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# Industrial Property and Copyright

Monthly Review of the  
World Intellectual Property Organization

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## Notifications Concerning Treaties Administered by WIPO

### Madrid Agreement (Marks)

### II. Ratification

#### Madrid Protocol (1989)

#### SWITZERLAND

#### I. Accession

##### ICELAND

The Government of Iceland deposited, on January 15, 1997, its instrument of accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989 ("Madrid Protocol (1989)").

The said instrument of accession was accompanied by the following declarations:

- in accordance with Article 5(2)(d) of the Madrid Protocol (1989), the Government of the Republic of Iceland declared that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months;
- in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the said Government declared that, with respect to Iceland, in connection with each international registration in which it is mentioned under Article 3ter of the said Protocol, and in connection with each renewal of any such international registration, it wants to receive, instead of a share in the revenue produced by the supplementary and complementary fee, an individual fee.

The Madrid Protocol (1989) will enter into force, with respect to Iceland, on April 15, 1997.

*Madrid (Marks) Notification No. 87, of January 15, 1997.*

The Government of Switzerland deposited, on February 1, 1997, its instrument of ratification of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989 ("Madrid Protocol (1989)").

The said instrument of ratification was accompanied by the following declarations:

- in accordance with Article 5(2)(d) of the Madrid Protocol (1989), the Government of the Swiss Confederation declared that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months;
- in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the said Government declared that, with respect to the Swiss Confederation, in connection with each international registration in which it is mentioned under Article 3ter of the said Protocol, and in connection with each renewal of any such international registration, it wants to receive, instead of a share in the revenue produced by the supplementary and complementary fee, an individual fee.

- The Madrid Protocol (1989) will enter into force, with respect to the Swiss Confederation, on May 1, 1997.

*Madrid (Marks) Notification No. 88, of February 1, 1997.*

## Budapest Treaty

### Change in Fees Under Rule 12.2 of the Regulations Under the Budapest Treaty

NATIONAL INSTITUTE OF BIOSCIENCE AND HUMAN-TECHNOLOGY (NIBH)

(Japan)

The following notification addressed to the Director General of WIPO by the Government of Japan under Rule 12.2 of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was received on January 8, 1997, and is published by the International Bureau of WIPO pursuant to Rule 13.2(b) of the said Regulations.

Pursuant to Rule 12.2 of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure the new schedule of fees of NIBH is as follows:

	Yen
(a) Storage:	
— original deposit.....	230,000
— new deposit.....	17,000
(b) Attestation referred to in Rule 8.2:.....	2,300
(c) Issuance of a viability statement:	
— if the depositor, when requesting the issuance of a viability statement, also requests a viability test.....	11,000
— other cases .....	2,300
(d) Furnishing of a sample: .....	12,000*
(e) Communication of information under Rule 7.6: .....	2,300

- \* When furnishing a sample to a foreign institution:
- additional 40,000 yen per package as cost of a special container is payable for animal cell cultures;
  - additional 300 yen per package as cost of a special container is payable for other microorganisms.

Fees are expressed net of Value Added Tax according to Japanese provisions currently in force.

Effective date of modification of fees: April 1, 1997.

[End of text of the notification of the Government of Japan]

The fees set forth in the said notification will apply as from April 1, 1997, the date indicated in

the said notification (see Rule 12.2(a) and (c) of the Regulations under the Budapest Treaty), and will replace the fees which were published in the February 1994 issue of *Industrial Property*.<sup>1</sup>

*Budapest Notification No. 106 (this notification is the subject of Budapest Notification No. 151, of January 30, 1997).*

## Trademark Law Treaty

### Ratifications

#### CYPRUS

The Government of Cyprus deposited, on January 17, 1997, its instrument of ratification of the Trademark Law Treaty, done at Geneva on October 27, 1994.

The Trademark Law Treaty will enter into force, with respect to Cyprus, on April 17, 1997.

*TLT Notification No. 12, of January 17, 1997.*

#### SWITZERLAND

The Government of Switzerland deposited, on February 1, 1997, its instrument of ratification of the Trademark Law Treaty, done at Geneva on October 27, 1994.

The Trademark Law Treaty will enter into force, with respect to Switzerland, on May 1, 1997.

*TLT Notification No. 13, of February 1, 1997.*

<sup>1</sup> See *Industrial Property*, February 1994, p. 67.

## Notifications Concerning the UPOV Convention

### International Convention for the Protection of New Varieties of Plants (UPOV)

#### Accession

#### PARAGUAY

The Government of Paraguay deposited, on January 8, 1997, its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978.

Paraguay has not heretofore been a member of the International Union for the Protection of New Varieties of Plants, founded by the said International Convention.

The said International Convention will enter into force, with respect to Paraguay, on February 8, 1997. On that date, Paraguay will become a member of UPOV.

For the purpose of determining its share in the total amount of the annual contributions to the budget of UPOV, one-fifth (0.2) of one contribution unit is applicable to Paraguay.

*UPOV Notification No. 56, of January 10, 1997.*

## Activities of WIPO

### The World Intellectual Property Organization in 1996 An overview of activities and developments

#### Introduction

The year 1996, which was the first of a new programming biennium (1996-97), was marked by a vigorous level of WIPO activities in its three main fields of work: cooperation with developing countries in the strengthening of their intellectual property systems (development cooperation), promotion of the adoption of new, or the revision of existing, norms for the protection of intellectual property at the national, regional and multilateral levels (norm-setting), and facilitating the acquisition of intellectual property protection, through international registration systems (registration activities).

#### Development Cooperation Activities

The resources for development cooperation are double in the Organization's budget of what they were in the 1994-95 budget. This increase considerably facilitated the satisfaction of the ever increasing needs of assistance of developing countries.

The main forms in which WIPO provided assistance to developing countries in the fields of industrial property and copyright and neighboring rights continued to be the development of human resources, the provision of legal advice and technical assistance for the automation of administrative procedures and the retrieval of technological information.

Many of the development cooperation activities were carried out by WIPO with particular attention to the new needs of developing countries in the context of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Thus, the training programs organized by WIPO in 1996 (training courses, seminars, workshops and similar meetings at national, regional and global levels) systematically covered the TRIPS Agreement, and so did the terms of reference of WIPO officials and consultants undertaking advisory missions to developing countries.

During the year, WIPO organized four regional mega-symposiums entirely devoted to the subject of the implications of the TRIPS Agreement for developing countries: one for English-speaking African countries in Pretoria, one for French-speaking African countries in Abidjan, one for countries of Asia and the Pacific in Jakarta, and one for Latin American and Caribbean countries in Caracas. A similar mega-symposium for Arab countries had been organized by WIPO in December 1995, in Cairo. The travel costs of some 200 persons at these meetings were borne by WIPO. Furthermore, in September 1996, WIPO organized in Geneva, in cooperation with the World Trade Organization (WTO), a workshop on "TRIPS and Border Enforcement" which was attended by 120 participants from government departments concerned with intellectual property enforcement issues in various countries and Permanent Missions in Geneva.

During the period under review, a total of 120 developing countries, one territory and nine intergovernmental organizations of developing countries benefited from WIPO's development cooperation program.

As concerns training, 144 courses, seminars or other meetings were held at the global, regional or national levels, giving training or information to some 12,000 (9,500 in 1995) persons coming from the government and private sectors of developing countries. The travel and living expenses of some 1,200 persons were borne by WIPO. Individual training was organized for 109 nationals of developing countries (89 in 1995), in the form of study visits and attachments to industrial property and copyright offices abroad. In addition, eight long-term fellowships were granted by WIPO to government officials of developing countries for academic training in institutions of higher learning. The cost of the said visits and fellowships were borne by WIPO.

The subjects covered by the said training activities included the implications of the TRIPS Agreement and legislative, enforcement, administrative, economic and technological aspects of intellectual property. Special training programs were designed for specific groups of persons, such as policy makers and lawmakers, government officials in charge of the administration of intellectual property, legal practitioners, the judiciary, law enforcement officials, scientists, researchers, academics and entrepreneurs. The subject of the valuation of intellectual property assets was also addressed for the first time in the seminar held in November 1996 in Beijing.

A special feature of WIPO's activities for developing countries continued to be the holding of sessions of the "WIPO Academy." In 1996, there were two two-week sessions for middle- and senior-level government officials coming from 28 countries. The aim of each session was to present, for reflection and discussion, current intellectual property issues in such a way as to highlight the policy considerations behind them and thereby enable the participants in the Academy, on their return to their countries, to better formulate appropriate policies for their governments.

As concerns provision of legal and technical advice to developing countries, 213 advisory missions were undertaken to 73 developing countries in a variety of fields, including the implications of the TRIPS Agreement, the enactment of laws or the revision of existing ones (particularly to comply with the obligations arising from the said Agreement), the modernization of national industrial property and copyright administrative infrastructure, including streamlining and computerization of administrative procedures, strengthening of links between national industrial property administrations and the private sector, promotion of invention and innovation, collective copyright management, the establishment of industrial property information services, and the creation of national facilities for intellectual property teaching. A number of such advisory missions also gave on-the-job training to staff of national administrations on specialized industrial property areas such as patent and trademark examination and classification, and assisted in the installation of computer equipment and software. In total, 330 consultants were engaged either for advisory missions or as lecturers in courses and seminars, representing a 20% increase over 1995.

