from this understanding, learn to respect the role intellectual property rights play in encouraging the innovation and creativity that will increasingly fuel human progress in the 21st Century," he said. "It is equally vital that they realize that the source of this most precious of resources is to be found within themselves – that countries are no longer solely dependent on traditional and finite material

resources but on the infinite resources of invention and knowledge that lie waiting to be unleashed in the minds of their citizens."

The Chinese Academy of Engineering sponsored the conference in cooperation with the Council of Academies of Engineering and Technological Sciences. The conference is a key occasion in the calendar of the world science and technology community and this was the first time that Beijing hosted the event.

The conference speakers included other renowned figures in the field of science and technology: Professor Ting; Mr. William A. Wulf, President, National Academy of Engineering, United States of America; Professor Sir Alec Broers, Vice Chancellor of the University of Cambridge, United Kingdom; Mr. Hans-Jürgen Warnecke, President of Fraunhofer Gesellschaft,

Germany; and Mr. Xu Kuangdi, Mayor of Shanghai and member of the Chinese Academy of Engineering. Some 2,800 members of the international scientific community and senior government officials attended.

Dr. Idris also met with Mr. Xu Jialu, Vice-Chairman of the Standing Committee of the National People's Congress to discuss a range of copyright issues, including the WIPO Copyright Treaty (WCT) and the WIPO Phonograms and Performances Treaty (WPPT) which set out minimum standards of copyright protection in cyberspace. ►

DG Meets with INTA's President



Photo: Mercedes Martinez Dozal

Dr. Kamil Idris, Mr. Kimbley L. Muller and Mr. Marino Porzio, Chair of the WIPO General Assembly.

On September 27, WIPO Director General Dr. Kamil Idris met with Mr. Kimbley L. Muller, President of the International Trademark Association (INTA). They discussed the expected accession by the United States of America to the Madrid Protocol, as well as the joint promotional efforts of INTA and WIPO.

China: Performers' Rights

WIPO participated in the International Symposium on the Protection of Music Rights organized by the International Federation of Musicians (FIM) in cooperation with the Chinese Musicians' Association (CMA) and held in Beijing from October 18 to 20.

The symposium covered various aspects of the protection of performers' rights, including legislative and contractual practice; the impact of globalization on the music industry, cultural diversity and the employment of performers; and the collective management of copyright and related rights.

A WIPO representative spoke on the international norms of copyright and related rights' protection provided in the treaties administered by WIPO, in particular the WIPO Copyright Treaty (WCT) and the WIPO



Performance and Phonograms Treaty (WPPT), and discussed the forthcoming Diplomatic Conference on the Protection of Audiovisual Performances to be held in Geneva, from December 7 to 20.

The participants, which included music writers and performers, representatives of the Chinese government, law professors, and a representative from the International Labour

Organization (ILO), discussed the important question of setting up a collective management system for performers.

Mr. LI Lanqing, Vice-Premier of the People's Republic of China, underlined the importance of protection of music rights and of fighting against piracy in China, especially with the advent of an increasingly digital, globalized economy. ■

Protecting Trademarks in Cyberspace

Asian Regional Seminar

During his visit, Dr. Idris also opened the WIPO Asian Regional Seminar on the Intellectual Property Protection of New Technologies. The WIPO Seminar was co-organized with the State Intellectual Property Office of the People's Republic of China (SIPO) and held in Beijing from October 10 to 12. Ms. Jiang Ying, Commissioner of SIPO also opened the Seminar on behalf of the Chinese authorities.

The Director General's speech emphasized the importance of protecting new technologies as intellectual property to secure their future growth and to spur social and economic development. Dr. Idris applauded the Chinese authorities for their achievements in modernizing intellectual property operations in China and reaffirmed the Organization's continued support of national efforts to reinforce intellectual property protection in that country.

The seminar dealt with a wide range of themes and included specialist sessions on biotechnological inventions, protection of genetic resources and biodiversity, electronic commerce, and a series of issues relating to copyright and new technologies.

Dr. Idris also visited the China Intellectual Property Training Center in Beijing, an important partner in the intellectual property distance learning programs offered by the WIPO Worldwide Academy. ■

In a meeting of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), delegates agreed on guidelines to facilitate the application of existing trade-mark law into cyberspace and on limited exceptions to the principle of liability. They agreed in principle on a set of provision to protect marks and other industrial property rights in cyberspace in a bid to prevent conflicts related to the use of signs on the Internet.

