

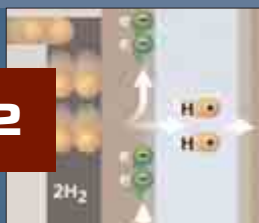


WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION

WIPO MAGAZINE

GENEVA - FEBRUARY 2007 - No. 1

2



GOING GREEN

Clean Fuel
Technologies

6

COUNTERFEITING AND PIRACY

Third Global Congress

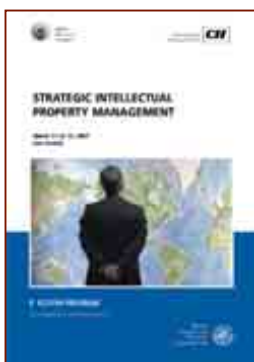
8



CREATORS ON COPYRIGHT

Talking Jazz

WIPO Executive Program Strategic Intellectual Property Management Goa, March 11 to 13, 2007



WIPO's Worldwide Academy invites applications for places on its international Executive Program in Strategic Intellectual Property Management. The second program, offered jointly with the Confederation of Indian Industry, will take place in Goa, India, on March 11 to 13, 2007.

Designed for senior business executives, the intensive two-day program will examine strategies for maximizing the business value of intellectual property. Corporate decision-makers and experts from leading business schools will share their experiences, and will present case studies and industry best practices to demonstrate the effective leveraging of intellectual property assets for competitive advantage. The program is intended to contribute to professional development needs across a wide range of businesses.

For further information and registration details, please see the WIPO Worldwide Academy website at www.wipo.int/academy/en/execed; or send an e-mail to execed.academy@wipo.int.

WIPO MAGAZINE ISSUE 2007/1

Editorial team

John Tarpey
Elizabeth March
Sylvie Castonguay

WIPO staff contributors

Heike Wollgast: *Counterfeit and Piracy on the Internet – Some Legal Considerations*

Graphic design

Sheyda Navab

CONTENTS

- 2 **GREEN TECHNOLOGIES:**
ELECTRIC CARS AND HYDROGEN FUEL CELLS
- 6 GLOBAL CONGRESS ON COMBATING
COUNTERFEITING AND PIRACY -
THE FIRST THREE YEARS
- 8 AUTHORS, COMPOSERS, ARTISTS:
NATHAN EAST - JAZZ MUSICIAN
- 11 FROM ARTIST TO AUDIENCE
- 12 COUNTERFEIT AND PIRACY ON THE **INTERNET** -
SOME LEGAL CONSIDERATIONS
- 14 **IP AND BUSINESS**
USER-CREATED **COMPUTER GAMES**
- 16 MEET THE NEW TOP **MANAGEMENT TEAM**
- 19 **COMMITTEE MEETINGS**
SCT: Work Continues on Trademark Issues
IGC: Core Issues for the Protection of Traditional
 Knowledge and Traditional Cultural Expressions
SCCR: Negotiators Narrow Focus
 in Broadcasting Treaty Talks
- 22 **LETTERS** AND COMMENT
- 24 NEW PARTIES TO WIPO-ADMINISTERED TREATIES
IN 2006
- 28 **WIPO AWARDS**
- CALENDAR** OF MEETINGS
- NEW **PRODUCTS**

GREEN TECHNOLOGIES

Electric Cars with Hydrogen Fuel Cells

Two hundred years ago, Swiss engineer François Isaac de Rivaz invented an internal combustion engine that used a mixture of hydrogen and oxygen as fuel. But the car he designed to go with it was a failure. The first electric cars were invented some 25 years later, long before Messrs. Daimler, inventor of the modern gas engine in 1885, and Benz, recipient of patent DRP 37435 for a gas-fueled car in 1886, came along.

At the turn of 20th Century electric cars were more popular than gasoline-powered models, for much the same reasons that consumers are taking a second look at electric cars today: they did not emit noxious fumes, were quiet, smoother and easier to drive. So why did the more-polluting gasoline-powered cars take over the market? Several factors came into play.

Henry Ford, good roads, cheap gas

"I will build a car for the great multitude," declared Henry Ford in 1903. And so he did: the Model T, with an internal combustion engine that ran on gasoline, was released in 1908, selling for US\$950. During its 19 years in production, its price tag would fall as low as US\$280. No other car could compete – let alone electric cars, which, when at their peak in 1912, sold on average for US\$1,950. The writing was on the wall.

Electric cars also lost out because of their limited range. At the turn for the century, this had not been a problem, as the only suitable roads for driving were in towns. But after the First World War, nations started to build highways and roads to connect their towns. Car owners soon wanted to venture out further than the electric cars could take them.

The discovery of plentiful crude oil resources reduced the price of petrol, making gasoline more affordable. But electric cars did not disappear – nor did the use of hydrogen as fuel. They simply faded out of the mass consciousness until the 1970s gas crisis and environmental concerns brought them back to the fore.

Clean energy

Today's internal combustion engines can be readily converted to run on a variety of fuels, including hydrogen. However, hydrogen fuel cells used to power cars with electric motors are two to three times more efficient than gas-fuelled internal combustion engines. Moreover, they have zero-emissions and, because they have few moving parts, are quiet and vibration-free.

Hydrogen is one of the most plentiful elements in the universe. It can be extracted from natural gas, coal, crude oil, etc., but water is the only pollution-free source of hydrogen. The hydrogen and oxygen atoms in water can be easily and cleanly split apart by electrolysis, ideally using electricity from clean sources, such as solar panels and wind turbines. The resulting hydrogen can be compressed for storage and use in fuel cells.

It was a Welsh physicist, William Grove, who in 1842 invented the first simple hydrogen fuel cell. Grove recombined hydrogen with oxygen – the reverse of the process of electrolysis – to produce electricity with only pure water as a by-product.

Francis Bacon, a chemical engineer at Cambridge University in the U.K, whose interest was piqued when he read the papers published by Grove some 100 years earlier, dramatically advanced the technology in the 1950s. Pratt and Whitney licensed Bacon's fuel cell patents in the 1960s and further developed the technology for use by NASA – the same fuel cell could provide electricity for in-flight power, heat and clean drinking water for the crews aboard space crafts. The Apollo, Gemini and all subsequent NASA missions, including the space shuttle, used fuel cells. Grove's technology had come of age.

A number of companies founded after the oil crisis of the 1970s based their business models on the hydrogen fuel cell as a clean source of renewable energy, using Grove's paper and Bacon's patent information as the starting point for their research. Researchers are now working on many types of fuel cells, as shown by the hundreds of international patent applications filed under the Patent Cooperation Treaty (PCT) for fuel cell-related inventions over the last few years.

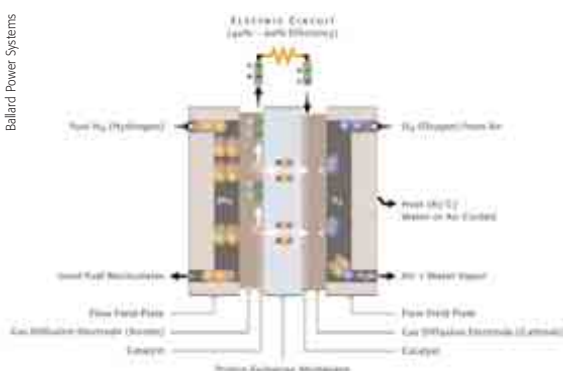
But is it Safe?

Mention hydrogen and many people think of the Hindenburg disaster of 1937, when a hydrogen filled Zeppelin went up in flames, killing all 35 people aboard. But numerous studies, such as those conducted by retired NASA engineer Addison Bain in 1997, have concluded that hydrogen played no part in starting the Hindenburg fire. The extreme flammability of the Hindenburg's aluminum fabric envelope caused the disaster, not the gas inside.

Hydrogen is very flammable, but so is gasoline. Moreover, hydrogen is not inherently explosive, and where there are no ignition sources, it is highly unlikely that hydrogen will ignite in the open atmosphere. While petrol will self ignite at temperatures between 228-501°C, the self ignition temperature for hydrogen is 550°C. In principle, for an explosion to occur, hydrogen would first have to accumulate and reach a four percent concentration in air in a closed space and then an ignition source would have to be triggered. With proper safety systems in place, this is unlikely to ever happen. Hydrogen is lighter than air and dissipates rapidly, so the risk of a hydrogen fire or explosion in an open area is also much lower than that of gasoline.

Source www.fuelcellmarkets.com

Ballard Power Systems



Ballard has filed 46 international patent applications relating to hydrogen fuel cell technology since the company started using the PCT in 2004.

Credit: DaimlerChrysler



In 2003 the NECAR 5 crossed the U.S. in 12 days, proving that fuel cell cars could go the distance.

In the 1990s, a research team at Ballard Power Systems in Canada made a major breakthrough when they discovered a way to increase the power density of hydrogen, upping the average figure from 200 Watts/liter to some 1,500. Using Ballard's PEM fuel cell technology, a car with a motor of similar size to that of a gasoline car can match it in performance – going from naught to 100 km/hour in 15 seconds, with top speeds around 150 km/hour. The technology is also viable for residential use – electricity and heating – or as backup power applications.

Fill her up: Compressed hydrogen, please

DaimlerChrysler, Ford, Honda, General Motors, Mazda – all of these big car companies have developed fuel cell concept cars, some of which have been delivered to customers for trial. In 2003, a team from DaimlerChrysler crossed the U.S. in 12 days with the fuel cell NECAR 5, reaching a record speed of 160 Km/hour and proving that fuel cell cars could go the distance. Mazda started leasing fuel cell RX-8s to commercial customers in Japan in early 2006, making it the first manufacturer to put a hydrogen vehicle in customer hands.





Photo: Intelligent Energy Ltd.



Sleek and silent – the ENV Bike

Refueling currently remains a problem for customers, unless they live in California, which plans to build 150 to 200 hydrogen-fueling stations by 2010. A number of car companies aim to tackle the problem by providing consumers with home hydrogen refueling units. Honda recently unveiled the third generation of a home unit designed in conjunction with U.S. fuel cell company Plug Power Inc. And GM, whose Vice Chairman Bob Lutz believes fuel cells could create a new golden age for the company, plans to release a home model, which would make hydrogen either from electricity or sunlight, in 2011. This year, GM aims to place 100 hydrogen fuel cell Chevrolet Equinox SUVs for trial with consumers.

Looking good

François Isaac de Rivaz's car failed due to its poor design. But a glance at the fuel cell vehicles in these pages shows that manufacturers are now keenly aware of the strategic importance of good design. Their eco-friendly credentials may win consumers' minds but it is good design that will win their hearts.