As concerns the provision of computer software and hardware, 80 developing countries received CD-ROM workstations, personal computers or other modern office equipment and CD-ROMs containing legislative and patent information.

In carrying out its development cooperation program, WIPO received funds-in-trust from France and Japan, and executed projects financed by the United Nations Development Programme (UNDP), the European Patent Office (EPO) and the Commission of the European Communities (CEC).

Cooperation with developing countries at the regional or subregional level was further strengthened by the continued cooperation with the African Intellectual Property Organization (OAPI), the African Regional Industrial Property Organization (ARIPO), the Association of South East Asian Nations (ASEAN), the Board of the Cartagena Agreement (JUNAC), the Islamic Educational, Scientific and Cultural Organization (ISESCO), the Latin American Economic System (SELA), the Organization of African Unity (OAU), the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA) and the Southern Common Market (MERCOSUR).

A special new feature of the development cooperation program in 1996 was the planning and implementation of WIPO-financed country projects for a number of developing countries. For each project, the assistance needs of a given developing country in the field of intellectual property are identified jointly by WIPO and the authorities of the country. A plan of action is then prepared, on a pluri-annual basis by those authorities and WIPO, and implemented.

In July 1996, at WIPO's initiative, cooperation between WIPO and the World Customs Organization (WCO) was formalized through an exchange of letters. Such cooperation consists of an exchange of information, as well as periodic consultations between the two Organizations to establish a schedule of activities of common interest.

The activities undertaken by WIPO in the development cooperation area were reviewed by the WIPO Permanent Committee for Development Cooperation Related to Industrial Property (PC/IP), which held its seventeenth session in June 1996, and by the WIPO Governing Bodies, which held their 29th session in September and October 1996.

During the latter, particular satisfaction was expressed for the volume and quality of the devel-

opment cooperation activities carried out by the International Bureau, with particular reference to the activities that assisted developing countries in analyzing the implications of the TRIPS Agreement for them, and in adapting their national legislation to the obligations established under that Agreement. The delegations of the recipient developing countries expressed the hope that WIPO's development cooperation program would expand in the future and that there would be a significant increase in financial resources allocated to it.

### Norm-Setting Activities

In the norm-setting area, the year was marked by the entry into force of the Trademark Law Treaty (on August 1, 1996) and the adoption of two new treaties in the field of copyright and neighboring rights in December 1996 (see below). The year 1996 also witnessed decisions on future work relating to the development of the Hague Agreement Concerning the International Deposit of Industrial Designs and the draft Treaty on the Settlement of Intellectual Property Disputes between States. There was progress in the work of the Committee of Experts for the planned Patent Law Treaty, and international discussions on a more effective protection of well-known marks and the commencement of examination of questions concerning trademarks and Internet domain names.

The WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, convened by the Director General of WIPO, took place in Geneva from December 2 to 20, 1996. It adopted two treaties, namely, the WIPO Copyright Treaty (WCT), and the WIPO Performances and Phonograms Treaty (WPPT). One hundred and thirty countries and 83 organizations, represented by some 762 delegates participated. The new treaties clarify existing rights or establish new rights for authors, performing artists (mainly in the aural fixations of their performances) and producers of sound recordings, specially when their works, fixed sound performances or phonograms are used by digital means, as in the Internet.

The Diplomatic Conference urged the continuation of WIPO's efforts for the conclusion of an "Audiovisual Protocol" to complement the WPPT in respect of the rights of performers in the audiovisual fixations of their performance; and a



"Database Treaty" for providing a *sui generis* protection for databases even if they do not qualify for copyright protection.

In the patent area, the Committee of Experts on the Patent Law Treaty (PLT) held two sessions, in June and November 1996, respectively. The Committee considered draft provisions for the proposed PLT and its Regulations, and agreed that, with respect to application formalities, the PLT should follow, to the maximum extent possible, the solutions provided for in the Patent Cooperation Treaty (PCT) and the PCT Regulations.

Concerning the settlement of intellectual property disputes between States, following a session of a Committee of Experts in July 1996, the WIPO General Assembly decided in September/October 1996 that the draft program and budget for the 1998-99 biennium would contain an item for the holding of a diplomatic conference in the first half of 1998 and that the International Bureau should prepare, by April 1997, revised draft treaty and draft regulations to serve as the basic proposal for a diplomatic conference. It also decided that the said item of the draft program and budget for the 1998-99 biennium would be examined by the September/October 1997 session of the WIPO General Assembly also in the light of the experience of the WTO international dispute settlement mechanisms.

As regards well-known marks, draft provisions for improved protection of this category of marks were examined in October 1996 by the second session of a Committee of Experts. The Committee's work will continue in 1997.

As concerns the exploration of new areas of concern for the protection of intellectual property, the September/October 1996 session of the Governing Bodies requested the International Bureau to: (i) study the feasibility of an "international deposit" system for nucleotide and/or amino acid sequence listings; (ii) study the need for, and feasibility of, the establishment of an international centralized system for the recording of assignments of patent applications and of patents; (iii) conduct a preliminary study concerning a possible new treaty on intellectual property in respect of integrated circuits, which treaty should be in conformity with the provisions of the TRIPS Agreement; and (iv) study international intellectual property issues arising from the new global information infrastructure, including the Internet. As regards the latter point, in the fall of 1996 WIPO started preparations for the first meeting, to

be held in February 1997, of a group of consultants on trademarks and Internet domain names.

Several new publications were prepared and issued by WIPO in 1996. They included a study on the implications of the TRIPS Agreement on treaties administered by WIPO (WIPO publication No. 464) and model provisions on protection against unfair competition (WIPO publication No. 832). A special brochure was also published containing the text of the WIPO/WTO Cooperation Agreement, accompanied by the text of the TRIPS Agreement and the texts of the provisions mentioned in the TRIPS Agreement of the Paris Convention (1967), the Berne Convention (1971), the Rome Convention (1961), the Treaty on Intellectual Property in Respect of Integrated Circuits (1989), the General Agreement on Tariffs and Trade 1994 (GATT 1994) and the WTO Dispute Settlement Understanding (1994) (WIPO publication No. 223).

### International Registration Activities

As far as the Patent Cooperation Treaty (PCT) is concerned, the increase in the number of international applications filed under the PCT continued in 1996, with a record number of 47,291 international applications filed in 1996, representing a 21.6% increase over 1995 and the equivalent of some 2.5 million national applications.

Training seminars and other information meetings on the advantages of the PCT system and its use continued to be organized by WIPO in 40 different countries, in 10 different languages, for an audience of some 7,700 actual and potential PCT users.

The weekly publication of the *PCT Gazette*, in separate English and French editions, continued in 1996. In May, two special issues of the *PCT Gazette* were published, one containing the amended list of PCT minimum documentation (list of periodicals), and another containing the consolidated text of the *Administrative Instructions under the PCT*, as in force from May 6, 1996. The *PCT Applicant's Guide*, which contains information on the filing of international applications and the procedure during the international phase as well as information on the national phase and the procedure before the designated (or elected) Offices, was updated twice in 1996 to include the many changes that had occurred during the year in respect of the PCT.

As far as the Madrid system is concerned, the total number of international trademark registrations recorded in the International Register in 1996 was 18,485 and the combined total of international trademark registrations and renewals was 22,995, which represented an increase of 1.5% compared to 1995. As an average of 10.79 countries were designated by registration, the 18,485 registrations were equivalent to some 200,000 national registrations.

Operations under the Madrid Protocol started on April 1, 1996. That was also the date of entry into force of the Common Regulations under the Madrid Agreement and Protocol including the Schedule of Fees, which had been adopted by an extraordinary session of the Madrid Assembly in January 1996. The April 1, 1996, date, it is observed, coincided with the date of entry into operation of the Community Trade Mark system.

In connection with the entry into force of the Madrid Protocol and of the said Common Regulations, WIPO undertook a considerable program of awareness promotion which included seminars and training for its potential users as well as for national administrations in different countries. In 1996, WIPO officials gave presentations on the Madrid system at 32 seminars and training courses in 15 countries. Furthermore, WIPO organized, in June, two seminars entirely devoted to the subject of the Madrid system. Also, study visits to the International Register of Marks were organized by WIPO for officials from 57 countries. A new guide to the international registration of marks under the Madrid Agreement and the Madrid Protocol was published by WIPO in April 1996 for the benefit for the said users and administrations. In June 1996, WIPO started to publish, on a bi-weekly basis, the bilingual publication *Gazette OMPI des marques internationales/WIPO Gazette of International Marks*, which covers the registrations, renewals and modifications received by the International Bureau under the new Madrid system.

As far as the Hague system is concerned, the total of international industrial design deposits, renewals and prolongations was 5,830 in 1996, representing an increase of 3.9% compared to 1995.

Work continued in order to make the Hague system accessible to more countries. The Committee of Experts reviewed, in October 1996, the drafts of the International Bureau for a new Act of the Hague Agreement. The work will continue in 1997.