Delegations from 86 WIPO member States, five intergovernmental and 17 non-governmental organizations attended the meeting at WIPO headquarters from September 11 to 15. The negotiators reached consensus on most of the substantial provisions of the text that will be submitted for adoption to the next session of the Standing Committee in March 2001.

The borderless character of the Internet and new forms of use of signs, made possible by technological advances (such as the use of URLs and keywords), challenge the territorial nature of industrial property rights that are granted by national or regional authorities. Trademark law makes it illegal for anyone to use the mark – or a sign identical or similar to it – in the territory where it is protected without the consent of the owner. The intent of the draft provisions is to facilitate the application of existing national laws to legal problems arising as a result of the use of signs on the Internet.



Photo: Courtesy of IBM

Under the established system, which covers the acquisition, maintenance, or infringement of trademark rights, identical signs for goods or services in different categories can co-exist in different countries. The Internet, however, as a global communication medium offers an owner of a trademark a simultaneous and immediate presence irrespective of territorial location. As such, it is a source of potential conflict between owners of marks claiming entitlement to the use of an identical sign on the Internet. The draft provisions seek to safeguard the interests of legitimate owners of trademarks and avoid conflict by setting out conditions that will enable the co-existence of similar marks on the Internet. This constitutes a major innovation in trademark law.

Since each country has a different intellectual property legal framework, these measures will make it possible to link the use of a trademark on the Internet to the industrial property laws of a

Regional Conference on e-commerce

specific country. They are also designed to enable the co-existence of marks in cyberspace, through the use of specific disclaimers. This would help avoid the imposition of global injunctions that could be detrimental to the further growth of electronic commerce.

The SCT also considered possible solutions for conflict between trademarks and geographical indications (GIs) and for conflict between homonymous geographical indications. The SCT agreed on the need to consider this question further and requested the secretariat to prepare a background paper to improve understanding of the associated legal issues. This paper will be submitted for discussion to the next session of the SCT in 2001. ■



The conference panelists.

In cooperation with the Government of Jordan, WIPO organized in Amman from September 18 to 20 a conference on electronic commerce and intellectual property, in an effort to generate greater awareness in the region of the magnitude and importance of electronic commerce, as well as its effect on international trade and intellectual property.

The conference, intended for senior-level government officials responsible for policy questions relating to electronic commerce and intellectual property, lawyers, economists, business managers and information technology specialists, attracted over 100 participants.

The speakers addressed the opportunities and challenges raised by electronic commerce on the Internet and examined the protection of intellectual

property rights in the digital medium, enforcement issues, and dispute resolution. At the end of the meeting, the participants prepared a document with recommendations and acknowledgements for the governments of Arab countries and WIPO.

They acknowledged that global communications networks such as the Internet provide Arab countries with convenient opportunities to integrate into the global economy. They recognized that regional cooperation is an essential framework for the development and growth of trade among Arab countries and between Arab countries and the rest of the world. Such a framework could help establish common and uniform norms and concepts for electronic commerce issues and related principles of intellectual property protection. They also recognized as essential the need for specialized expertise ►



in information technology and the necessity for the appropriate infrastructure for the successful growth of electronic commerce in the region.

The participants made the following recommendations:

- For the governments of Arab countries to provide a technical and legal infrastructure for the development of electronic commerce under international principles of intellectual property protection, taking into consideration legal provisions under the WIPO Internet treaties. This would have a direct effect on the economies of Arab countries in the age of information technology and the global communication network.
- For governments to play an active role at the international level to contribute to the formulation of international policies concerning electronic commerce and intellectual property.
- For governments of Arab countries to further the development of information technology, initiate the teaching of computer and Internet skills at primary schools, and refocus and redesign university curricula to strengthen offerings to the information technology field.
- For these governments also to strengthen their information communication networks, and explore and find the means to use the Arabic language as a communications tool in order to expand the range of users in Arabic-speaking countries.
- For WIPO to continue technical assistance to enhance intellectual property in the region, including the automation of intellectual property offices and the inter-connectivity of those offices through an Arab network or global communication networks.
- For WIPO to organize national and regional seminars to assist in the development of a uniform Arab policy on all emerging issues of information technology and intellectual property. A uniform policy would constitute a common position in discussions of those issues at the international level and would influence the formulation of appropriate reactions.
- For WIPO to continue its leading role in domain name dispute resolution and to provide administrators of domain name registries in Arab countries with the technical expertise to adopt best practices for domain name registration, to coordinate the exchange of expertise, and to standardize such registration procedures. ■

Cooperation Agreements Signed by WIPO

This year has been a significant one for WIPO in strengthening the legal links with key intergovernmental organizations. The WIPO secretariat has concluded several agreements with a view to establishing strong working relations and cooperation with other intergovernmental organizations.