The ENV Bike from Intelligent Energy Ltd. won an IDEA gold award for design in 2006 (see *WIPO Magazine* issue 5/2006 – News Round Up). It was built from the ground up to demonstrate the use of hydrogen fuel cells, is virtually silent and has a top speed of 80 km/hour. Intelligent Energy intends to make the bike available to consumer in mid 2007 for under US\$10,000. The Company started using the PCT in 2003 and has ten published international patent applications for their fuel cell technology, including

Courtesy Honda



Honda demonstrates the FCX Concept Vehicle, a fully functional next-generation fuel cell electric car. Honda has filed over 40 fuel cell-related PCT patents.

"Core," a portable hydrogen fuel cell that can be used in the ENV Bike, to power a boat or a small house.

On the road again

In a recent press release, the government of Brazil announced that São Paulo, one of the world's most polluted cities, which also has the world's largest metropolitan bus fleet, would start operating up to five hydrogen fuel cell buses in November 2007. The US\$16 million project is supported by the United Nations Development Program (UNDP), the Global Environmental Facility (GEF) and the Financing Agency of Studies and Projects (FINEP). The project objectives are:

- To develop a zero emission public transportation solution;
- To build an understanding of fuel cell and hydrogen technology, enabling Brazil to obtain a leading position, due to its potential market;
- To work to develop expertise and knowledge in Brazil with the objective of creating a market for hydrogen and fuel cell technologies; and
- To develop Brazilian specifications for the safe and efficient production, handling, stationary and automotive applications, enabling the development of a safe and efficient use of hydrogen.

Santa Clara, USA, Perth, Australia, Beijing, China and ten European cities already have hydrogen fuel cell buses undergoing trials in their public transportation systems. The results so far are positive. The three buses operating in Perth since September 2004 have been running more than eight hours



Courtesy General Motors

The GM Sequel is expected to reach the market in 2012. With acceleration to 100 km/hour in under 10 seconds, it is much faster than the current average for fuel cell cars.



Photo: Ballard Power Systems

Hydrogen fuel cell buses undergoing trials in Perth, Australia.

Solar-Hydrogen Home

Mike Strizki, an engineer at Renewable Energy International, Inc. and Advanced Solar Products, Inc., built a pollution-free power system for his home, using 56 solar panels and an electrolyzer to pull hydrogen out of water, which he then stores in tanks on his property. The solar panels provide 160 percent of the electricity needs of the home during the summer and 60 percent of such needs during the winter. Seasonal power management builds a supply of hydrogen during the summer for use during the winter. And, sufficient hydrogen is available to power vehicles and household appliances, including hydrogen cooking, throughout the year. He has more than enough energy to power his hot tub, swimming pool, big-screen TV and hydrogen fuel cell cars.



Photo: Renewable Energy International

a day, five days a week. Says bus driver Paul Wroblewski, "Passengers have been very keen on the new fuel cell buses. The quietness inside the bus has allowed me to overhear some lively discussions about the new technology and their new found knowledge."

Are we there yet?

Not quite. There are a few drawbacks to hydrogen:

- It takes quite a bit of energy to extract hydrogen from water.
- Hydrogen, a gas at room temperature, is difficult to store: It has to be strongly compressed – requiring pressure safe storage tanks – or liquefied by cooling (cryogenic hydrogen).
- Fuel cell technology is relatively new and the cells are fragile and expensive.

Work is ongoing to develop less costly fuel cells that meet or beat the performance specifications for the applications in which they are being used. Researchers recently announced an alternative method of creating hydrogen directly from sunlight and water through a metallic catalyst, which may provide an economical, direct conversion of solar energy into hydrogen. Scientists are also investigating metal hydrides and crystalline materials as solutions to the storage problems. Metal hydrides result from combining pure hydrogen with a pure or alloyed metal and permit a higher storage density of hydrogen than compression.

In a relatively short time, research and human ingenuity have developed what was a moribund technology into a possible solution to the renewable energy problem, providing clean and attractive vehicles. Who knows what other nuggets may lie languishing in faded scientific papers and patent information?

GLOBAL CONGRESS ON COMBATING COUNTERFEITING AND PIRACY — The First Three Years

As delegates gather in January for the Third Global Congress on Combating Counterfeiting and Piracy, hosted by WIPO in Geneva, this article looks at how the process began, at the progress to date and the shared challenges ahead.

It was at the World Customs Organization's headquarters, Brussels, in May 2004 that 400 high-level participants gathered for the First Global Congress to Combat Counterfeiting. The need for such a congress had become pressing. Trade in counterfeit goods was rising dramatically worldwide and had spread to almost every conceivable type of product. Billions of dollars in revenues were being lost to the black economy. Counterfeit drugs were putting lives at risk. And there was growing evidence that transnational organized crime networks were using profits from trade in counterfeit and pirated goods to fund their activities.

It was clear that better strategies – based on more effective cooperation between stakeholders at national and international level – were needed to combat the multiple threats posed by this damaging trade. To this end, the first Congress was convened by the World Customs Organization (WCO) and Interpol with the support of WIPO. The three intergovernmental organizations, each with a wealth of experience in different aspects of combating counterfeiting and piracy, called together representatives from governments, industry and enforcement agencies. Together they determined to pool their forces with the objectives of pushing the fight against counterfeiting and piracy up the global political and business agenda; of establishing a high level public-private partnership to pursue collective action; and of generating conditions which would lead to greater investment of human and financial resources in enforcement measures. Their resolve laid the foundations for a global process, now approaching its fourth year.

A Steering Group was established with key partner organizations – the Global Business Leaders Alliance Against Counterfeiting (GBLAAC), the International Trademarks Association (INTA), the International Chamber of Commerce (ICC), and the International Security Management Association (ISMA) – in order to build the global public-private partnership and to ensure that rec-

ommendations were carried through. Momentum grew during a series of focused forums at regional level in Rome (October 2004), Shanghai (November 2004) and Brazil (June 2005), which helped to mobilize government involvement in those regions. These meetings led up to the Second Global Congress, hosted by Interpol in Lyon in November 2005.

The Second Congress: focus areas

More than 500 participants from 66 countries attended the Second Congress. In the interim, the figures for international trade in counterfeit and pirated products had continued to rise alarmingly. But the Congress also highlighted a number of positive developments. The success of Interpol's Operation Jupiter in Latin America, for example, had provided a model for transnational enforcement operations. A growing political commitment was evidenced by the G8 statement on counterfeiting and piracy at the July 2005 Gleneagles meeting; and by the support for the work of the Organization for Economic Cooperation and Development (OECD) to produce a comprehensive global study on counterfeiting and piracy. Public awareness of the implications of buying fake or pirated goods was growing in many countries where governments and business organizations were running high profile campaigns. And a report released in 2005 by the music industry group IFPI showed sales of digital music from legal sites to be surging, while illegal downloading figures remained flat.

The Congress was under no illusion, however, as to how much more must be done if the tide of counterfeiting and piracy activities was to be turned. The Second Congress focused on the four key areas identified in the preceding meetings. Within each Focus Area, participants identified specific policy initiatives and priority actions. These included the following:

- **Cooperation.** Cooperation, communication and commitment must be increased among international, regional and national agencies, in part-

nership with the private sector. Positive national examples demonstrating where increased resources have been effective should be showcased. The WCO's review of legal mechanisms for sharing information between Customs Administrations should be exploited. A cross-industry clearinghouse for companies to share successful strategies and best practices should be established.

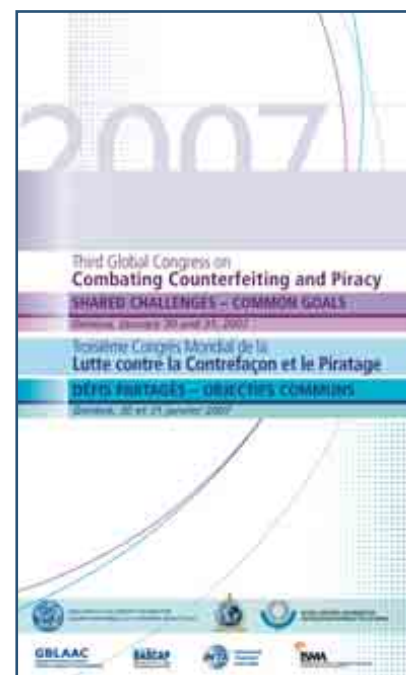
- **Awareness.** A coordinated global program should be developed to build greater awareness among policy-makers, opinion leaders and consumers of the full economic and social consequences of counterfeiting and piracy. Objectives should include encouraging business and enforcement agencies to publicize seizures; publicizing links with transnational organized crime; and encouraging the investment of increased resources in combating counterfeiting.
- **Capacity building.** Governments should be assisted – through activities such as WIPO's tailored workshops – in formulating effective enforcement strategies and in training more specialized judges and prosecutors. Case law databases and reference works should be produced to facilitate access to precedents for judges and lawyers involved in intellectual property (IP) infringement cases, and exchange of information among the judiciary and law enforcement officials should be fostered. Cooperation should be intensified to extend the reach and efficiency of IP enforcement training programs. A study group should assess the growing problem of sales of counterfeit and pirated products over the Internet.
- **Legislation and law enforcement.** National government bodies should ensure that effective enforcement provisions and penalties – such as action against counterfeit shipments, serious jail terms and seizure of counterfeiters' assets and profits – are introduced and carried through in order to deter counterfeiting and piracy.

Work on these and other recommendations continued at the Eastern Europe and Central Asia Regional Congress in Bucharest in July 2006, paving the way for the Third Congress.

The Third Congress: moving forward

The Third Congress, meeting in Geneva on January 30 to 31, 2007, will examine progress and problems in each of the Focus Areas. Participants will be able to draw encouragement from advances on a number of fronts. The combined weight of three major inter-governmental organizations, together with the involvement of top government and industry partners in the Congress process, is attracting media attention and helping to generate significant political will to deal with the problems. The Steering Group is providing a coordination mechanism for systematic cooperation between private and public sector stakeholders. Greater understanding of the depth and complexity of international counterfeiting and piracy has led intergovernmental organizations and the international business community to devote additional resources in many countries to capacity building, awareness raising and technical assistance.

The Geneva meeting will include keynote addresses from ministers, judges and business leaders, as well as presentations from experts across the field. Roundtable discussions will be structured so as to generate frank and constructive debate. Participants will seek to make hard-nosed assessments of which strategies are working well and which are not, so as to enable the Congress to focus its efforts on those shared challenges where it can best make impact. The outcome of their deliberations will help to shape a set of practical strategies for governments and industry in meeting their common goals of reducing counterfeiting and piracy.



AUTHORS, COMPOSERS, ARTISTS

Nathan East - Jazz Musician



Photos: Courtesy Nathan East

Biodata

Born: 1955, Philadelphia, U.S.A.

Instrument: Bass guitar

Group: *Fourplay* with Bob James (keyboards), Larry Carlton (guitar), Nathan East (bass), and Harvey Mason (drummer).