### Countries in Transition to a Market-Economy System

Since its entry into force, on January 1, 1996, the Eurasian Patent Convention allows an individual, irrespective of nationality or domicile, to obtain a Eurasian patent, which has effect in all the Contracting States, by filing a single application with, and making a single payment to, the Eurasian Patent Office, which is located in Moscow. By December 31, 1996, nine States, Armenia, Azerbaijan, Belarus, Kazakstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan and Turkmenistan, had deposited with the Director General of WIPO, who is the depositary of the Convention, their instruments of adherence to the Eurasian Patent Convention. It is to be noted that only countries party to the Paris Convention and the PCT may adhere to the Eurasian Patent Convention.

Technical cooperation with countries in transition to a market-economy system continued in 1996. Nine national and regional seminars and other meetings in the fields of industrial property and copyright and neighboring rights were organized by WIPO in those countries for 960 individuals from government and other interested circles. Governmental leaders and officials from most of those countries held consultations in Geneva with WIPO officials and WIPO officials and consultants undertook seven missions to six of those countries to give advice, in particular, on the revision of existing, or the drafting of new, intellectual property legislation (including the implications of the TRIPS Agreement on national legislation), the advantages of adherence to WIPO-administered treaties and the establishment or strengthening of national infrastructure for the administration of intellectual property rights, as well as to provide on-the-job training in various specialized fields of intellectual property. In several instances, following those missions, WIPO prepared and sent to the governments concerned draft laws and/or regulations, with commentaries.

### Cooperation with the World Trade Organization

The period under review was marked by the entry into force, on January 1, 1996, of the Cooperation Agreement between WIPO and the WTO. The Agreement establishes arrangements for coop-

eration between WIPO and the WTO in respect of the following three areas: (i) as far as the texts of the intellectual property laws and regulations of WTO Members notified to the WTO are concerned, the collection of such texts, assistance in their translation where translation is required, furnishing of copies of such texts and translations, and making them accessible through WIPO's computerized database of the said texts and translations; (ii) as far as the State emblems of WTO Members notified to the WTO are concerned, their notification and publication (also in CD-ROM form); (iii) as far as legal-technical assistance to developing countries that are WTO Members is concerned, organizing meetings and missions for the promotion of the implementation of the TRIPS Agreement.

In 1996, WIPO gave to the WTO copies of some 300 intellectual property laws, regulations and/or translations, which a WTO Member had stated to be available in the collection of WIPO. During the same year, WIPO received from the WTO the text of some 500 intellectual property laws and regulations which had been notified to the WTO, and integrated these into WIPO's collection. During the same period, WIPO designed a computerized bibliographic database of intellectual property laws and regulations notified by WTO Members. Also, work started in the International Bureau for the creation of a WIPO full-text computerized database of the said intellectual property laws and regulations. Numerous translations of intellectual property legal texts continued to be carried out by WIPO, mainly for the purpose of publication in paper and electronic format.

### WIPO Arbitration and Mediation Center

In 1996, the WIPO Arbitration and Mediation Center continued to undertake a number of promotional activities on the features and advantages of this new service, including a conference on mediation in March, two training programs on mediation in intellectual property disputes in May, and a workshop for arbitrators in November. The third meeting of the WIPO Arbitration and Mediation Council, held in November, reviewed the activities of the Center over the 12 preceding months, and examined proposed WIPO Emergency Relief Rules prepared by the International Bureau, with the assistance of a group of experts.

### New Adherences to Treaties

The growing importance given to the effective protection of intellectual property was evidenced by the growing membership in WIPO-administered treaties.

In 1996, the following States became party to the following treaties (the figures in brackets indicate the total number of States party to the treaties on December 31, 1996):

*WIPO Convention:* Mozambique (158);

*Paris Convention:* Colombia, Nicaragua, Panama, United Arab Emirates (140);

*Berne Convention:* Haiti, Panama, Republic of Korea, Turkey (119);

*Budapest Treaty:* Canada, Estonia, Israel (38);

*Rome Convention:* Saint Lucia, Slovenia, Venezuela (52);

*Geneva (Phonograms) Convention:* Slovenia (54);

*Brussels (Satellites) Convention:* Portugal, Trinidad and Tobago (21);

*Nairobi Treaty:* Poland (37);

*Strasbourg Agreement:* Canada, Cuba, Malawi, Trinidad and Tobago, Turkey (33);

*Nice Agreement:* Estonia, Guinea, Trinidad and Tobago, Turkey (48);

*Locarno Agreement:* China, Estonia, Guinea, Trinidad and Tobago (28);

*Vienna Agreement:* Guinea (8);

*Patent Cooperation Treaty (PCT):* Bosnia and Herzegovina, Cuba, Israel, Saint Lucia, Turkey (87);

*Madrid Protocol:* Czech Republic, Democratic People's Republic of Korea, Denmark, Finland, Germany, Monaco, Norway (12);

*Hague Agreement:* Bulgaria (26);

*Trademark Law Treaty:* Czech Republic, Monaco, Republic of Moldova, Sri Lanka, Ukraine, United Kingdom (6);

*Eurasian Patent Convention:* Armenia, Kyrgyzstan, Republic of Moldova (9).

### Internet

In September 1996, WIPO opened its own Web site on the Internet. This site contains,

among others, general information on WIPO, its catalogue of publications, the status of membership of WIPO and the treaties administered by it. In December 1996, on the occasion of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, all conference documents, press releases and the texts of the treaties and statements which were adopted by the Conference were made available through the Internet.

### **Premises**

The construction of a temporary extension of the BIRPI building—called BIRPI II—was completed in September 1996. It provides some 150 work places, all assigned to PCT operations. In addition, WIPO and the World Meteorological Organization (WMO) signed, in March 1996, an agreement whereby WMO undertook to sell to WIPO its headquarters building, which is next to WIPO's headquarters. The actual transfer is expected to take place late in 1998 or in 1999. Since the above measures are not sufficient to remedy space shortage in the coming years, further solutions were proposed by the International Bureau and reviewed by two joint sessions of the Budget Committee and the Premises Committee, in May and September 1996. As a result of the above Committees' recommendation in September 1996, the WIPO General Assembly unanimously decided, in October, that the International Bureau

should organize an international architectural competition for the construction of a building on the "Steiner lot" (adjacent to the WIPO headquarters building in Geneva), and that a parallel study should be undertaken by a consultant to examine the various options available in Geneva, including the option to construct a building on the "Steiner lot."

### **Procedural Steps for the Appointment of a New Director General in 1997**

In October 1996, the WIPO Coordination Committee decided to invite nominations for the post of Director General of WIPO, since the present incumbent's mandate expires on November 30, 1997.

### **Staff Matters**

After having received a favorable advice from the Coordination Committee, the Director General promoted, with effect of October 1, 1996, to the grade of Assistant Director General, Mr. Thomas Keefer (national of Canada), and to grade D.1 (Director grade), Mr. Roberto Castelo (national of Brazil), Mrs. Carlotta Graffigna (national of Italy), Mr. Richard Owens (national of the United States of America) and Mr. Jaime Sevilla (national of the Philippines).

## Normative Activities of WIPO

### WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions

(Geneva, December 2 to 20, 1996)

The WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions (hereinafter referred to as "the Conference") convened by the Director General of the World Intellectual Property Organization (WIPO) took place in Geneva from December 2 to 20, 1996.

There were 762 registered participants, 543 representing 127 member States of WIPO and the European Community, four representing three other States, 12 representing seven intergovernmental organizations and 203 representing 76 non-governmental organizations. The list of participants is reproduced at the end of the present note.

The meetings took place in the International Conference Center of Geneva. The signature of the Treaties, referred to below, took place at the headquarters of WIPO.

The Conference was opened by Dr. Arpad Bogsch, Director General of WIPO, who chaired the plenary of the Conference during the discussions and adoption of the Rules of Procedure of the Conference and during the election of the President of the Conference.

Ambassador Esther Mshai Tolle (Kenya) was elected President of the Conference. She presided over the rest of the plenary of the Conference, including, in particular, during the adoption of the two Treaties which were the main accomplishments of the Conference. She also presided over the Steering Committee of the Conference, provided for by the Rules of Procedure.

The Rules of Procedure called also for the constitution of a Credentials Committee and a Drafting Committee. The plenary of the Conference elected their members and their officers. Mrs. Ndèye Abibatou Youm Diabe Siby (Senegal) was elected Chairman of the former, and Mr. R.V. Vaidyanatha Ayyar (India) of the latter.

The texts on which the discussions of the Conference were based were called "the basic proposal." There were four such texts (each was accompanied by explanatory notes): (i) one was

the draft of the substantive law provisions of a proposed treaty which was designed to deal with certain rights of authors, which, during the Conference, was called "Treaty No. 1" and which, when adopted, received the title "WIPO Copyright Treaty"; (ii) one was the draft of the substantive law provisions of a proposed treaty which was designed to deal with certain rights of performing artists and producers of phonograms (that is, fixations of sounds, and sounds only) which, during the Conference, was called "Treaty No. 2" and which, when adopted, received the title "WIPO Performances and Phonograms Treaty"; (iii) one was the draft of the substantive law provisions of a proposed treaty which was supposed to establish a *sui generis*, intellectual property right in databases (that is, a right other than copyright) and which, however, was not discussed in the Conference; (iv) one was the draft of the administrative and final clauses of all and any of the proposed treaties.