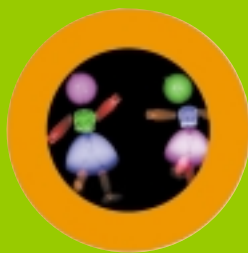
A cooperation agreement between WIPO and the Asian-African Legal Consultative Committee (AALCC) was signed on August 14 and another between WIPO and the Secretaría de Cooperación Iberoamericana (SECIB) on November 8.



WIPO Assistant Director General Mr. Francis Gurry and the AALCC Secretary General Mr. Wafik Zaher Kamil signing the agreement.



Mr. Jorge Alberto Lozoya, Secretary of SECIB, and WIPO Director General Dr. Kamil Idris signing the cooperation agreement between the organizations they represent.



Forum

Innovation and Creativity in the New Century

The *Forum on Creativity and Inventions - A Better Future for Humanity in the 21st Century*, held in Helsinki from October 5 to 7, analyzed the underlying importance of invention and innovation to business development in tomorrow's technology-driven, knowledge-based economies. During the forum, representatives from the public and private sectors probed the relationships between creativity, intellectual property rights and development, as well as the key contributions made by creation and innovation to wealth creation and technological, social and cultural progress.

The Forum attracted some 170 senior government officials, economic and technology policy planners, academics and businessmen from 40 countries and several international organizations. The comprehensive two-day program focused on six main topics:

- invention and innovation as a pre-condition for human advancement and an instrument for the survival of mankind;
- inventors, innovators and creators - the intellectual capital of nations;

- creating a supportive environment for the use and development of inventions as a service to society;
- economic aspects of inventions and innovations, the role of research and development enterprises and small and medium-sized enterprises (SMEs) in the innovation process;
- conditions for successful economic and social use of inventions and innovations;
- importance and protection of inventions and innovations in a knowledge-based society, the role of intellectual property and future challenges to creators, industry, legislators and society.

In her address to the Forum, the President of the Republic of Finland Ms. Tarja Halonen said, "Creativity and inventiveness are fundamental characteristics, central to the future of humanity. It is therefore in the interest of states to develop and protect intellectual property."

Finland has one of the highest ratios of Internet usage and service providers per capita in the world. This, together with significant funding for research and development and the active promotion of small and medium-

sized enterprises, has made a significant contribution to the country's rise as a leading producer of high technology products. WIPO and the National Board of Patents and Registration of Finland jointly organized the Forum, with the cooperation of Finland's Ministries of Trade and Industry and of Education, Science and Culture. Among the other organizations that contributed to the Forum were the International Chamber of Commerce (ICC), the International Federation of Inventors' Associations (IFIA), the Confederation of Finnish Industry and Employers (TT), the Finnish Inventors' National Federation (KEKE) and the Finnish telecommunications company NOKIA.

The Forum took place in the context of WIPO's efforts to ensure that intellectual property systems evolve into more broadly accessible, user-friendly, cost-effective and efficient means of protecting creative and innovative works for the greater good of humankind. In a time when knowledge and information are increasingly defining the wealth of nations, the intellectual property system plays an essential role in capturing the value of these intangibles and converting them into economic assets. ■

Workshop on Geographical Indications



On October 9 and 10 a regional workshop on the protection of geographical indications took place in the Brijuni Islands, Croatia. WIPO organized the workshop in cooperation with the State Intellectual Property Office of the Republic of Croatia. A total of 102 participants from 17 countries in the region, including Croatia, attended the workshop.

The workshop featured presentations by specialists from WIPO, the World Trade Organization (WTO), the Commission of the European Communities, and participating countries. International protection of geographical indications, the

administration of national protection systems, the definition of geographical indications on the national level, and questions regarding effective quality control for products marketed under protected geographical indications were the main issues of discussion.

The workshop was timely, as the issue of protection of geographical indications is of significant importance to the countries of the region. Participants agreed that the event was useful for obtaining first-hand information on the latest developments in the activities of WIPO, the WTO, and the European Union. The workshop also provided an

excellent forum to compare national experiences in the protection of geographical indications.