Recorded/toured with: Anita Baker, Al Jarreau, Barbara Streisand, Eurythmics, Natalie Cole, Elton John, Bob Dylan, George Harrison, Sting, Ray Charles, Eric Clapton – and many others.

Awards: Most Valuable Player Award, Bass category, 1991 International Rock Awards; three-time recipient of the National Smooth Jazz Award for Bassist of the Year; U.K. Ivor Novello Award for “Easy Lover,” which he co-wrote with Phil Collins and Philip Bailey

Also: Developed his own Yamaha Signature Series 5-String bass guitar, the BBNE-2. Has a private pilot license and holds two World Speed Records in his Lancair IV-P.

“X”, the latest album by American jazz supergroup, *Fourplay*, has had fans and critics purring since its release in August 2006: “The smooth jazz group to top the lot,” says BBC reviewer Peter Marsh. “A softly-funky, superbly crafted album from these masters of smooth,” writes Matt Collar in the All Music Guide. The rave reviews come as no surprise, given that the ten albums released by *Fourplay* since 1991 have all topped the jazz charts, and six have been nominated for Grammy awards. As *Jazz Monthly* puts it: “[From] four of the most talented guys in the business...the new *Fourplay* CD confirms that thought-provoking music never goes out of style. Masters at harmonizing the energy of individual performance with the synergy of ensemble play, the tracks are tight, transitions dramatic and the experience a whole lot of fun!”

One of the four “Masters” is Nathan East, whose successful career as a jazz musician, composer and bass guitarist spans some 30 years. With a reputation extending well beyond jazz aficionados, he has recorded and toured with a star-spangled list of artists, including – to name but a few – Elton John, Lionel Richie, Barbara Streisand, Josh Grobin, Eurythmics, Sergio Mendez, BB King, Kenny Rogers, Quincy Jones, Kenny Loggins and Phil Collins. His long association with Eric Clapton, for instance, in-



Six of the band's ten albums have been nominated for Grammy Awards – all have topped the jazz charts.

cluded the multi-Grammy Award winning *Clapton MTV Unplugged* CD. Keen to help young musicians who are considering music as a profession, Nathan East has also produced a DVD, *The Business of Bass*, which provides an introduction to the often hard realities of working in the music business.

En route to a concert tour in Japan in January, Nathan East made time for an interview with WIPO Magazine. In the following extracts, he shares some thoughts about his creative work and his perspective, as a musician, on copyright issues.

“Record companies can’t entirely blame the Internet for music fans’ not wanting to pay 20 bucks for an average CD with maybe two or three good songs on it.”

Tell us about how you first started playing bass.

I grew up in a house full of music. I started playing the cello in a junior high school orchestra. But when I was 14, I used to tag along with my brothers to their folk mass rehearsals, and once there was a bass just sitting on the altar. I just picked it up and joined in. That was it!

And your first big break?

Our band played the club scene around San Diego. Barry White heard us and hired us to go on tour with him as part of the Love Unlimited Orchestra. I was 16 at the time. A few years later I recorded in studio with him. But in-between there was school. I wanted to finish my education. In early 1980, the veteran writer/arranger Gene Page, with whom I had worked on White’s recording sessions, called me to record a commercial with him. He then included me on recording for Whitney Houston, Madonna, Dionne Warwick and Michael Jackson. I got better known and the jobs came in. I was never short of work after that.

What attracted you to jazz?

Jazz captured me at an early age. Wes Montgomery was one of the first artists I was exposed to, and his music went straight to my heart. His virtuosity and taste, tone and technique pulled me into the genre. The progressions in jazz create a unique challenge for improvisation and personal expression.

How did your band *Fourplay* come about?

In 1990, Bob James asked Lee Ritenour, Harvey Mason and me if we would be interested in forming a group in which each would be an equal partner, contributing songs. At the time, we were in the studio recording Bob’s *Grand Piano Canyon* CD. The chemistry among the players was magic! A couple months later *Fourplay* began recording its first album. It sold over a million copies in 1991 and was number one on Billboard’s contemporary jazz chart for 33 weeks.

Can you describe the creative processes in the band and the sound you aim to create?

For me the *Fourplay* sound is sophisticated, classy and progressive. It’s a combination of elements mixing jazz, R&B and pop to create a contemporary jazz sound.

The players perform at very high levels and it’s a fun challenge making music with them. The creative process varies from song to song. It’s never the same. Sometimes, while driving, an idea for a song will pop into my head and I’ll call my answering machine at home and sing that idea into it – that’s a trick I learned from Eric Clapton. We write some songs right on the spot. Other times, we’re all in the studio and someone starts an idea and the rest contribute. We leave the tape running and jam for a time, then play it back and pick what sounds like a good idea for a song and expand on it.



Bob James, Nathan, Larry Carleton and Harvey Mason of *Fourplay*.

When did you become aware of copyright and related rights?

The first song I ever wrote that was recorded and published was called “With All My Love” in 1970. It was the title song of an album by trumpeter Bruce Cameron, who took the publishing on that song. That was my introduction to copyright and publishing. I did use that song to join ASCAP (American Society of Composers, Authors and Publishers), and retained my own publishing from then. After that, it was fairly easy to contact ASCAP with questions that I had regarding copyright.

Are there any aspects of the current copyright system that you would like to see changed?

Anything that not only protects the creators but promotes them as well is essential in keeping the business moving forward. I feel the length of copyright protection for recorded performances could be doubled from what it is currently. Also, a performer’s name should be included on every album in which they perform without exception. There is nothing worse than not getting the credit you deserve for the creative work you have done. I recorded a lot with Barry White, but you wouldn’t know it because he didn’t put the names of the musicians on any of his records because he didn’t want anybody to steal his sound.



Do you have any thoughts on tackling music piracy?

All groups have suffered from music piracy. We need to educate the public about the impact of piracy on the lives of the people that create the music. There should also be increased use of embedded codes in CD's that make it more difficult to transfer music from computer to computer. But at this stage in the game, we can't escape the technology and, unfortunately, I think it will get worse before it gets better. The record business as we have known it is over.



Nathan East has performed for royalty, for presidents, for the Pope, and at sold out concerts around the world.

So do you see the Internet more as a threat or an opportunity for musicians?

Much like when synthesizers and drum machines became widely used, some thought they would put real musicians out of business which they didn't. The strong seem to survive. This feels like the same case. The Internet offers an opportunity to reach more people. Provided the consumer can be educated about the artist's need to make a living, I feel as though it's opportunity more than a threat. But clamping down on music piracy on the Internet is a good thing, especially if it means that more people will accept the idea of paying for music. We also need to update ways to monitor what is generated from Internet sales.

Are you benefiting from revenues from legal downloading?

These are somewhat early days of downloading in the scheme of things so the standard royalties from CD sales and live performances are still my primary source of income. But I believe the royalties generated from the legal downloading of music could potentially catch up.

As people's listening habits change, what does this mean for the music industry?

The bottom line is that people will always love music. It's like a soundtrack for life and I believe, regardless of the delivery system, humans will continue to have a thirst for good music. That's one of the *keys...good music!* I don't think that record companies can put the blame entirely on the Internet for music fans not wanting to pay close to 20 bucks for an average CD with maybe two or three good songs on it. High prices plus low quality equals disaster in any industry. Musicians will have to continue to be creative musically and with the way they manage their careers.

I think there is also some shift toward live performances. Even in the glory days, many artists profited more from touring and live performances than they did from record sales. This just means that you better know how to "hit it" live and not just in the studio.

What would you say to a young musician hoping to make a living from music?

Stay out of the business!! Seriously, there's a lot more involved than meets the eye. If you are strong, highly gifted, determined and passionate about your gift, that's a good start – but only a start. What follows is largely a combination of variables, hard work and good fortune. It's for young musicians to see what the business of music is really about that I made *The Business of Bass* DVD. It includes interviews with top producers, like Quincy Jones, Babyface, Clapton, David Foster, and asks what they expect from the musicians they hire. It's a little guidance and coaching for young musicians trying to come up through the ranks.

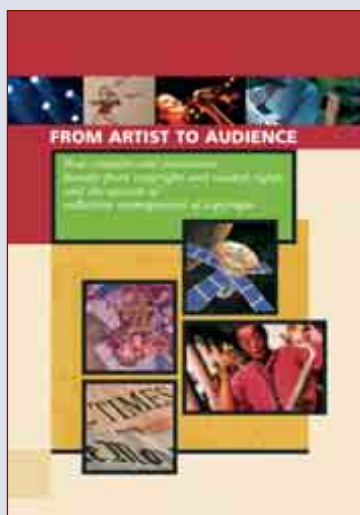
FROM ARTIST TO AUDIENCE – Collective Management of Copyright

How is it possible to ensure that an individual musician is remunerated each time his song is played on the radio? Or a writer whenever his play is performed? How can the copyright and related rights of such creators be managed efficiently so as to enable them to concentrate on their creative activity, while receiving the economic reward due to them?

From Artist to Audience, a WIPO booklet produced in cooperation with the International Confederation of Societies of Authors (CISAC) and the International Federation of Reproduction Rights Organisations (IFRRO), aims to answer some of these questions by exploring one way in which the copyright and related rights system works, namely through the collective management of rights.

Collective management organizations are professional organizations established by authors and artists in various fields to manage their copyrights, to facilitate clearance of those rights, and to ensure that they obtain the payments to which they are entitled. *From Artist to Audience* provides a simple introduction to how collective management organizations work in regard to key cultural industries, including music and sound recordings; print and publishing; film and television; visual arts; and theatre.

Music, for instance, is perhaps the most universal of all copyright-based creative expressions. With



From Artist to Audience (Publication No. 922) is available in PDF in English or French on the WIPO Free Publications website: www.wipo.int/freepublications/en/

music on radio alone accounting for over 70 percent of airtime, it would be close to impossible for individual broadcasters to clear the rights with each and every copyright owner. So collective management organizations, or **performing rights societies**, act as intermediaries between the rights holders and the users, managing the licensing of musical works, collecting the payments and passing them back to the musicians or copyright holders. This makes it easy for users to get permission to play music in many different places. By establishing a network of representation agreements with similar organizations in other countries, such organizations can offer an international music repertory for licensing in their country, representing more than 1.4 million composers, song-

writers, music arrangers and publishers worldwide.

The production of sound recordings requires many copyright clearances. In general, composers and other copyright owners – such as music publishers – receive royalty payments from the sale of copies of sound recordings such as CDs. Their rights in many countries are managed by **mechanical rights societies**. In some countries, the same societies manage both performing and mechanical rights.