The texts mentioned under (i) to (iii), above, were prepared by Mr. Jukka Liedes (Finland), who was the Chairman of the WIPO Committees of Experts which, between 1991 and 1996, prepared the ground for the Conference. The text mentioned under (iv) was prepared by the Director General of WIPO.

The Rules of Procedure provided for the establishment of two, so-called Main Committees: Main Committee I had the task to work on the substantive law provisions, whereas Main Committee II had the task to work on the administrative provisions and final clauses. Mr. Jukka Liedes (Finland) was elected Chairman of Main Committee I, and Mr. Guido Fernando Silva Soares (Brazil) was elected Chairman of Main Committee II.

The Secretary of the Conference, the Drafting Committee and Main Committee I, appointed by the Director General of WIPO, was Mr. Mihály Ficsor (Assistant Director General, WIPO),

whereas the Secretary of the Credentials Committee and Main Committee II, appointed by the Director General of WIPO, was Mr. Francis Gurry (Acting Legal Counsel, WIPO).

The discussions were also based on written proposals for amendments made, during the Conference, by Delegations of States and the European Community. They were the subject matter of 67 documents issued during the Conference.

The Conference adopted two treaties, a number of "agreed statements," a resolution and a recommendation.

The full text of the Treaties, together with the "agreed statements," is published in the *Copyright and Neighboring Rights Laws and Treaties* insert of the present issue. An unofficial summary of each is given further below.

### WIPO Copyright Treaty (1996)

This Treaty was concluded in Geneva on December 20, 1996. It is open for signature at the headquarters of WIPO until December 31, 1997.

This Treaty is open to States members of WIPO and to the European Community. The Assembly constituted by the Treaty may, once the Treaty enters into force, decide to admit other intergovernmental organizations to become party to the Treaty.

This Treaty will come into force after 30 instruments of ratification or accession by States have been deposited. Such instruments must be deposited with the Director General of WIPO, who is the depositary of the Treaty.

Any Contracting Party (even if it is not bound by the Berne Convention) must comply with the substantive provisions of the 1971 (Paris) Act of the Berne Convention.

As to the *subject matters* to be protected by copyright, the Treaty mentions two: (i) computer programs, whatever may be the mode or form of their expression, 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. (Where a database does not constitute such a creation, it is outside the scope of this Treaty.)

As to the *rights of authors*, the Treaty deals with three: the right of distribution, the right of rental and the right of communication to the public. Each of them is an exclusive right, subject to certain limitations and exceptions. Not all of the

limitations or exceptions are mentioned in the following.

The right of *distribution* is the right to authorize the making available to the public of the original and copies of a work through sale or other transfer of ownership.

The right of *rental* is the right to authorize commercial rental to the public of the original and copies of three kinds of works: (i) computer programs (except where the computer program itself is not the essential object of the rental), (ii) cinematographic works (but only in cases where commercial rental has led to widespread copying of such works materially impairing the exclusive right of reproduction) and (iii) works embodied in phonograms as determined in the national law of the Contracting Parties (except for countries that since April 15, 1994, have in force a system of equitable remuneration for such rental).

The right of *communication to the public* is the right to authorize *any* communication to the public, by wire or wireless means, including "the making available to the public of works in a way that the members of the public may access the work from a place and at a time individually chosen by them." The quoted expression covers in particular on-demand, interactive communication through the Internet.

The Treaty obliges the Contracting Parties to provide legal remedies against the circumvention of technological measures (e.g., encryption) used by authors in connection with the exercise of their rights and against the removal or altering of information, such as certain data that identify the work or their authors, necessary for the management (e.g., licensing, collecting and distribution of royalties) of their rights ("rights management information").

The Treaty obliges each Contracting Party to adopt, in accordance with its legal system, the measures necessary to ensure the application of the Treaty. In particular, the Contracting Party must ensure that enforcement procedures are available under its law so as to permit effective action against any act of infringement of rights covered by the Treaty. Such action must include expeditious remedies to prevent infringement and remedies which constitute a deterrent to further infringements.

The Treaty establishes an Assembly of the Contracting Parties whose main task is to deal with matters concerning the maintenance and develop-

ment of the Treaty, and it entrusts to the International Bureau of WIPO the administrative tasks concerning the Treaty.

### WIPO Performances and Phonograms Treaty (1996)

This Treaty was concluded in Geneva on December 20, 1996. It is open for signature at the headquarters of WIPO until December 31, 1997.

This Treaty is open to States members of WIPO and to the European Community. The Assembly constituted by the Treaty may, once the Treaty enters into force, decide to admit other intergovernmental organizations to become party to the Treaty.

The Treaty will come into force after 30 instruments of ratification or accession by States have been deposited. Such instruments must be deposited with the Director General of WIPO, who is the depositary of the Treaty.

The Treaty deals with certain intellectual property rights of two kinds of beneficiaries: performers (actors, singers, musicians, etc.) and 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).

As far as *performers* are concerned, the Treaty grants performers four kinds of *economic* rights in their performances *fixed in phonograms* (not in audiovisual fixations, such as motion pictures): the right of reproduction, the right of distribution, the right of rental and the right of making available. Each of them is an exclusive right, subject to certain limitations and exceptions. Not all of those limitations and exceptions are mentioned in the following.

The right of *reproduction* is the right to authorize direct or indirect reproduction of the phonogram in any manner or form.

The right of *distribution* is the right to authorize the making available to the public of the original and copies of the phonogram through sale or other transfer of ownership.

The right of *rental* is the right to authorize the commercial rental to the public of the original and copies of the phonogram as de-

termined in the national law of the Contracting Parties (except for countries that since April 15, 1994, have in force a system of equitable remuneration for such rental).

The right of *making available* is the right to authorize the making available to the public, by wire or wireless means, of any performance fixed in a phonogram, in such a way that members of the public may access the fixed performance from a place and at a time individually chosen by them. This right covers, in particular, on-demand, interactive making available through the Internet:

The Treaty grants three kinds of *economic* rights to performers in respect of their *unfixed* (live) performances: the right of broadcasting (except in the case of rebroadcasting), the right of communication to the public (except where the performance is a broadcast performance) and the right of fixation.

The Treaty also grants performers *moral rights*: the right to claim to be identified as the performer and the right to object to any distortion, mutilation or other modification that would be prejudicial to the performer's reputation.

As far as *producers of phonograms* are concerned, the Treaty grants them four kinds of rights (all economic) in their phonograms: the right of reproduction, the right of distribution, the right of rental and the right of making available. Each of them is an exclusive right, subject to certain limitations and exceptions. Not all of those limitations and exceptions are mentioned in the following.

The right of *reproduction* is the right to authorize direct or indirect reproduction of the phonogram in any manner or form.

The right of *distribution* is the right to authorize the making available to the public of the original and copies of the phonogram through sale or other transfer of ownership.

The right of *rental* is the right to authorize the commercial rental to the public of the original and copies of the phonogram as determined in the national law of the Contracting Parties (except for countries that since April 15, 1994, have in force a system of equitable remuneration for such rental).

The right of *making available* is the right to authorize making available to the public the phonogram, by wire or wireless means, in such a way that members of the public may access the phonogram from a place and at a time individually chosen by them. This right covers

in particular on-demand, interactive making available through the Internet.

As far as *both performers and phonogram producers* are concerned, the Treaty obliges—subject to various exceptions and limitations not mentioned here—each Contracting Party to accord to nationals of the other Contracting Parties with regard to the rights specifically granted in the Treaty the treatment it accords to its own nationals (“national treatment”).

Furthermore, the Treaty provides that performers and producers of phonograms enjoy the right to a single equitable remuneration for the direct or indirect use of phonograms, published for commercial purposes, for broadcasting or for communication to the public. However, any Contracting Party may restrict or—provided that it makes a reservation to the Treaty—deny this right. In the case and to the extent of a reservation by a Contracting Party, the other Contracting Parties are permitted to deny, *vis-à-vis* the reserving Contracting Party, national treatment (“reciprocity”).

The term of protection must be at least 50 years.

The enjoyment and exercise of the rights provided in the Treaty cannot be subject to any formality.

The Treaty obliges the Contracting Parties to provide legal remedies against the circumvention of technological measures (e.g., encryption) used by performers or phonogram producers in connection with the exercise of their rights and against the removal or altering of information, such as the indication of certain data that identify the performer, the performance, the producer of the phonogram and the phonogram, necessary for the management (e.g., licensing, collecting and distribution of royalties) of the said rights (“rights management information”).

The Treaty obliges each Contracting Party to adopt, in accordance with its legal system, the measures necessary to ensure the application of the Treaty. In particular, the Contracting Party must ensure that enforcement procedures are available under its law so as to permit effective action against any act of infringement of rights covered by the Treaty. Such action must include expeditious remedies to prevent infringement and remedies which constitute a deterrent to further infringements.

The Treaty establishes an Assembly of the Contracting Parties whose main task is to deal with matters concerning the maintenance and develop-

ment of the Treaty, and it entrusts to the International Bureau of WIPO the administrative tasks concerning the Treaty.