A number of Croatian producers also used the meeting to showcase local culinary products which already benefit from the protection of geographical indications. ■

African Partners for PCT Access

In cooperation with the European Patent Office (EPO), the German Patent and Trade Mark Office, the Patent Office of the United Kingdom and the National Institute of Industrial Property (INPI) of France, WIPO organized three roving seminars in September to enhance awareness and promote more extensive use of African regional organizations in utilizing the Patent Cooperation Treaty (PCT).

Patent applicant under the PCT may request regional patent protection in the member States of the African Regional Industrial Property Organization (ARIPO) and the African Intellectual Property Organization (OAPI) by



Bavarian Maypole in Munich.

designating the two organizations on their PCT application forms. In 1999, statistics collected by the two offices showed a steady, though still limited, increase in recent years in PCT entries in the ARIPO and OAPI regional phase. This suggested an increasing interest among applicants, particularly from some European countries and the United States of America, in seeking patent protection in Africa which is viewed as a potential market. The roving seminars were therefore organized to promote use of ARIPO and OAPI among PCT applicants.

Some 15 to 20 participants attended the seminars, held in

Cooperation for Development

Intellectual Property for Women in Business

London, Munich, and Paris. The participants attending from the private sector included patent attorneys and industrial property experts; there were also participants from industries in the field of health, food, telecommunications and heavy industry. Officials also came from national administrations dealing with health, medical, and pharmaceutical matters, from research-related organizations, from law associations, the EPO, and from the national offices of France, Germany and the United Kingdom.

The topics covered included:

- Economic Cooperation between African Countries and Foreign Countries
- The PCT as a Gateway to Africa
- The Bangui Agreement
- The OAPI-PCT Route
- The Harare Agreement
- The ARIPO-PCT Route

The participants raised many questions concerning designating ARIPO and OAPI under the PCT and other related issues. On questions pertaining to acceptance of utility models, ARIPO informed the participants that they would begin accepting utility model applications on behalf of member States as of January 2001. The duration of a utility model will be ten years from the priority date.

The seminars helped clarify questions relating to the regional phase entries under the ARIPO/OAPI systems and users gained a better understanding of the ARIPO-PCT and OAPI-PCT routes. ■



The conference participants in Nigeria.

A WIPO seminar on Intellectual Property for Women Heads of Enterprises was held in Abuja, Nigeria in September to help boost awareness among women entrepreneurs of intellectual property as a tool for economic and industrial growth, and to stress the benefits available from the intellectual property protection system.

The seminar, organized by WIPO in collaboration with the Government of Nigeria, was specifically for English-speaking African countries. Some 80 participants drawn from the trade and manufacturing sectors of 15 countries attended the seminar. Participants from the host country also represented a wide spectrum

of governmental and non-governmental institutions.

In an opening statement, the Nigerian Minister of the Federal Capital Territory, Mr. Ibrahim Bunu retraced the history of intellectual property in Nigeria and emphasized the importance of intellectual property in technological and industrial advancement around the world. He reiterated Nigeria's commitment to the protection and promotion of intellectual property and announced that Nigeria would establish an intellectual property commission before the end of the year.

Speakers recognized the need in most African countries to promote awareness of various facets of ►



The conference panelists.

intellectual property and its impact on development and economic growth. They called on women entrepreneurs to continue to seek more information after the seminar on the relevance of intellectual property to their business activities.

Mr. Geoffrey Onyeama, Director of WIPO's African bureau, gave a brief overview of recent developments in the field of intellectual property and the strategic direction of the Organization's cooperation for development program.

Mr. Onyeama outlined the relevance of the seminar's topics to the participants' business activities, and invited them to identify critical areas for future collaboration.

Session Highlights

For many participants, the seminar offered a first exposure to the concepts of intellectual property. Thus, the first session was devoted to definitions of various aspects of intellectual property and its applications. The lectures covered issues specifically relevant to the women's business activities:

- Copyright protection;
- Traditional knowledge and indigenous technology as intellectual property;
- The protection of geographical indications and industrial designs with an emphasis on textile designs;
- Patents as an instrument for the promotion of inventive activity;
- Electronic commerce;
- Transfer of technology through licensing and franchising and key issues in negotiation of licensing agreements;
- Trademark infringement, unfair competition, and protection against counterfeiting.