Other WIPO publications on collective management include:

- *Collective Management in Reprography* (Pub. No. 924, free of charge)
- *The Setting-up of New Copyright Societies* (Pub. No. 926, free of charge)
- *Collective Management of Copyright and Related Rights* (Pub. No. L450CM, free of charge)
- *Collective Management of Copyright and Related Rights* (Pub. No. 855, 40 Swiss Francs)
- *La gestion collective du droit d'auteur dans la vie musicale* (French only, Pub. No. 789, 28 Swiss Francs)

These are available from the WIPO e-bookshop at www.wipo.int/ebookshop/.

IP INFRINGEMENTS ON THE INTERNET

Some Legal Considerations

Some 14 percent of counterfeit and piracy investigations now involve transactions carried out over the Internet, according to the Gieschen Consultancy's 2006 Mid-Year Report, based on statistics compiled by the Business Action to Stop Counterfeiting and Piracy (BASCAP).

The absence of territorial limits on the Internet, along with the scope it offers for anonymity, has opened the door to infringements of intellectual property (IP) rights that are new in both nature and scale. Tangible counterfeit or pirated goods of almost every category are traded or exploited online, be it through legitimate business platforms such as online auction-houses, or through websites which trumpet their illicit character. Massive amounts of copyright-protected content in digital form, including software, music, films, electronic games and text, are also distributed online without the copyright owners' consent via dedicated websites or file-sharing networks.

The enforcement of IP rights with regard to such activities raises a number of legal questions. From an international perspective, the most comprehensive set of rules relating to the enforcement of IP rights is contained in the 1994 *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS Agreement). While a number of standards set out by this instrument apply equally to the offline and the online dimension of IP enforcement, infringements carried out over the Internet pose some very specific obstacles to effective enforcement which are not addressed in the TRIPS Agreement or in any other global treaty. The remarks below highlight a few such questions.

Whom to sue? Identifying the infringer

The level of anonymity which the Internet affords to its users creates an immediate enforcement problem for IP rights holders, since identifying the infringer has to be the first step in any enforcement action.

The information required to identify an online infringer can often only be obtained from the respective Internet Service Provider (ISP), which is able to match the relevant Internet Protocol address of a computer used on a network with the individual

subscriber. But there are no harmonized rules at the international level as to whether or not an ISP is obliged to disclose a subscriber's identity or other related information. The TRIPS Agreement (Article 47) includes an optional provision which addresses the right of information in connection with civil proceedings. This, however, is limited to information which the infringer himself must disclose, and does not extend to disclosure by third parties. Meanwhile, national laws differ in their approach.

Efforts have been made in different ways – in the context of new legislation and in a large number of court decisions – to balance such a right of information with conflicting interests, such as protecting the confidentiality of information sources or personal data. A European Union Directive (2004/48/EC of April 29, 2004) on the enforcement of IP rights may also help to harmonize the situation among EU countries, by establishing in principle this kind of right of information against certain third parties.

Where to sue? Private international law issues

Suing for online infringement of IP protected material often involves cross-territorial action. This raises questions as to jurisdictional competence, the applicable law and the eventual enforcement of a judgment in another country. Such questions all touch upon complex issues of private international law and procedure.

These issues are not entirely new. Private international law doctrines have long been developing around the globe, and it is not necessary to unravel all these principles. Nevertheless, there is a difference in both degree and nature when these concepts are applied to disputes in a global Internet environment. Would, for instance, the fact that allegedly infringing content was accessible online in a certain country be deemed sufficient to establish jurisdiction of a court in that country? Would such jurisdiction extend to determining compensation for the entire damage suffered – potentially in a large number of other countries? If redress can be sought in multiple courts, how can "forum shopping" practices be dealt with, i.e. which allow a plaintiff to file his motion in the jurisdiction which

Case study: Hotel Maritime

A hotel owner in Denmark, who held a registered trademark “Hotel Maritime” in Denmark, was using this sign on his hotel’s webpage, as well as in the respective domain *www.hotelmaritime.dk*. Meanwhile a German company was operating some 40 hotels in Germany under the name “Hotel MARITIM”, and had registered this trademark in Germany. In a dispute, decided by the Federal Supreme Court of Germany in 2004, the German plaintiff argued that the Danish hotel owner was infringing his trademark rights by, *inter alia*, using the sign on the hotel webpage.

The court, much in line with the elements of the WIPO Joint Recommendation, reasoned that not each and every use of a sign on the Internet should be treated as taking place in a given country, even if it was accessible to Internet users based there. Only where the use of the trademark had a “commercial effect” in a particular country, could it be treated as having taken place in that country, and thus be possibly relevant for an infringement claim. On this basis, the court found for the Danish defendant, arguing that the hotel services he offered did not have sufficient commercial effect on the business activities of the plaintiff in Germany.

would be most favorable? Case law has in recent years developed some standards for the application of private international law principles in the online environment. But different national or regional private international laws systems continue to coexist.

In the field of contractual business-to-business disputes, the work of the Hague Conference on Private International Law is worthy of note. In June 2005, after over a decade of negotiations, its Member States adopted the *Convention on Choice of Court Agreements*. This aims to give effect to party agreements designating a court to adjudicate exclusively upon an existing or future dispute. With some exceptions, disputes involving IP matters are covered by the scope of the Convention.

The risk of being sued abroad

For businesses involved in e-commerce, compliance with the IP laws of the countries in which a company operates may no longer be sufficient to ensure the reliable management of legal risks. A company may diligently comply with the standards governing the use of IP-protected content on its own territory. Yet the moment that the content is used on/via the Internet, it becomes accessible in numerous places across the globe, in some of which its use may not be legitimate.

For instance, because of the territoriality of trademark rights, identical trademarks can legitimately be held in different countries by unrelated owners. Such coexistence, long-established in the physical world, is more problematic on the Internet where a trademark is potentially visible from anywhere in the world. To operate entirely safely in such an environment, a company would have to comply with

the highest standards of protection available on a global scale – hardly a practicable solution. The risks have been highlighted as a major concern for e-commerce business in, for example, the 2004 *Global Internet Jurisdiction* survey, published by the International Chamber of Commerce and the American Bar Association. In practice, companies often refrain from interacting with jurisdictions which they consider to be “risk” jurisdictions by, for instance, trying to identify the physical location of a user through user-registration, or by tailoring their online presence to particular jurisdictions.

The WIPO *Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet* proposes a possible way to alleviate the concerns regarding trademarks’ conflicting with existing rights in other forums. The provisions address three main questions: When can use of a sign on the Internet be considered to have taken place in a particular country? Can those who own conflicting rights in identical or similar signs make use of these signs online, and if so, under which circumstances? And how can courts take account of the territorial basis of trademark rights when determining remedies?

The effective enforcement of IP rights on the Internet remains a complex affair. Developments at various levels are seeking to adapt existing enforcement mechanisms to the specific features of online infringements. But as yet, the often diverse national approaches may make it difficult for rights holders to assess the risks and advantages related to a specific enforcement action. This continues to create uncertainty for businesses operating online, as well as for consumers.

IP in the Brave New World of USER-CREATED COMPUTER GAMES

*This article, first published on November 14, 2006 in GameDaily BIZ (<http://biz.gamedaily.com>), a division of AOL Entertainment was written by **GABRIEL M. RAMSEY** and **MICHAEL W. TRINH** at the Silicon Valley office of the international law firm, Orrick. Mr. Ramsey specializes in intellectual property (IP) litigation involving high technology and entertainment industries. Mr. Trinh, who is also focused on IP litigation, has a background in information technology and Internet policy issues. The article is reproduced with the permission of the authors.*

User-created content is a significant force in the on-line economy. People create and share video sensations on YouTube, publish their thoughts on blogs and collaborate to create online resources such as Wikipedia or open source software. With Microsoft's beta release of its XNA Game Studio Express, this trend will reach the console gaming industry. The XNA Game Studio Express is a suite of programming tools which enables users with relatively basic skills to develop "home-brew" games and run them on an Xbox 360 or Windows-based PC.

Development tools for video game hobbyists are not a new idea. In 1997 Sony released its "Net Yaroze" development suite, enabling user creation of games on the original PlayStation platform. The difference today is the advent of business models which make it possible to capitalize commercially on user-created content by leveraging the deep talent and varied works that flow from a worldwide body of creators. While harnessing collective creative powers is potentially lucrative, intellectual property (IP) rights issues quickly arise as these models develop.

User infringement of third-party rights

The most publicized legal question concerning user-generated content is the infringement of third party copyrights by users. For example, users sometimes include in the games they create film footage or music that belongs to large movie studios and record labels. User-developed video games face similar issues. Individuals may copy code or content, such as characters, textures, models or other game elements, which are owned by others – particularly large game companies. Beta-testers, under non-disclosure agreements, for commercial game

studios may be tempted to misappropriate trade secret elements of the next big game in their own creations. Moreover, because development of video games is often collaborative, ownership disputes between multiple user-creators may arise.

The providers of development tools are potentially exposed to claims of indirect liability based on their users' conduct. If a user's game infringes a third-party copyright, the provider of the distribution tool used could face claims for "contributory" or "inducing" copyright infringement. The risk of liability is probably lower for a company that simply provides tools for creating games than for a company that hosts or distributes them. With greater knowledge of – and control over – the games, a company's liability risk increases. If the providers are online, the Digital Millennium Copyright Act in the U.S. provides some protection in cases where a distributor promptly removes an infringing user-created game.

Dividing the pie: ownership of user-created games

Another key IP issue is balancing the division of ownership rights between the user-creators and the development tool providers.

There may be reasons why providers of development and distribution tools will not place high value on rights in the games themselves. A large user-creator community will expand the platform user base and strengthen the platform against competitors. However, the growth of a large user-creator base will likely be stunted by the negative user community reaction to licenses that give development/distribution tool providers strong rights in

While harnessing collective creative powers is potentially lucrative, intellectual property (IP) rights issues quickly arise as these models develop.

user-created games. Not surprisingly, the current XNA Game Studio Express license accords users ownership of their creations.

Instead of relying on a license that grants Microsoft strong rights in user-created games, the XNA Game Studio Express takes another approach by using certain technical restrictions to limit development to non-commercial efforts. An additional subscription is required to play these “homebrew” games on an Xbox 360 console. Users are unable to share created games, and can only share their source code.

But what of user-generated video games that become extremely popular and valuable? Under some models, the creation/distribution tool providers might use strong IP rights in order to benefit from popular user-created games. However, this issue is likely moot, because user-developed games enabled by current tools probably lack the sophistication to be the next *Grand Theft Auto* or *Halo*. Once more advanced technology becomes widely available, a robust market for rights in user-created games is conceivable.

The industry focus has been on the rights to extract value from the popularity of the content, not rights in the sale of content. Development tool providers may develop revenue from advertising placement in connection with user-developed games. Another less obvious benefit is the use of these tools to identify talented novice developers as potential partners or employees.