The full texts of the resolution and recommendation are as follows:

#### *Resolution Concerning Audiovisual Performances*

“The Delegations participating in the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions in Geneva,

*Noting* that the development of technologies will allow for a rapid growth of audiovisual services and that this will increase the opportunities for performing artists to exploit their audiovisual performances that will be transmitted by these services;

*Recognizing* the great importance of ensuring an adequate level of protection for these performances, in particular when they are exploited in the new digital environment, and that sound and audiovisual performances are increasingly related;

*Stressing* the urgent need to agree on new norms for the adequate legal international protection of audiovisual performances;

*Regretting* that, in spite of the efforts of most Delegations, the WIPO Performances and Phonograms Treaty does not cover the rights of performers in the audiovisual fixations of their performance;

*Call* for the convocation of an extraordinary session of the competent WIPO Governing Bodies during the first quarter of 1997 to decide on the schedule of the preparatory work on a protocol to the WIPO Performances and Phonograms Treaty, concerning audiovisual performances, with a view to the adoption of such a protocol not later than in 1998.”

#### *Recommendation Concerning Databases*

“The Delegations participating in the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions in Geneva,

*Recognizing* that databases are a vital element in the development of a global information infrastructure;

*Conscious* of the importance of encouraging further development of databases;



Aware of the need to strike a balance between the interests of the producers of databases in protection from unfair copying and the interests of users in having appropriate access to the benefits of a global information infrastructure;

Expressing interest in examining further the possible implications and benefits of a *sui generis* system of protection of databases at the international level;

Noting that a treaty on such a *sui generis* system was not negotiated or adopted at the Conference;

Recommend the convocation of an extraordinary session of the competent WIPO Governing Bodies during the first quarter of 1997 to decide on the schedule of further preparatory work on a Treaty on Intellectual Property in Respect of Databases.”

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- I. Fred Koeningberg, Private Sector Representative (ASCAP)  
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 Marc A. Pearl, General Counsel and Vice President for Government Affairs, Information Technology Association of America  
 Jay Roth, National Executive Director, Directors Guild of America  
 Arthur Sackler, Vice President, Law and Public Policy, Time Warner Inc.  
 Emery Simon, Business Software Alliance (BSA)  
 Eric H. Smith, President, International Intellectual Property Alliance  
 Terri Ann Southwick (Ms.), Attorney, The Walt Disney Company  
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 Christopher Wilkinson, Adviser, Directorate General XIII "Telecommunications, Information Market and Exploitation of Research"  
 George Papapavlou, Principal Administrator, Directorate General XIII, Telecommunications, Information Market and Exploitation of Research  
 Egidio Guerreri, Administrator, Directorate General XV Internal Market and Financial Services  
 Silke Von Lewinski (Ms.), Consultant, Directorate General XV  
 Gordon Quilty, Trainee, Directorate General XV Internal Market and Financial Services  
 Bjarne Hoff-Nielsen, Legal Advisor, General Secretariat of the Council of the European Union  
 Keith Mellor, Principal Administrator, General Secretariat of the Council of the European Union  
 Michiel Frans Van Hulst, Administrator, General Secretariat of the Council of the European Union

### III. Observer Delegations

#### DOMINICAN REPUBLIC

##### *Head of the Delegation*

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#### ETHIOPIA

##### *Delegate*

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#### IRAN (ISLAMIC REPUBLIC OF)

##### *Head of the Delegation*

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##### *Delegate*

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### IV. Intergovernmental Organizations

#### *International Labour Organization (ILO)*

Ann D. Herbert (Mrs.), Sectoral Specialist, Salaried Employees and Professional Workers Branch

#### *International Maritime Organization (IMO)*

Ahmed Adib, Director, Conference Division

#### *International Telecommunication Union (ITU)*

Kareem Boussaïd, Head of External Affairs; Arthur Levin, juriste

#### *Organization of African Unity (OAU)*

Abderrahmane Bensid, ambassadeur, représentant permanent, Délégation permanente; Mustapha Chatti, attaché à la Délégation permanente

#### *United Nations Educational, Scientific and Cultural Organization (UNESCO)*

Salah Abada, Chief, Copyright Section, Division of Book and Copyright

#### *World Meteorological Organization (WMO)*

Alexandre S. Zaitsev, Assistant Secretary-General; Rodolfo A. De Guzman, Special Assistant to the Assistant Secretary-General; S. Chacowry, Special Assistant to the Secretary-General; Tyrone W. Sutherland, External Relations, Office of the Special Assistant to the Secretary-General

#### *World Trade Organization (WTO)*

Hannu Wager, Legal Affairs Officer, Intellectual Property and Investment Division

### V. Non-Governmental Organizations

*Agency for the Protection of Programs (APP)*: Daniel Duthil (président); Didier Adda (membre du Conseil exécutif); Guy Pernet (administrateur)

*American Bar Association (ABA)*: Ralph Oman (Chairman, International Copyright Committee, Intellectual Property Law Section); Fred I. Koenigsberg (Vice-Chairman, (AIPLA))

*American Federation of Musicians of the United States and Canada (AFM)*: Arthur J. Levine (Copyright Counsel)

*American Federation of Television and Radio Artists (AFTRA)*: Reed Farrell (Former President); Arthur J. Levine (Copyright Counsel)

*American Film Marketing Association (AFMA)*: Lorin Brennan (Expert); Lawrence Safir (Chairman AFMA Europe)

*American Intellectual Property Law Association (AIPLA)*: Fred I. Koenigsberg (Past President)

*Argentine Association of Performers (AADI)*: Gustavo Sáenz Paz (Asesor Legal); Nelson R. Avila (Asesor Legal)

*Asia-Pacific Broadcasting Union (ABU)*: Zhong Dong Niu (Principal Staff Member, Department of Law and Regulations, Ministry of Radio, TV and Film)

*Association for the International Collective Management of Audiovisual Works (AGICOA)*: Florence Berg (Mlle) (juriste)

*Association of Commercial Television in Europe (ACT)*: Tom Rivers (Legal Adviser); Carter Eltzroth (Chairman, IPR Module)

- Association of European Performers' Organisations (AEPO):* Yngve Akerberg (Vice President); Xavier Blanc (secrétaire général)
- Business Software Alliance (BSA):* Allen Dixon (European Counsel); Daniel Burton (Vice President, Government Affairs, Novell); John Frank (Vice President); Marie-Thérèse Huppertz (Mme) (Vice-President); Eric Koenig (Vice President); Kevin Lara; Jeffrey Steinhardt (Vice-President); John Peter Britton (Copyright Consultant); Timothy B. Hackman (Director of Public Affairs, IBM); George Spix (Member)
- Caribbean Broadcasting Union (CBU):* Patrick Cozier (Secretary General); Leon Mitchel (Managing Director)
- Comité "Actores, Intérpretes" (CSAI):* Julian Grimau (Director General); Juan Luis Sanz Polanco (Presidente); Abel Martín (Expert)
- Commercial Internet eXchange Association (CIX):* Barbara Dooley (Ms.) (Executive Director); Ronald L. Plessner (Legal Counsel, Piper Marbury); David Petraitis (Special Advisor); Timothy Casey (Chief Technology Counsel, MCI Communications); Gary Slaiman (Regulatory and Legislative Counsel, MFS UUNET); Alan Sutin (Florida Internet Service Providers Association, Greenberg & Traurig); Glee Harrah Cady (Ms.) (Manager, Public Policy, Netcom On-Line Communications Services); Sally Weatherall (Ms.) (Solicitor, UUNET PIPEX)
- Computer & Communications Industry Association (CCIA):* David Nimmer (Counsel, Irell & Manella); Gregory Gorman (Government Affairs Manager); Peter M.C. Choy (Member)
- Conseil francophone de la chanson (CFC):* Serge Provençal (directeur général); Dominique Thiange (Mme) (Direction Europe)
- Copyright Research and Information Center (CRIC):* Masashi Tanano (Chairman, Steering Committee, Director General, (GEIDANKYO), Japan Council of Performers' Organization); Shinji Matsumoto (Member of the International Cooperation Committee, Executive Director, (GEIDANKYO)); Kotau Furukawa (Director General, Japan Actors Union); Yukifusa Oyama (Member, International Cooperation Committee); Mitsue Dairaku (Ms.) (Associate Professor, Hokuriku University)
- Educators' Ad Hoc Committee on Copyright Law (ECCL):* Adam Eisgrau (Legislative Counsel, American Library Association)
- Electronic Industries Association (EIA):* Seth Greenstein (Attorney); Jonathan Potter (Attorney-Advisor, Weil, Gotshal & Manges)
- European Broadcasting Union (EBU):* Werner Rumphorst (Director, Legal Affairs); Britta Kümmel (Ms.) (Chairman, Copyright Group, Vice-Chairman, Legal Committee, Head, Copyright Office, Denmark Radio); Moira Burnett (Ms.) (Legal Adviser, Department of Legal Affairs)
- European Bureau of Library, Information and Documentation Associations (EBLIDA):* Emanuella Giavarra (Ms.) (Copyright Advisor); Frode Bakken (President, Norwegian Library Association)
- European Cable Communications Association (ECCA):* Peter Kokken (Secretary General)
- European Committee for Interoperable Systems (ECIS):* Philippe Wacker (secrétaire général); Thomas Vinje (Legal Advisor); Simon Awde (Treasurer); Peter M.C. Choy (Member); Stephen Fremont Clayton (Member); James Vincent Doody (Member, Executive Committee); Ulrike Weinbrenner (Ms.) (Member); Sakari Aalto (Legal Adviser)
- European Council of American Chambers of Commerce (ECACC):* Francis Urbany (Executive Director, International Relations); Karen Possner (Ms.) (Executive Director, Federal Relations)
- European Group Representing Organizations for the Collective Administration of Performers' Rights (ARTIS GEIE):* Luis Cobos (President); François Parrot (secrétaire général); Isabelle Prost (Mme) (représentante permanente); Frédéric Bard (administrateur); Patrick Boiron (président du Directoire, ADAMI)
- European Project-Digital Video Broadcasting (DVB):* Carter Eltzroth (Chairman, IPR Module)
- European Writers' Congress (EWC):* Diane Heather Rosenblatt (Mrs.) (Secretary, British Copyright Council); Päivi Liedes (Mrs.) (General Secretary, Union of Finnish Writers); Christopher Zielinski (Secretary General) (ALCS)
- Federation of European Audiovisual Directors (FERA):* João Correa (secrétaire général); Wim Verstappen (vice-président de GNS)
- Ibero-Latin-American Federation of Performers (FILAIE):* Luis Cobos Pavon (President); Miguel Pérez Solís (Asesor Jurídico); David López Alvarez (Titular Comunicación)
- Information Industry Association (IIA):* Morton David Goldberg (Counsel); Nancy Mason (Ms.) (Corporate Member)
- Information Technology Association of America (ITAA):* Marc Pearl (General Counsel, Vice-President); Marilyn Cade (Ms.) (Director, Technology Infrastructure Advocacy); Elizabeth Gasster (Ms.) (Director and Attorney, Federal Government Affairs); Theresa Swinehart (Ms.) (Staff Consultant); Peter Harter (Netscape Communications Corp., Public Policy Counsel); Hugo D. Marías (VP International Public Affairs)
- Institute of Intellectual Property (IIP):* Toyomaro Yoshida (Executive Director); Hiroshi Saito (Professor, University of Tsukuba); Noboru Toyama (Researcher)
- Intellectual Property Institute (CLIP):* Michael F. Flint (Chairman of Council)