Most questions centered on practical issues such as the protection of trademarks against counterfeiting; protection of traditional textile designs and crafts; the duration of protection; the costs involved; wealth generation through intellectual property systems; the utility of filing patent applications when many African intellectual property offices have no or limited examination capacity; and the need for Internet access to exploit electronic commerce opportunities.

Recommendations

In the last session, the participants made recommendations for possible WIPO support to women entrepreneurs in the field of intellectual property. They include the following:

- Organize similar seminars for women in business on a national and regional level;
- Study the best way to reach out to the largest number of women entrepreneurs and select a convenient and accessible venue that would enable most of them to participate;
- Disseminate publications and training materials and ensure that they reach the beneficiaries;
- Advise women entrepreneurs on their role in the timely updating and review of legislation;
- Provide Internet connectivity to associations of women entrepreneurs and women in business.

The seminar raised high expectations among participants, who committed themselves to replicate it at the national level with the support of WIPO and national intellectual property offices. ■

Symposium and Seminar in Iran

WIPO organized a regional symposium and a national seminar in Tehran in September, both in cooperation with the State Organization for Registration of Deeds and Properties for the Islamic Republic of Iran, and both dealing with implications of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

The regional symposium drew 34 participants from Bangladesh, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, Thailand, and Viet Nam. Some 100 participants also attended from Iran.

Mr. Narendra Sabharwal, director of WIPO's Asia and Pacific bureau, said the symposium would review the situation of enforcement of intellectual property rights (IPRs) in the countries in the region, in view of implementation of the TRIPS Agreement. He highlighted the

crucial role that government agencies, particularly the judiciary and customs authorities, play in effective enforcement of these rights.

H.E. Ayatollah Hashemi Shahrodi, Head of the Judiciary Power, strongly supported intellectual property protection and the accession to the WIPO Convention and several treaties administered by WIPO in his inaugural speech.

The symposium participants reviewed legislation in the region on border measures by customs authorities and the judiciary. They looked into the role of intellectual property offices in enforcement and the role of governments, in particular custom authorities, in effective enforcement of IPRs and enforcement of IPRs in the digital environment. The countries presented progress reports on efforts regarding the implementation of enforcement obligations under the TRIPS Agreement. Presentations

highlighted the economic value of effective protection of intellectual property for developing countries and on dispute settlement between states as well as between private parties.

The national seminar that followed the symposium helped promote awareness of international developments in intellectual property rights and the need for preparation of a draft legislation to comply with the TRIPS Agreement.

Some 250 participants attended the seminar. Among them were senior government officials from the Registration Organization and from the Ministries of Industry, Commerce, Culture and Technology, and Islamic Guidance, as well as representatives from the judiciary, industry, academia, law firms and the customs administration.

The seminar got under way with words from H.E. Hojatoleslam Mehdi Karubi, Head of Legislative Power and Speaker of the Parliament of the Islamic Republic of Iran, who expressed the political will of Iran for accession to the WIPO convention and other treaties administered by the Organization. Mr. Karubi expressed the need for experts to study, experiment, and evaluate the treaties administered by WIPO so that Iran could accede to those which are in the best interests of that country. He said that this would benefit creativity and creative people in Iran. ■

Fifth from left is H.E. Hojatoleslam Mehdi Karubi, Head of Legislative Power and Speaker of the Parliament of the Islamic Republic of Iran at the national seminar in Tehran.



Photo: Islamic Republic of Iran

New Products

- *Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks* (Japanese) No. 204(J), 15 Swiss francs
- *The Hague Agreement Concerning the International Deposit of Industrial Designs* (Arabic) No. 262(A), 12 Swiss francs
- *What is the PLT?* (English) No. L450PLT/E, (French) L450PLT/F, (Spanish) L450PLT/S, free of charge
- *Basic Facts about the Patent Cooperation Treaty (PCT)* Version 2000 (English) No. 433(E), (French) No. 433(F), (German) No. 433(G), (Spanish) No. 433(S)



Upcoming Diplomatic Conference

**December 7 to 20
(Geneva)**

Diplomatic Conference on the Protection of Audiovisual Performances

The Diplomatic Conference will negotiate and is expected to adopt an international instrument on the protection of audiovisual performances. *Invitations:* States members of WIPO, the European Community and, as observers, member States of the United Nations which are not members of WIPO, and certain organizations.

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