Risks to IP within the development platform

Development tool providers face IP issues in the tools themselves, namely licensing user access to proprietary software application programming interface – a set of software routines, protocols and tools for building software – and tools. Development tool providers will have to decide how much development capability to make available to user-creators as opposed to



Photo: WIPO

Tomorrow's creators? Games creation tools can also identify talented novice developers.

professional developers. Restricting key technologies to licensed developers under non-disclosure agreements may protect the most valuable trade secrets. Yet, this approach may conflict with goals of enabling valuable games from user communities.

Regardless of what is considered proprietary, merely providing any tools to the user community will pose some risk. This was illustrated in one dispute in the mid-1990s, in which Sony sued Connectix over Connectix's PlayStation emulator. Sony alleged that Connectix had used Sony's Net Yaroze user development tools, which Sony asserted were trade secrets, in order to create the emulator. This kind of dispute could arise again. Fundamentally, once the door is opened and development tools are provided to users, it may be impossible to close the door.

End game

Video game platform owners face unique challenges in developing business models that leverage the potential popularity of user-created game content. Game developers should allocate users enough control in order for the user-created content market to grow, but retain enough control to protect their IP rights and business. Doing so without overly restraining a promising nascent user base is the key to success.

MEET THE NEW TOP MANAGEMENT TEAM

WIPO underwent a number of organizational changes in December, when the Organization's top management welcomed several new members to its ranks. The new team, composed of four deputy directors general (DDGs) and three assistant directors general (ADGs), was approved by Member States in the Coordination Committee in June, following proposals put forward by WIPO Director General Kamil Idris. Taking up new appointments on December 1, 2006 were Mr. Michael Keplinger (United States), Mr. Narendra Sabharwal (India), Mr. Geoffrey Onyeama (Nigeria) and Ms. Binying Wang (China). Serving renewed terms are Mr. Francis Gurry (Australia), Mr. Philippe Petit (France), and Mr. Ernesto Rubio (Uruguay).

*Mr. Philippe Petit,
Deputy Director General*



Courtesy Philippe Petit

Mr. Philippe Petit was first appointed to WIPO's top management team in December 2001, following a career in the French foreign service. Before joining WIPO he served as France's Permanent Representative to the United Nations and other international organizations in Geneva, following previous postings as Ambassador to Sweden, India and Mauritius, other diplomatic postings in China and to the European Union in Brussels, and serving in the Legal Department of the ministry of Foreign Affairs. He has held several senior positions within the French government, including that of Special Assistant to the Minister of Foreign Affairs and Diplomatic Adviser to the Prime Minister.

When he joined WIPO in 2001, Mr. Petit oversaw administrative support services, external relations and cooperation with certain countries in Europe and Asia. Since 2006 he has taken charge of general affairs and administration. Mr. Petit cites as a priority the further improvement of WIPO's overall administrative functioning and accountability, notably through the on-going, in-depth review of procurement, contracts and financial rules; the implementation of auditing and oversight reports; and through the implementation of strict processes and controls in respect of the construction project to extend the WIPO headquarters.



Courtesy Francis Gurry

*Mr. Francis Gurry,
Deputy Director
General*

Mr. Francis Gurry joined WIPO in 1985, and has served on the top management team since 1997, first as Assistant Director General, then

from 2003 as DDG. Before joining WIPO, he practiced as an attorney in Australia, and taught law at the University of Melbourne.

Mr. Gurry will continue to head the WIPO divisions dealing with PCT and patents, the Arbitration and Mediation Center, and Global Intellectual Property (IP) Issues. Mr. Gurry sees challenges and opportunities in equal measure in his area where, he notes, complex and often divergent public discussion reflects the growing importance of IP. Among specific challenges he cites that of consolidating WIPO's role as a preeminent service provider, including positioning the PCT as the preferred route for the filing of international patent applications, and the WIPO Arbitration and Mediation Center as the primary service provider for domain name disputes.

In the broader area of international patent law, the challenge, says Mr. Gurry, is to intensify international cooperation to make the patent system more responsive to the reality of global economic behavior, while leaving space at the national level for dealing with public policy flexibilities in sensitive areas. In the area of traditional knowledge and traditional cultural expressions, he notes that the demand for solutions is as urgent as the task of finding them is complex. "It is a test and an opportunity for the IP system to show that it can be sensitive to the needs of traditional communities as well as to those at the leading edge of technology development," he says.

Photo: WIPO/Mercedes Martinez Dozal



*Mr. Michael Keplinger,
Deputy Director
General*

Mr. Michael Keplinger was appointed to WIPO's top management team in December 2006, after 22 years service in the

U.S. Patent and Trademark Office (USPTO). As the senior advisor on copyright in the United States Executive Branch, he led a team of copyright attorneys responsible for analyzing and formulating recommendations for the U.S. Administration on copyright policies, and for implementation of those policies. Before joining the USPTO, he held various positions at the U.S. Copyright Office.

Mr. Keplinger now oversees the activities of the WIPO sector responsible for copyright and related rights and for enforcement. In January, he represented WIPO for the first time at the special session of the Standing Committee on Copyright and Related Rights (SCCR), where he worked with Member States to clarify the outstanding issues regarding proposals for a new treaty on the protection of broadcasting organizations. As this Magazine goes to press, he is supervising the final preparations by WIPO's enforcement team for the Third Global Congress (page 6), where he will join government and business leaders in seeking to turn the rising tide of counterfeiting and piracy. "I am really enjoying being on the other side of the dais after so many years of being a delegate," says Mr. Keplinger. "I enjoy the challenge of the new job, but having a first class team of people to work with in my Sector and elsewhere in WIPO makes it a lot easier."

Courtesy: Narendra Sabharwal



*Mr. Narendra K. Sabharwal,
Deputy Director
General*

Mr. Narendra K. Sabharwal, a member of the Indian Administrative Service since 1965, held several senior postings with the

central and state governments in India, and joined WIPO in 1991 as Director of Cooperation for Development in the Asia and Pacific region. Before his appointment as DDG, he directed WIPO's Coordination Office for External Relations.

Mr. Sabharwal now heads the recently restructured Technical Assistance and Capacity Building Sector,

overseeing WIPO's programs to help developing and least developed countries use IP effectively to boost their economic, social and cultural development. "The principle challenge in this context," says Mr. Sabharwal, "is to transform the potential of IP into real, tangible development benefits. This involves building countries' sustainable capacity in the areas of IP policy-making, infrastructure, human resources and institutions."

Mr. Sabharwal highlights the importance of responding effectively to the heightened expectations and diverse needs of countries at different levels of development within a dynamic global IP environment. To this end, his sector works closely with governments and other stakeholders to help countries assess their needs, and to develop customized solutions. A main plank of the sector's medium-term strategy will be to strengthen the capacity of countries to formulate and implement their own IP development action plans for establishing a development-oriented, efficient and user-friendly IP architecture. Mr. Sabharwal also cites as an on-going priority WIPO's assistance to developing countries in exploring the options and flexibilities available to them in the international treaties and agreements, so that they can achieve public policy objectives consistent with their international undertakings.

*Mr. Geoffrey Onyeama
Assistant Director General*

Mr. Geoffrey Onyeama joined WIPO in 1985. Before his appointment as ADG, he directed WIPO's Cooperation for Development Bureau for Africa. Prior to joining WIPO, he worked as a research officer in the Nigerian Law Reform Commission, and practiced as a solicitor and advocate of the Supreme Court of Nigeria.



Photo: WIPO

Mr. Onyeama now oversees the Coordination Sector for External Relations, Industry, Communications and Public Outreach. With the rapid rise of IP up the political agenda worldwide during recent years, he sees pro-active communication as, more than ever, an essential corollary of every aspect of WIPO's work. "IP is still seen by many as a rather esoteric field, somewhat off the beaten track," he says. "A continuing challenge is to keep improving the way we communicate, whether this be in the dialogue with WIPO's member countries and stakeholders, or in helping to separate facts from polemics in public debate, or in ensuring that well focused information about IP is readily accessible to the public, to policy-makers, to innovators, to everyone who needs it – particularly in developing countries."



Mr. Onyeama will also seek to develop better in-house communication strategies. "Ensuring that all staff understand WIPO's goals and the work of their colleagues in all the different areas makes for a more effective organization overall," he says. More broadly, he stresses the continuing importance for WIPO, as a member of the UN system, of contributing effectively to UN system-wide reform initiatives and development goals.

*Mr. Ernesto Rubio,
Assistant Director General*

Photo: WIPO



Mr. Ernesto Rubio joined WIPO in 1983. He was closely involved in WIPO's cooperation for development program for many years, and directed the regional bureau for Latin America and the Caribbean from 1991 until 2002, when he was appointed Senior Director for Trademarks, Industrial Designs and Geographical Indications. He was appointed to the top management team as ADG in 2003.

Mr. Rubio will continue to head the Sector of Trademarks, Industrial Designs and Geographical Indications. Following the successful conclusion of the Singapore Treaty on the Law of Trademarks in 2006, the sector will continue to facilitate the identification of areas of convergence among Member States concerning the development of international law on trademarks, industrial designs and geographical indications.

Mr. Rubio's sector is also responsible for running the Madrid System for the international registration of trademarks, the Hague System for the international registration of industrial designs, and the Lisbon System for the international registration of appellations of origin. Mr. Rubio anticipates that the growth patterns seen over the last three years in these registration systems will continue, in terms both of membership and of use. "In this context," says Mr. Rubio, "we will focus on making the systems ever more efficient and user-friendly, so that creators and innovators, particularly small and medium-sized enterprises in *all* member countries, can derive full benefit from the advantages and opportunities they offer."

Courtesy Binying Wang



*Ms. Binying Wang,
Assistant Director
General*

Ms. Binying Wang joined WIPO in 1992 in the Bureau for Development Cooperation for Asia and the Pacific. Between 1994 and 2003, she held senior positions in the Office of the Director General and in the Office of Strategic Planning and Policy Development. Since December 2003, she has directed the Administrative Support Services and General Assembly Affairs sector. Prior to joining WIPO, Ms. Wang served in a number of government posts in China, and headed the China Trademark Service.

Ms. Wang will continue to direct Administrative Support Services and General Assembly Affairs, which is also responsible for security matters, including the security of all WIPO's human resources and assets. Coordinating and organizing the Assemblies of Member States is also an important role of the sector, which maintains high-level contacts throughout the year, providing an important bridge between the Secretariat and the Member States.

Ms. Wang will continue to direct Administrative Support Services and General Assembly Affairs, which is also responsible for security matters, including the security of all WIPO's human resources and assets. Coordinating and organizing the Assemblies of Member States is also an important role of the sector, which maintains high-level contacts throughout the year, providing an important bridge between the Secretariat and the Member States.