- Intellectual Property Owners (IPO)*: Morton David Goldberg (Chairman, Copyright Committee)
- Interactive Services Association (ISA)*: Bruce Joseph (Adviser; Partner, Wiley, Rein & Fielding)
- International Affiliation of Writers Guilds (IAWG)*: Margaret Cone (Ms.) (Lawyer); Lynn Roth (Ms.) (Board of Directors)
- International Alliance of Orchestra Associations (IAOA)*: Anne-Marie Balet (Mme) (secrétaire général de l'Union des théâtres romands)
- International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)*: André Françon (président)
- International Association for the Protection of Industrial Property (AIPPI)*: Gunnar Wilhelm Gösta Karnell (President of the Copyright Committee, Stockholm School of Economics); Joanna Schmidt-Szalewski (Mme) (professeur à la Faculté de droit)
- International Association of Art (IAA)*: Esther Brunner-Buchser (Mme) (Comité national suisse); Franziska Eberhard (Mme) (Comité national suisse, directeur adjoint, Pro Litteris); Werner Stauffacher (Comité national suisse, directeur adjoint, Pro Litteris)
- International Association of Audio-Visual Writers and Directors (AIDAA)*: Françoise Havelange (Mme) (conseiller juridique); Pennant Roberts (président); Marjut Salokannel (Ms.) (Independent Expert)
- International Association of Broadcasting (IAB)*: Andrés Lerena (Presidente, Comité Permanente de Derechos de Autor)
- International Chamber of Commerce (ICC)*: Jacques Combeau (Chairman, Commission on Intellectual and Industrial Property); Daphne Yong-D'Hervé (Mrs.) (Head of Division, Department of Policy Commissions); Daniel E. Kraus (Attorney-at-Law)
- International Confederation of Music Publishers (ICMP)*: Jenny Vacher-Desvernais (Mme) (secrétaire générale)
- International Confederation of Societies of Authors and Composers (CISAC)*: Thierry Desurmont (président de la Commission juridique et de législation); J. Alexis Ziegler (Secretary General); Ralph Oman (ABA-Chairman, International Copyright Committee, Intellectual Property Law Section); Ndéné Ndiaye (conseiller); Antonio Delgado (Legal Counsellor, Legal and Legislation Committee)
- International Council of Graphic Design Associations (ICOGRADA)*: Geoffrey Adams (Advisor); Adrian Sterling (Professor)
- International Council of Scientific Unions (ICSU)*: Jérôme H. Reichman (Professor of Law)
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- International Federation of Actors (FIA)*: Katherine Sand (Ms.) (General Secretary); Sallie Weaver (Ms.) (Executive Administrator, Screen Actors Guild); Tomas Bolme (President, Svenska Teaterförbundet); Bjørn Høberg-Petersen (Legal Counsel, Danish Actors' Association); Peter Bork (President, Danish Actors' Association); Mikael Waldorff (Advisor, Danish Actors' Association); Lucie Beauchemin (Ms.) (consultante, affaires publiques); Alexander Crawley (President, ACTRA); Stephen A. Waddell (National Executive Director, ACTRA); María Eugenia Penagos (Mrs.) (President, Círculo Colombiano de Artistas); François Parrot (Syndicat français des artistes-interprètes); Liv Bjørgum (Ms.) (Vice-President, Norsk Ballettforbund); Ili Gorlizki (Chairman, Eshkolot); John T. Mc Guire (Screen Actors' Guild)
- International Federation of Associations of Film Distributors (FIAD)*: Gilbert Grégoire (président adjoint)
- International Federation of Film Producers Associations (FIAPF)*: André Chaubeau (directeur général); Nathalie Piaskowski (Mme) (adjointe du directeur général); Alexandra Silvestro (Mrs.) (Director, Legal Affairs); Yvon Thiec (conseiller); Chris Marcich (Sr. Vice-President)
- International Federation of Journalists (IFJ)*: Ale Wilōf (juriste)
- International Federation of Library Associations and Institutions (IFLA)*: Sandy Norman (Ms.) (Adviser on Copyright, Library Association, Information Services); Jamie Wodetzki (Solicitor, Minter Ellison, Lawyers); A. M. Eisgrau (Legislative Counsel, American Library Association)
- International Federation of Musicians (FIM)*: John Morton (President); Raimo Vikström (Vice-President, Finnish Musicians Union); Rolf Dünwald (Expert); Jean Vincent (General Secretary)
- International Federation of Newspaper Publishers (FIEJ)*: Michel Godmer (President, Copyright Committee); Julius Waller (Director FAEP)
- International Federation of Reproduction Rights Organizations (IFRRO)*: Tarja Koskinen-Olsson (Mrs.) (Chairman)
- International Federation of the Phonographic Industry (IFPI)*: Isabelle Roudard (Mme) (consultant); Lewis Flacks (Director of Legal Affairs); Nicholas Garnett (Director General); Frederic Goldsmith (Director of Legal Affairs, SNEP); Frances Seghers (Mme) (Vice President, Government Affairs); Denis De Freitas (Intellectual Property Consultant, British Copyright Council); Jiro Imamura (Deputy Manager, Copyright Division, Recording Industry Association of Japan, RIAJ); Frances Moore (Ms.) (Director); Bianka Kortlan (Ms.) (Regional Director, Eastern Europe); Funkazi Koroye- (Ms.) (Legal Ad-

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*International Literary and Artistic Association (ALAI)*: Pierre-Henri Dumont (membre du Comité exécutif, président de la Société suisse des auteurs); Victor Nabhan (président); Adolphe Dietz (Vice-President); Gunnar Wilhem Gösta Karnell (Vice-President); André Françon (secrétaire général)

*International Publishers Association (IPA)*: J. Alexis Koutchoumow (secrétaire général); Charles Clark (General Counsel, (IPCC)); Benoît Müller (Legal Adviser); Alexis Lefebvre (secrétaire, (STM))

*International Video Federation (IVF)*: Isabelle Roudard (Ms.) (Legal Consultant); Ivan Hodac (Senior Vice-President); Dean Scott Marks (Legal Advisor)

*Japan Compact Disk Rental Commerce Trade Association (JCD)*: Osamu Wakamatsu (Managing Director); Akiko Tomita (Interpreter)

*Japan Electronic Industry Development Association (JEIDA)*: Takao Matsuda (Vice-Chairman, Committee on Intellectual Property Right); Masahiro Kamei (Member, Committee on Intellectual Property Right); Osamu Kikuchi (Member, Committee on Intellectual Property Right); Yoshiaki Takahashi (Member, Committee on Intellectual Property Right); Hideo Isshiki (Manager, Committee on Intellectual Property Right); Kaname Mori (Member, Committee on Intellectual Property Right); Morihiro Okamoto (Member, Committee on Intellectual Property Right); Masanobu Katoh (Advisor, Committee on Intellectual Property Right)

*Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI)*: Adolf Dietz (Head of Department)

*Media and Entertainment International (MEI)*: Jim Wilson (General Secretary)

*National Association of Broadcasters (NAB)*: Benjamin F.P. Ivins (Assistant General Counsel)

*National Music Publishers' Association (NMPA)*: Frank Sears Rittman (International Business Administrator); Jenny T. Vacher-Desvernaix (Mrs.) (Legal-Advisor)

*North American National Broadcasters Association (NANBA)*: Erica Redler (Ms.) (Senior Legal Counsel, Canadian Broadcasting Corporation, (CBC)); Tony Scapillati (Executive Director, Canadian Broadcasters Rights Agency)

*Software Information Center (SOFTIC)*: Ayano Uchida (Researcher, Research and Investigation Department); Koki Moritani (General Manager, Research and Investigation Department)

*Software Publishers Association (SPA)*: Mark Traphagen (Vice President and Counsel, Intellectual Property and Trade Policy)

*Union of National Radio and Television Organizations of Africa (URTNA)*: Madjiguène Diouf-Mbengue (Mme) (conseiller juridique de l'URTNA-Dakar); Hezekiel Oira (Head, Legal Department, Kenya Broadcasting Corporation); Thomas Sone (chef du Service juridique, Cameroun Radio Télévision)

*United States Telephone Association (USTA)*: Larry Clinton (Associate Vice-President for Large Company Affairs); Aubrey Sarvis (Vice-President); Karen Possner (Ms.) (Executive Director, Bellsouth Corporation); Francis Urbany (Executive Director, International and Agency Relations, Bell South); Nancy Mason (Ms.) (Executive Director of Congressional Affairs); David Nimmer (Counsel, Irell & Manella)

*Video Software Dealers Association (VSDA)*: Crossan R. Andersen (Vice-President and General Counsel)

*World Federation of Music Schools (WFMS)*: Bernard Giller (président); Nicole Guy (Mme) (secrétaire générale)

## VI. International Bureau of the World Intellectual Property Organization (WIPO)

Arpad Bogsch, Director General  
 Mihály Ficsor, Assistant Director General  
 Francis Gurry, Legal Counsel a.i.  
 Richard Owens, Director, Development Cooperation ... (Copyright Law) Division  
 Jørgen Blomqvist, Head, Copyright (National Legislation) Section  
 Patrick Masouyé, Head, Copyright (Special Projects and Planning) Section  
 Larry Allman, Head, Copyright (International Treaties) Section  
 Boris Kokin, Senior Legal Officer, Copyright (National Legislation) Section  
 Edward Kwakwa, Assistant Legal Counsel  
 Christine Hublin (Miss), Legal Officer, Copyright (National Legislation) Section

# International Classification and Standardization Activities of WIPO

## Permanent Committee on Industrial Property Information (PCIPI)

### Subgroup B of the PCIPI Working Group on Search Information (PCIPI/SI) (Class 21)

(Munich, November 11 to 15, 1996)

Subgroup B was created by the Working Group on Search Information (PCIPI/SI) at its June 1996 session to deal with three projects relating to the mechanical field, with a view to elaborating a modified scheme of class F 21 ("Lighting") of the International Patent Classification (IPC). The Working Group had agreed that Subgroup B should have the mandate to expediently advance the said projects to the stage where they could be finalized by the Working Group.

The following eight members of the PCIPI/SI were represented at the session of Subgroup B: Croatia, France, Germany, Russian Federation, Sweden, Switzerland, United Kingdom, European Patent Office (EPO). Two WIPO officials participated in the session.

This session of Subgroup B completed one of the said three projects and agreed on a number of amendments to the said class F 21, including the creation of two new subclasses intended for indexing the use or application of lighting devices and the form of light sources.

During the meeting, a demonstration of the electronic patent information system (PATIS) of the German Patent Office (where the session of Subgroup B was held) was given to the participants.

### PCIPI Executive Coordination Committee (PCIPI/EXEC)

Nineteenth Session  
(Geneva, November 25 to 29, 1996)

The following 39 members of the Committee were represented at the session: Argentina, Armenia, Belarus, Brazil, Canada, China, Croatia,

Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Hungary, India, Ireland, Japan, Lesotho, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States of America, EPO. Kyrgyzstan, Thailand, the Patent Documentation Group (PDG) and the journal *World Patent Information* were represented by observers.

The Delegations of Brazil, India, Portugal, Romania, the United Kingdom and the United States of America made presentations on their experience in the automation of industrial property information processing and further improvement of their Web site on the Internet.

The Committee decided to create a new Task to conduct a survey to identify current and potential problems arising as a result of the changeover to the use of electronic data carriers for industrial property information and documentation, and proposed solutions with a view to elaborating the long-term policy of the PCIPI for the electronic age.

The Committee adopted the new WIPO Standard ST.35 (Recommended Standard Format for Data Exchange of Mixed-Mode Published Patent Document Information on Reel-to-Reel and IBM 3480/90 Cartridge Tapes (MMMT)). The Committee also adopted a revised text of WIPO Standard ST.6 (Recommendation for the Numbering of Published Patent Documents) in order to reflect the adoption of the revised WIPO Standard ST.13 (Recommendation for the Numbering of Patent Applications).

In respect of the use of the Internet, the Committee noted that a total of 22 industrial property offices had created their own Web site to provide general information to the public, and recognized a need for discussing the possibility of using this new means of communication for the dissemination of searchable industrial property information and the exchange of working documents between the International Bureau of WIPO

and industrial property offices. In this regard, the Committee decided to include in its work program discussions as to whether industrial property offices should make searchable industrial property information available on the Internet. It was informed that the WIPO Web site (<http://www.wipo.int>) contained general information about the PCIPI and a few important WIPO Standards, such as WIPO Standards ST.3 (two-letter country codes) and ST.9 (the so-called INID Code for the identification of bibliographic data).

**PCIPI ad hoc Working Group on the  
Management of Industrial Property  
Information (PCIPI/MI)**

Nineteenth Session  
(Geneva, November 25 to 27, 1996)

The following 39 members of the PCIPI/MI were represented at the session: Argentina, Armenia, Belarus, Brazil, Canada, China, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Hungary, India, Ireland, Japan,

Lesotho, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United States of America, EPO. Kyrgyzstan, Thailand, the PDG and the journal *World Patent Information* were represented by observers.

The Working Group was provided with progress reports on the EASY (*Electronic Application SYstem*) project for the filing of patent applications in electronic form, and on the development and application of the MIMOSA (*Mixed-MODE Software Application*) CD-ROM software.

Furthermore, the Working Group was given an update on the steps being taken in the United States Patent and Trademark Office (USPTO) to implement the Statement of Principles (adopted by the PCIPI/EXEC in 1995) concerning the changeover from paper to electronic data carriers for the exchange of patent documents, and was also informed of the latest status of the Pre-Grant Publications (PGPubs) proposals made by the Government of the United States of America to the US Congress.

## Nice Union

**Preparatory Working Group of the  
Committee of Experts of the Nice Union**

Sixteenth Session  
(Geneva, November 4 to 8, 1996)

The following 12 States, members of the Working Group, were represented at the session: Denmark, France, Germany, Japan, Netherlands, Norway, Portugal, Russian Federation, Sweden, Switzerland, United Kingdom, United States of America. Brazil, China, Croatia, Italy, Latvia, the Republic of Korea, Romania, Slovakia, Slovenia, the Benelux Trademark Office (BBM) and the Commission of the European Communities (CEC) were represented by observers.

The Working Group approved the Explanatory Notes relating to the modified Class 42 and

to the new Classes 43, 44 and 45 of the Nice International Classification of Goods and Services for the Purposes of the Registration of Marks, as well as a number of indications of services for the alphabetical list relating to those four Classes.

The Working Group agreed on an abbreviation of the expression "Nice Classification," namely, "NCL," which should be used in official documents and publications relating to the registrations of marks, together with an indication of the edition according to which the marks were classified (for example, "NCL (7)" for a mark classified according to the seventh edition of the Nice Classification), and recommended to the Committee of Experts of the Nice Union that a recommendation to that effect be made to the States members of the Nice Union.

## Registration Systems Administered by WIPO

### Patent Cooperation Treaty (PCT)

#### Training and Promotion Meetings for PCT Users

*Argentina.* In November 1996, a government official had discussions on the PCT with WIPO officials in Geneva.

*Brazil.* On November 11 and 12, 1996, a WIPO National Seminar on the PCT was organized in Rio de Janeiro by WIPO in cooperation with the National Institute of Industrial Property (INPI) of Brazil. The Seminar was attended by about 150 participants, mostly from industry and law firms. Presentations were made by two government officials from Argentina and one from Uruguay (their participation was financed by WIPO), an invited speaker from the United States of America, officials from INPI, two local speakers, and a WIPO official.

Also in November 1996, a government official had discussions with WIPO officials in Geneva on PCT matters.

*Canada.* In November 1996, a government official had discussions with WIPO officials in Geneva on PCT-related questions.