To ensure that WIPO provides timely, high quality services, Ms. Wang highlights her main priority as putting in place and maintaining adequately staffed, well-structured services, supported by modern information technologies and equipment. The commitment of the "invisible" staff of her sector, who help keep the wheels turning smoothly by meeting the needs for translation, interpretation, documentation, printing, communications, etc., is of the utmost importance and ensures that the International Bureau communicates efficiently with the Member States.



SCT: WORK CONTINUES ON TRADEMARK ISSUES

The Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT) met in Geneva from November 13 to 17.

New marks

The SCT continued to examine the different approaches by Member States to the representation and description of new marks, such as three-dimensional, audio, single color, hologram, and olfactory (smell) marks. One purpose of this work is to identify areas of convergence and to explore in greater detail the relationship between established trademark principles and new types of marks, for example, in terms of functionality, speciality and distinctiveness. The SCT also considered questions of public interest, including the need to safeguard the public domain.

Trademark opposition procedures

The SCT addressed the issue of trademark registration opposition procedures, which offer third parties the opportunity to oppose the registration of a trademark within a period of time provided by the applicable law. Delegates agreed to continue work on the grounds of opposition, to examine the experience of SCT Members with regard to pre-registration or post-registration opposition and to look into the relationship between given types of examination systems and their related opposition procedures.

International non-proprietary names for pharmaceutical products (INNs)

The SCT also agreed on a number of proposals for making information on INNs available to trademark administrations of interested countries, including the circulation of cumulative lists of INNs on CDs. This initiative, undertaken in cooperation with the World Health Organization (WHO), will help to prevent conflicts between INNs and trademarks, and to discourage the use as trademarks of commercial names derived from INNs.

The aim of the INN system is to provide health professionals with a universal naming system to identify all pharmaceutical substances. There are currently 8,000 INNs. Each one is unique and is globally recognized as the generic name for an active substance used in pharmaceutical preparations. With the growing number of INNs and trademarks, the possibility of conflicts between them has gradually increased. The main source of conflict is usually an attempt by a manufacturer to propose a new trademark containing "stems" which are word elements established in the INN system to demonstrate the relationship between pharmacologically related substances. By the use of common "stems" medical practitioners can recognize that the substance belongs to a group of substances having similar pharmacological activity.

Non-exclusive list of customary names associated with biodiversity

The Committee took note of a non-exclusive list of customary names used in Brazil associated

with biodiversity, which was presented to the Committee by the Delegation of Brazil. Such a list will help to inform would-be trademark applicants as well as trademark registration authorities of the generic nature of these terms in Brazil.

Industrial designs

The SCT agreed to promote a better understanding of various industrial design registration systems and to develop a questionnaire on the formalities of industrial design registration in member countries. The Committee further agreed to explore the borderlines between all types of marks and industrial designs, and to focus on the jurisprudence in Member States in dealing with the overlap between copyright and trademarks, so as to identify existing and potential problems.

Protection of State emblems and abbreviations of non-governmental organizations

The SCT also agreed to continue work on enhancing certain aspects of the procedure for the protection of State emblems and names and abbreviations of international organizations under *Article 6ter* of the Paris Convention, including the revision of a searchable online database.

Delegations representing 89 WIPO Member States and 17 observer organizations participated in the meeting. The next meeting is scheduled for May 7 to 11, 2007.



IGC: CORE ISSUES FOR THE PROTECTION OF TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS

The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), which met in Geneva from November 30 to December 8, adopted two lists of issues that it agreed would be the focus of the Committee's future discussions. These sets of issues (available at www.wipo.int/tk) provide a systematic approach to the fundamental policy

choices that Member States will have to make in developing or enhancing protection of traditional knowledge (TK) and traditional cultural expressions (TCEs).

The IGC requested input from delegates and observers before the end of March 2007 on these core issues, which cover such questions as the definitions of TK and TCEs, the form and scope of protection and the nature of the beneficiaries.

These comments will be posted on the WIPO website upon receipt and made available to Member States by the end of April 2007. Member States stressed that the work on these core issues would complement the ongoing work in the Committee on the development of draft provisions for protection of TK and TCEs (see www.wipo.int/tk/en/consultations/draft_provisions).

The IGC opened with a panel of indigenous and local community representatives from Bangladesh, Canada, Ecuador, Nigeria, Papua New Guinea, Peru

and the Ukraine, chaired by Mr. Rodrigo de la Cruz, a Kichwa person from Ecuador. Mr. De la Cruz emphasized the role of indigenous customary law as the basis for appropriate protection in the panel summary he presented to the Committee. A study process on this issue, to which Mr. de la Cruz is contributing, has been launched at www.wipo.int/tk/en/consultations. This was the first IGC meeting that included participation funded through the voluntary fund, which seeks to enhance participation of indigenous and local communities in the work of the IGC.

Genetic resources

With regard to the question of genetic resources, the IGC requested the Secretariat to prepare a working document listing options for continuing discussions. The working document will include disclosure requirements and alternative proposals for dealing with the relationship between IP and genetic resources; the interface between the patent system and genetic resources; and the IP aspects of access and benefit-sharing contracts. It will be submitted for consideration at the next IGC meeting. The Committee also requested the Secretariat to provide a factual update of international developments relevant to IP and genetic resources. The Committee has in the past developed valuable resources in this field, including a WIPO Technical Study on Disclosure Requirements commissioned by the Conference of Parties of the Convention on Biological Diversity (www.wipo.int/tk/en/publications/technical_study.pdf).

The next session of the IGC will take place from July 3 to 12, 2007. ■



Photo: Mercedes Martínez Dozal

Indigenous and local communities world wide are the custodians of traditional knowledge and cultural expressions.

SCCR: NEGOTIATORS NARROW FOCUS IN **BROADCASTING TREATY** TALKS



WIPO Deputy Director General Michael Keplinger described the outcome of the SCCR as promising.

At the first of two special sessions of the Standing Committee on Copyright and Related Rights (SCCR), which met from January 17 to 19, WIPO Member States pushed ahead with negotiations on a treaty to update the protection of broadcasting organizations, focusing on a signal-based approach.

The 2006 General Assembly laid out a roadmap for the last leg of these negotiations, stating that two special sessions of the SCCR should be held in 2007 to clarify the outstanding issues. The General Assembly decision stipulated that “the sessions of the SCCR should aim to agree and finalize, on a signal-based approach, the objectives, specific scope and object of protection with a view to submitting to the diplomatic conference a revised basic proposal, which will amend the agreed relevant parts of the Revised Draft Basic Proposal (document SCCR 15/2).” The second special session of the SCCR will be held in June. The General Assembly decided that, if agreement on new text was achieved during the special sessions, a diplomatic

conference would be held from November 19 to December 7, 2007 in order to conclude a treaty on the protection of broadcasting organizations, including cablecasting organizations.

The main objective of the proposed treaty is to serve “as a stable legal framework for the activities of broadcasting organizations against piracy,” explained the Chair of the SCCR, Mr. Jukka Liedes, “but it also provides protection against competitors and unfair exploitation, and against free-riding.”

Informal proposals

At the January special session, Member States addressed the general approaches and the work plan. The Chair presented for discussion a number of informal proposals, which served to focus and narrow the proposed protection toward a signal-based approach. Delegates discussed new combined articles or texts which reduced the range of exclusive rights to be granted to broadcasting organizations. The Committee agreed that a revised version of the Chair’s informal proposals would be prepared by May 1, 2007, with the understanding that Member States may submit suggestions to the Chair.

Mr. Michael Keplinger, the new WIPO Deputy Director General who oversees WIPO’s work in the copyright field, described the outcome as promising. “Member States have established a clear process to address this issue in accordance with the mandate received from the General Assembly, and have demonstrated political will to conclude the negotiations,” he said.

The discussions are confined to the protection of traditional broadcasting organizations and cablecasting. This followed a decision by the 14th session of the SCCR in May 2006, to examine questions of webcasting and simulcasting on a separate track at a later date. Updating the IP rights of broadcasters, currently provided by the 1961 Rome Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, began at WIPO in 1997. A growing signal piracy problem in many parts of the world, including piracy of digitized pre-broadcast signals, has made this need more acute.

LETTERS AND COMMENT

WIPO Magazine welcomes comments on issues raised in our articles or on other developments in intellectual property. Letters should be marked "for publication in the WIPO Magazine" and addressed to The Editor at WipoMagazine@wipo.int or to the postal/fax address on the back cover of the Magazine. Please include your postal address. We regret that it is not possible to publish all the letters we receive. The editor reserves the right to edit or shorten letters. (The author will be consulted if substantial editing is required.)

IP in universities – far from rosy

Courtesy of Moi University Holdings Ltd.



I am curious to know how much of the article and follow-up letters about IP in universities (*Putting Policies in Place – Issue no. 5/2006; Letters and Comment – issue no. 6/2006*) were written by professional administrators, managers or lawyers, whose jobs are actually parasitic on the backs of active academics, with whose intellectual products the article was concerned.

From a UK perspective, I believe that the article paints far too rosy a view of the interaction between universities and industry, and fails signally to mention, let alone address, any of the important problems that have arisen in the past. Notwithstanding the idealistic notion that Academe and Industry can – and perhaps should – work together for mutual benefit, the reality is that there is a fundamental disparity of objectives, which in many cases, though perhaps not all, acts directly to prevent the cosy symbiosis presented in the article. Industry is about making profits for shareholders. A university should be a place where minds are trained, preferably in a disinterested environment.

Big industry can afford to pay reasonably for any research which it wants doing. But it is used to paying as little as it can get away with. It demands secrecy, non-disclosure agreements, and holding back on patenting in order to get 'lead-time.' It is able to cut short any research programme which is not moving fast enough. These factors, together with the over-riding short-termism of much industrial research, are directly at odds with good practice in the education of researchers. SMEs, which governments have gone out of their way to support in university/industrial collaborations, are even worse, because in many instances they cannot actually afford the necessary cash for their contributions, which therefore often end up being 'in-kind.' Twice, in my own experience, the managing directors of SMEs with which I had collaborative research programmes walked away from the programmes with the entire IP and sold it elsewhere to their own profit.

The basic rights of academics to their own ideas are being eroded. While most university websites now describe how income from the IP of their academics is shared 'fairly' between the originators and the university, it is never clear how much say the academics themselves have had. Cambridge academics fought hard, but unsuccessfully, to prevent the University changing employment contracts so that all faculty IPR belong to it alone. One wonders how Isaac Newton would have fared in Cambridge today? ■

*From Bryan Harris,
Professor Emeritus of Materials Science,
University of Bath, UK.*

Nepal's IP needs

I have been practicing law in the field of IP in Nepal for 10 years. And having been reading your worldwide popular Magazine since 1998, I am disappointed never to have seen a mention of my country. Nepal has become a member of WIPO and WTO, and has acceded to the Paris Convention and the Convention on Biological Diversity. But the relevant multi-lateral treaties are little understood from the perspective of the

protection of IP rights in Nepal. Inadequate manpower and knowledge to deal with IP is causing us many troubles.

Nepal, a least developed country, is rich in biodiversity, traditional knowledge and cultural heritage. But because of our lack of knowledge of how to protect them, third parties have for years been free-riding on the reputation of our intellectual assets. With growth and

development becoming increasingly knowledge-driven, the IP system, which provides the means for converting man's ideas and creativity into property, has assumed critical importance. But first we need a strong national IP system, including technical assistance to promote IP rights in Nepal. ■

*From Ram Chandra Subedi,
Advocate, Supreme Court of Nepal,
Kathmandu*

Teaching respect for creators' rights



I was interested to read about the copyright teaching manual produced by a group of students in Spain (*Teaching Copyright to Teenagers*, issue no. 6/2006). At

Pro-Music France, we are similarly involved in trying to educate young people on these questions. How can we explain to children and teenagers – as well as to adults – the idea that intellectual “goods” exist in the same way as physical goods, and that just because these are easy to get hold of or copy is no reason not to respect their creators or rights-owners?

it directly concerns every citizen, consumer and client. And until the average citizen has woken up to the importance of this notion, then all our efforts to condemn P2P file-sharing, or to apply Digital Rights Management (DRM) technical protection measures, will be in vain.

Through *promusicfrance.com*, we try to capture people's interest by talking about all those involved in the business of making music. A song-writer or artist cannot succeed alone. He has to be able to live from his music, and so to must his producers, manager and everyone else who makes his success possible. ■

Whereas in the 20th century, IP was only really of interest to businesses, nowadays, in our digital world,

*From Rémi Bouton,
www.promusicfrance.com*

Readers' letters are a hit

The different ideas on your Letters Page catch the reader's attention like shining stars. For me, in a country where copyright is not so complicated, reading the article and letters about the Lancôme and Kecofa perfume case (*issues no.5 and 6/2006*) was like listening to a musical top hit.

*From Raul N. Norbe,
Filipino Inventors Solidarity For Christian Brotherhood,
Manila, Philippines*

NEW PARTIES TO WIPO-ADMINISTERED TREATIES IN 2006

1. The Republic of Montenegro deposited this declaration according to which 15 treaties, including the WIPO Convention and certain other WIPO-administered treaties to which Serbia and Montenegro was a party, continued to be applicable in respect of its territory as from June 3, 2006.

During 2006, 43 instruments of accession or ratification and one declaration of continued application¹ of treaties administered by WIPO were deposited with WIPO Director General Kamil Idris. A significant development during the year 2006 was the adoption, on March 27, 2006, by the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, of the Singapore Treaty on the Law of Trademarks. The objective of the Singapore Treaty is to create a modern and dynamic international framework for the harmonization of administrative trademark registration procedures.

WIPO Convention – The Convention Establishing the World Intellectual Property Organization was signed at Stockholm on July 14, 1967, and entered into force in 1970. WIPO is responsible for the promotion of the protection of intellectual property throughout the world through cooperation among States, and for the administration of various multilateral treaties dealing with the legal and administrative aspects of intellectual property.

In 2006, Montenegro made a declaration of continued application in Montenegro of all the Treaties to which Serbia and Montenegro was a party, including the WIPO Convention, bringing the total number of WIPO Member States to 184.

In the field of industrial property

Paris Convention – The Paris Convention for the Protection of Industrial Property was concluded in 1883 and is one of the pillars of the international intellectual property system. It applies to industrial property in the widest sense, including inventions, marks, industrial designs, utility models (a kind of “small patent” provided for by the laws of some countries), trade names (designations under which an industrial or commercial activity is carried on), geographical indications (indications of source and appellations of origin) and the repression of unfair competition.

In 2006, Yemen adhered to the Paris Convention and Montenegro made a declaration of continued application in Montenegro of the said Convention (2), bringing the total number of States to 171.

Patent Cooperation Treaty (PCT) – The Patent Cooperation Treaty (PCT) was concluded in 1970. The PCT makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an “international” patent application. Such an application may be filed by anyone who is a national or resident of a Contracting State. The Treaty regulates the formal requirements with which any international application must comply.

In 2006, Bahrain, El Salvador, Guatemala, Honduras, Lao People’s Democratic Republic, Malaysia and Malta adhered to the PCT and Montenegro made a declaration of continued application in Montenegro of the said Treaty (8) bringing the total number of States to 136.

Madrid Agreement and Madrid Protocol – The Madrid system for the International Registration of Marks (the Madrid system) is governed by two treaties: the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol).

The Madrid Agreement was concluded in 1891, and the Madrid Protocol was concluded in 1989 in order to introduce certain new features into the Madrid system. These address the difficulties that prevent certain countries from adhering to the Madrid Agreement by rendering the system more flexible and more compatible with the domestic legislation of these countries.

In 2006, Montenegro made a declaration of continued application in Montenegro of the Madrid Agreement (1), bringing the total number of States to 57.

In 2006, Botswana, Uzbekistan and Viet Nam adhered to the Madrid Protocol and Montenegro made a declaration of continued application in Montenegro of the said Protocol (4), bringing the total number of States to 71.

Madrid Agreement (Indications of Source) – The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods was concluded in 1891. Under the Agreement, all goods bearing a false or deceptive indication of source, by which one of the Contracting States, or a place situated therein, is directly or indirectly indicated as being the country or place of origin, must be seized on importation, or such importation must be prohibited, or other actions and sanctions must be applied in connection with such importation.

In 2006, Montenegro made a declaration of continued application in Montenegro of the Madrid Agreement (Indications of Source), bringing the total number of States to 35.

Trademark Law Treaty (TLT) – The Trademark Law Treaty (TLT) was concluded in 1994 and aims to approximate and streamline national and regional trademark registration procedures through the simplification and harmonization of certain features of those procedures, thus making trademark applications and the administration of trademark registrations in multiple jurisdictions less complex and more predictable.

In 2006, Bahrain, Bosnia and Herzegovina, Croatia and France adhered to the TLT, and Montenegro made a declaration of continued application in Montenegro of the said Treaty (5), bringing the total number of States to 38.

Strasbourg Agreement – The Strasbourg Agreement Concerning the International Patent Classification was concluded in 1971 and establishes the International Patent Classification (IPC). The International Patent Classification (IPC) divides technology into eight sections with approximately 70,000 subdivisions. Each subdivision has a symbol which is allotted by the national or regional industrial property office that publishes the patent document.

In 2006, Albania and Turkmenistan (2) adhered to the Strasbourg Agreement, bringing the total number of States to 57.

Nice Agreement – The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks was concluded in 1957. The Nice Agreement establishes a classification of goods and services for the purposes of registering trademarks and service marks. The Classification consists of a list of classes (based on types of products and services) of which there are 34 for goods and 11 for services and an alphabetical list of the goods and services.

In 2006, Turkmenistan adhered to the Nice Agreement and Montenegro made a declaration of continued application in Montenegro of the said Treaty (2), bringing the total number of States to 80.

Vienna Agreement – The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks was concluded in 1973. The Vienna Agreement establishes a classification system for marks consisting of or containing figurative elements. The classification comprises 29 categories, 144 divisions and some 1,887 sections in which the figurative elements of marks are classified.

In 2006, Croatia and Turkmenistan (2) adhered to the Vienna Agreement, bringing the total number of States to 23.

Locarno Agreement – The Locarno Agreement Establishing an International Classification for Industrial Designs was concluded in 1968. The Locarno Agreement establishes a classification for industrial designs, which consists of 32 classes and 223 subclasses based on different types of products. It also comprises an alphabetical list of goods with an indication of the classes and subclasses into which these goods fall. The list contains some 6,600 indications of different kinds of goods.

In 2006, Turkmenistan and Uzbekistan adhered to the Locarno Agreement and Montenegro made a declaration of continued application in Montenegro of the said Treaty (3), bringing the total number of States to 48.



Budapest Treaty – The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was concluded in 1977. The main feature of the Budapest Treaty is that a Contracting State which allows or requires the deposit of microorganisms for the purposes of patent procedure must recognize, for such purposes, the deposit of a microorganism with any “international depositary authority,” irrespective of whether such authority is on or outside the territory of the said State. This eliminates the need to deposit in each country in which protection is sought.

In 2006, El Salvador, Guatemala, Honduras and Nicaragua adhered to the Budapest Treaty and Montenegro made a declaration of continued application in Montenegro of the said Treaty (5), bringing the total number of States to 66.

Nairobi Treaty – The Nairobi treaty on the Protection of the Olympic symbol was concluded in 1981. All Contracting States are obliged to protect the Olympic symbol (the five interlaced rings) against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic Committee.

In 2006, Estonia adhered to the Nairobi Treaty and Montenegro made a declaration of continued application in Montenegro of the said Treaty (2), bringing the total number of States to 46.

Lisbon Agreement – The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was concluded in 1958. The aim of the Agreement is to provide for the protection of appellations of origin, that is, the “geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographic environment, including natural and human factors”.

In 2006, Nicaragua adhered to the Lisbon Agreement and Montenegro made a declaration of continued application in Montenegro of the said Treaty (2), bringing the total number of States to 26.

The Hague Agreement – The system of international registration of industrial designs is governed by the Hague Agreement Concerning the International Deposit of Industrial Designs which dates from 1925 and has been revised at various times, in particular in London (1934 Act) and the Hague (1960 Act).

The Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs was concluded in 1999. The Act is aimed at making the system more responsive to the needs of users and facilitating adherence by countries whose industrial designs systems do not permit them to accede to the 1960 Hague Act.

In 2006, Mali adhered to the Hague Act and the Complementary Act of Stockholm of the Hague Agreement, and Montenegro made a declaration of continued application in Montenegro of the said Acts (2), bringing the total number of States to 33.

In 2006, Botswana and France (2) adhered to the Geneva Act of the Hague Agreement, bringing the total number of States to 21.

Patent Law Treaty (PLT) – The Patent Law Treaty (PLT) was concluded in 2000. The purpose of the PLT is to harmonize and streamline formal procedures in respect of national and regional patent applications and patents. With a significant exception for the filing date requirements, the PLT provides maximum sets of requirements which the office of a contracting party may apply: the office may not lay down any other formal requirements in respect of matters dealt with by this Treaty.

In 2006, Uzbekistan (1) adhered to the PLT, bringing the total number of States to 14.

In the field of copyright and related rights

Berne Convention – The Berne Convention for the Protection of Literary and Artistic Works was concluded in 1886. The Convention sets out and defines minimum standards of protection of the economic and moral rights of authors of literary and artistic works.

In 2006, Brunei Darussalam and Samoa adhered to the Berne Convention and Montenegro made a declaration of continued application in Montenegro of the said Convention (3), bringing the total number of States to 163.

Rome Convention – The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, concluded in 1961, secures protection of performers on their performances, phonograms of producers of phonograms and broadcasts of broadcasting organizations.

In 2006, the Syrian Arab Republic and Viet Nam adhered to the Rome Convention and Montenegro made a declaration of continued application in Montenegro of the said Convention (3), bringing the total number of States to 85.

WIPO Copyright Treaty (WCT) – The WIPO Copyright Treaty (WCT) was concluded in 1996. It extends copyright protection to two additional subject matters: (i) computer programs and (ii) compilations of data or other material (databases) in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations, and it grants new rights corresponding to the new forms of exploitation of works in the digital environment.

In 2006, Azerbaijan, Belgium, Benin and Ghana adhered to the WCT and Montenegro made a declaration of continued application in Montenegro of the said Treaty (5), bringing the total number of States to 61.

WIPO Performances and Phonograms Treaty (WPPT)

– The WIPO Performances and Phonograms Treaty (WPPT) was concluded in 1996. The Treaty deals with intellectual property rights of two kinds of beneficiaries: (i) performers (actors, singers, musicians, etc.), and (ii) producers of phonograms (the persons or legal entities who or which take the initiative and have the responsibility for the fixation of the sounds). They are dealt with in the same instrument because most of the rights granted by the Treaty to performers are rights connected with their fixed, purely aural performances (which are the subject matter of phonograms).


In 2006, Azerbaijan, Belgium and Benin adhered to the WPPT and Montenegro made a declaration of continued application in Montenegro of the said Treaty (4), bringing the total number of States to 59.

Geneva Convention (Phonograms) – The Geneva Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms was concluded in 1971. The Geneva Convention obliges each Contracting State to protect a producer of phonograms who is a national of another Contracting State against the making of duplicates without the consent of the producer, against the importation of such duplicates, where the making or importation is for the purposes of distribution to the public, and against the distribution of such duplicates to the public.

In 2006, Montenegro made a declaration of continued application in Montenegro of the Geneva Convention (1), bringing the total number of States to 76.

Satellites Convention (Brussels) – The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, concluded in 1974, provides for the obligation of each Contracting State to take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite. The obligation exists in respect of organizations that are nationals of a Contracting State. The provisions of this Convention are not applicable, however, where the distribution of signals is made from a direct broadcasting satellite.

In 2006, Montenegro made a declaration of continued application in Montenegro of the Satellites Convention, bringing the total number of States to 29.



WIPO AWARD WINNERS

November, December 2006

WIPO congratulates the following creators and inventors, who were presented with awards during the months of November and December.¹

WIPO Gold Medal for Inventors

BELGIUM

Brussels Eureka/Innova (World Innovation, Research and New Technologies Fair):

- Ekaterina Bykovskaya, Russian Federation – Best woman inventor, for new methods and apparatuses, invented together with Mr. Yuriy Zhukovskiy, for the treatment and recovery of patients suffering from brain damage
- Profs. Rahmah Noordin and Rohana Abdul Rahman, Institute for Research in Molecular Medicine, University Sains, Malaysia – Best invention from a developing country, for a new test for the diagnosis of lymphatic filariasis

BURKINA FASO

7^{ème} Édition du Forum National de la Recherche Scientifique et des Innovations Technologiques (FRSIT):

- Jean Marie Tompoudi – Best inventor in the water-related area

CAMEROON

Journées Technologiques Nationales:

- Samuel Eugène Epesse Misse – Best young inventor
- Bertin Tchinda – Best inventor
- Béatrice Françoise Nijikam – Best woman inventor

ECUADOR

VII Feria Nacional de ciencia, Tecnología e Innovación y el III concurso internacional de innovación:

- Patricia Varela, Juan Cedeño, and Alexis Delgado – Outstanding innovator, competition for schools
- Evelyn Tomala and John Anatamba – Outstanding innovator, university researcher competition
- Nelson Herrera Arauz – Outstanding innovator, national researcher competition



Drawing by ten-year old Brenda Carolina Vásquez Cañas, who received a WIPO Creativity Award at the National Invention Week in San Salvador. In 2006, WIPO granted 44 medals and awards recognizing the talent and inventive spirit of the younger generation.

EL SALVADOR

Semana Nacional de la Inventiva:

- Salvador A. Lopez Mendez – Best invention, for a green method of producing phenol from benzene
- Héctor Uriel Ramírez Ventura – Innovative Spirit Award

NIGER

4^{ème} Concours National de Créativité et d'Activités:

- Soumana Abdoulaye – Best inventor
- Seydou Ramatou Boubacar – Best woman inventor
- Issaka Souley – Best young inventor

PHILIPPINES

National Invention Contest, 2006 National Inventors' Week:

- Anton Mark Jaz A. Rivas – WIPO SIBOL Award for High School Level for his novel shield against gamma radiation from Tilapia (*Oreochromis Sp.*) scales: The Next Generation Radiation Protection
- Michael S. Poblete, Ivan Karl P. de Vera, Leonard C. Canozo, Charles S. Rico, Jaylord T. Jauod, Harry Balanay, Paul Kevin Diaz – WIPO SIBOL Award for College Level for their low-cost underwater remotely-operated vehicle (RPV)

- Eric G. Ngo – WIPO Tuklas Award for outstanding invention for his fluorescent lamp ballast combined with electronic starter and resonant captor for reducing input current

WIPO Creativity Award

POLAND

- The Catholic University of Lublin – for the highest number of awarded dissertations on industrial property in competitions organized by the Patent Office
- The Adam Mickiewicz University in Poznan – for the highest number of awarded dissertations on industrial property in competitions organized by the Patent Office
- The Academy of Fine Arts in Warsaw – for the highest number of awarded posters on industrial property in competitions organized by the Patent Office
- University of Warsaw – for the highest number of awarded dissertations on industrial property in competitions organized by the Patent Office of the Republic of Poland

1. The list includes all the winners during this period to the extent that the names were made available to WIPO before this issue of the Magazine went into print.

Calendar of Meetings

FEBRUARY 7 TO 9 ■ GENEVA

■ *Working Group on the Digital Access Service for Priority Documents (First session)*

The Working Group, convened at the request of Member States made during the 42nd series of meetings of WIPO Assemblies held in September-October 2006, will consider matters associated with the establishment of a digital access service for priority documents to be administered by the International Bureau.

Invitations: As members, the States members of the Paris Union, the PLT Assembly and/or the PCT Union; as observers, other States and certain organizations.

FEBRUARY 16 (P.M.) ■ GENEVA

■ *Patent Colloquium: Flexibilities in the Patent System*

WIPO is holding a number of colloquia on selected patent issues throughout the year. The colloquia are intended to provide information on different patent-related topics and to provide a forum for an exchange of information among participants on these topics. Each colloquium will include two presentations by invited speakers, followed by a discussion.

Invitations: The colloquia are open to the public and free of charge.

FEBRUARY 19 TO 23 ■ GENEVA

■ *Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA) (Third session)*

This session, as approved by the Member States during the Thirty-third session of the WIPO General Assembly held in Geneva from September 25 to October 3, 2006, is to consider further the proposals submitted by Member States.

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

FEBRUARY 26 TO MARCH 1 ■ GENEVA

■ *Committee of Experts of the IPC Union (Thirty-ninth session)*

The Committee of Experts will consider amendments to the eighth edition of the IPC, will discuss coordination of IPC revision and reclassification of patent files and will receive a report on the publication of a new version of the advanced level of the IPC.

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

MARCH 14 (P.M.) ■ GENEVA

■ *Patent Colloquium: Technology and Policy Information Available in the Patent System*

WIPO is holding a number of colloquia on selected patent issues throughout the year. The colloquia are intended to provide information on different patent-related topics and to provide a forum for an exchange of information among participants on these topics. Each colloquium will include two presentations by invited speakers, followed by a discussion.

Invitations: The colloquia are open to the public and free of charge.

MARCH 19 TO 22 ■ GENEVA

■ *Standing Committee on Information Technologies (SCIT) – Standards and Documentation Working Group (SDWG) (Eighth session)*

The Working Group will continue its work in the adoption of new WIPO standards and the revision of existing WIPO standards, as well as in related matters, and will receive reports from the different SDWG task forces that have been established for that purpose.

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

NEW PRODUCTS



Classification internationale des brevets (CIB) - Informations générales, Huitième édition
French no. 409F/8
Free of charge



Inventer le Futur - Initiation aux brevets pour les petites et moyennes entreprises
French no. 917F, Spanish no. 917S
Free of charge



Creative Expression - An introduction to Copyright and Related Rights for Small and Medium-sized Enterprises
English no. 918E
Free of charge

Purchase publications online: www.wipo.int/ebookshop
Download free information products: www.wipo.int/publications/

The above publications may also be obtained from WIPO's Design, Marketing, and Distribution Section: 34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20, Switzerland | Fax: +41 22 740 18 12 | e-mail: publications.mail@wipo.int

Orders should indicate: **(a)** the number or letter code of the publication desired, the language, the number of copies, **(b)** the full address for mailing, **(c)** the mail mode (surface or air).

For more information contact
WIPO at:

Address:
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland

Telephone:
+41 22 338 91 11

Fax:
+41 22 733 54 28

e-mail:
wipo.mail@wipo.int

or its New York Coordination
Office at:

Address:
2, United Nations Plaza
Suite 2525
New York, N.Y. 10017
United States of America

Telephone:
+1 212 963 6813

Fax:
+1 212 963 4801

e-mail:
wipo@un.org

Visit the WIPO website at:
www.wipo.int
**and order from the WIPO Electronic
Bookshop at**
www.wipo.int/ebookshop

The WIPO Magazine is published bimonthly by the World Intellectual Property Organization (WIPO), Geneva, Switzerland. It is intended to help broaden public understanding of intellectual property and of WIPO's work, and is not an official document of WIPO. Views expressed in articles and letters by external contributors do not necessarily reflect those of WIPO.

The WIPO Magazine is distributed free of charge.

If you are interested in receiving copies, contact:

Design, Marketing, and Distribution Section
WIPO
34, chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland
Fax: +41 22 740 18 12
e-mail: publications.mail@wipo.int

For comments or questions, contact:
The Editor, WIPO Magazine
WipoMagazine@wipo.int

Copyright ©2007 World Intellectual Property Organization

All rights reserved. Articles contained herein may be reproduced for educational purposes. No part may, however, be reproduced for commercial purposes without the express written consent of the Communications and Public Outreach Division, World Intellectual Property Organization, P.O. Box 18, CH-1211 Geneva 20, Switzerland.