*Ghana.* In November 1996, Mrs. Elizabeth Owiredu-Gyampoh, Acting Registrar General, visited WIPO for discussions with WIPO officials on various PCT questions following the recent deposit by Ghana of its instrument of accession to the PCT (which will enter into force with respect to that country on February 26, 1997).

*Iran (Islamic Republic of).* In November 1996, a government official discussed with the Director General and other WIPO officials in Geneva various issues related to WIPO-administered treaties, *inter alia*, the advantages offered by the PCT for developing countries and was given an overview of PCT operations within the International Bureau.

*Mexico.* In November 1996, Mr. Jorge Amigo Castañeda, Director General, Mexican Institute of

Industrial Property, met with WIPO officials in Geneva to discuss various PCT matters.

*Morocco.* On November 20 and 21, 1996, a WIPO National Seminar on the PCT was organized in Casablanca by WIPO in cooperation with the Ministry of Industry and Commerce. The Seminar was attended by about 100 participants, including government and customs officials, academics, inventors and representatives of local industry and law firms. Presentations were made by a WIPO consultant from France, a government official from Morocco and a WIPO official. Another WIPO official also participated in the Seminar.

Also in November 1996, the same WIPO officials had a meeting with the Director of the Moroccan Industrial Property Office and other government officials in Casablanca, for a discussion on various questions in connection with Morocco's expected accession to the PCT.

*Slovakia.* In November 1996, a WIPO official made a presentation on the PCT at a seminar on the Euro-PCT procedure, organized in Bratislava by the Centre for International Industrial Property Studies (CEIPI) in cooperation with the European Patent Office (EPO). There were 15 participants from law firms and industry.

Also in November 1996, a government official had discussions with WIPO officials in Geneva on PCT matters.

*Switzerland.* In November 1996, two WIPO officials conducted an introductory seminar on the PCT, which was part of a postgraduate course in intellectual property organized in Zurich by the Swiss Federal Institute of Technology (ETH) in cooperation with the Institut für gewerblichen Rechtsschutz (INGRES). There were 27 participants, including legal practitioners from law firms and industry as well as ETH students.

*Tunisia.* In November 1996, Mr. Mohamed Chaouch, Director General, National Institute for

Standardization and Industrial Property, and another government official were briefed by WIPO officials in Geneva on the PCT and the advantages for the country of acceding to that Treaty.

*United States of America.* In November 1996, a WIPO consultant from the United States of America made a presentation on the PCT at the United States Patent and Trademark Office (USPTO) in Washington, D.C., to a group of students from developing countries and countries in transition to market economy.

Also in November 1996, the same consultant spoke on the PCT at a seminar on the PCT organized in Irvine by a local company. It was attended by some 20 attorneys and staff of the company dealing with industrial property matters.

In the same month, four government officials from the USPTO met with WIPO officials in Geneva to discuss certain PCT questions relating, in particular, to sequence listing standards and national patent applications.

*European Patent Office (EPO).* In November 1996, a WIPO official made presentations on the Eurasian-PCT procedure as the main route for the use of the Eurasian system at three seminars entitled "Introduction to the Eurasian Patent System," held in Munich, Paris and London, respectively. The seminars were organized for Western European industry by the EPO in cooperation with the French National Institute of Industrial Property and the United Kingdom Patent Office, and were

attended by some 220, 125 and 80 participants, respectively, most of whom were patent attorneys.

### Computerization Activities

*Egypt.* In November 1996, two government officials from the Academy of Scientific Research and Technology (ASRT) met with WIPO officials in Geneva to discuss technical aspects of the PCT operations.

*United States of America.* In November 1996, a government official and a consultant from the USPTO had discussions with WIPO officials in Geneva on various PCT-related questions, in particular WIPO's future computerization needs for the filing and administration of applications and for the publication of information.

*European Patent Office (EPO).* In November 1996, two WIPO officials participated in a meeting of the EPO/USPTO/Japanese Patent Office (JPO) Trilateral Cooperation Pre-Conference, organized by the EPO in The Hague. Among other questions, several aspects of the electronic filing and processing of patent applications, as well as data exchange between the Offices, were discussed.

Still in November 1996, an official of the EPO gave a seminar at WIPO's headquarters on the EPO Publication System and the Standard Generalized Markup Language (SGML) technique used in data transmission and other electronic products such as CD-ROMs.

## Madrid Union

### Training and Promotion Meetings for Users of the Madrid System

*Austria.* In November 1996, a WIPO official visited the Austrian Patent Office in Vienna to give a training course on the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement. The course was attended by 15 trademark examiners of that Office.

*Italy.* In November 1996, a WIPO official made a presentation on the Madrid international

registration system at a seminar organized in Milan by the National Institute for the Defense, Identification and Certification of Authentic Marks (INDICAM). There were some 80 participants, coming from various industrial property circles.

### Computerization Activities

*Benelux Trademark Office (BBM).* In November 1996, the Director of BBM, Mr. Pierre Rome, visited WIPO and had further discussions with WIPO officials on electronic communications between BBM and WIPO.

## Hague Union

### Advisory Meeting of Users of the Hague System

(Geneva, November 8, 1996)

The Meeting was attended by some 40 participants from the national industrial property offices of Brazil, Bulgaria, Croatia, Hungary, Japan, the Republic of Moldova, Romania, Sweden and the United Kingdom, one regional office (Benelux Designs Office (BDDM)), 10 non-governmental organizations (American Bar Association (ABA), International Association for the Protection of Industrial Property (AIPPI), International Federation of Industrial Property Attorneys (FICPI), International Liaison Committee for Embroideries, Curtains and Laces (CELIBRIDE), Japan Design Protection Association (JDPA), Japan Intellectual Property Association (JIPA), Japan Patent Attorneys Association (JPAA), Swiss Association of Industrial Property Attorneys (ASCPI), Swiss Textile Federation (TVS), Union of European Practitioners in Industrial Property (UEPIP)), and representatives of depositors and industrial property agents.

The International Bureau presented a report on the work done at the sixth session of the Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs which had met in Geneva in early November 1996.<sup>1</sup> It also presented the prototype of a CD-ROM containing the bibliographic data and reproductions of industrial designs. In that connection, the International Bureau stated that it was studying the possibility of publishing registered industrial designs on CD-ROM, inasmuch as this publication could replace, at least as far as reproductions were concerned, the traditional paper publication of the periodical *International Designs Bulletin*. Finally, the International Bureau called attention of the participants to certain frequent irregularities in applications for international deposits and announced that it would study the possibility of modifying the administrative instructions relating to reproductions, with a view to taking new techniques into account.

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<sup>1</sup> For the note on this session of the Committee, see *Industrial Property and Copyright*, 1997, pp. 65 and 66.

## WIPO Arbitration and Mediation Center

### WIPO Workshop for Arbitrators

(Geneva, November 15 and 16, 1996)

The Workshop was attended by 45 participants from the following 14 countries: Australia, Austria, Belgium, France, Germany, Ghana, Greece, Italy, Mexico, Pakistan, Philippines, Switzerland, United Kingdom, United States of America. The participants were primarily lawyers practising intellectual property or general commercial law, and many possessed arbitration experience as counsel or arbitrator. Others were members of the

judiciary or working in national industrial property offices.

The objective of the Workshop was to familiarize the participants with the principles and practices of arbitration, through eight sessions on different topics that covered all stages of the arbitral process. Each session was introduced by an experienced arbitrator and was followed by practical exercises in groups, and discussions among the participants and between the participants and the instructors. The experts who introduced the sessions came from France, the Netherlands, the United Kingdom and the United States of America.

### Other Activities

*WIPO Arbitration and Mediation Council. Third Meeting (Geneva, November 27, 1996).* The meeting was held at WIPO's headquarters and was attended by the six members of the Council. The Council reviewed the activities of the WIPO Arbitration and Mediation Center since its last meeting in November 1995, and discussed those planned for the next 12 months. The Council also discussed the proposed WIPO interim arbitral relief facility, which seeks to overcome the problem of the lack of availability of interim relief in arbitration prior to the constitution of an arbitral tribunal, and which would be available to

parties as an additional and optional feature of arbitration under the WIPO Arbitration Rules. Finally, the Council reviewed a draft text of the WIPO Emergency Relief Rules which a Group of Experts, meeting in Geneva in September 1996, had revised in the light of the comments on the proposal received from interested parties.

*Law Association for Asia and the Pacific (LAWASIA).* In November 1996, a WIPO official made a presentation on the role of WIPO in the arbitration of intellectual property disputes at the Second LAWASIA Conference on Intellectual Property, held in Kota Kinabalu (Malaysia).

## Activities of WIPO Specially Designed for Developing Countries

### Africa

#### Training Courses, Seminars and Meetings

*WIPO Regional Seminar for Experts on Copyright and Neighboring Rights of the Southern African Development Community (SADC) Countries (Malawi).* From November 6 to 8, 1996, WIPO organized that Seminar in Lilongwe in cooperation with the Government of Malawi. The Seminar was attended by 18 participants from Botswana, Mauritius, Mozambique, Namibia, South Africa, Swaziland, the United Republic of Tanzania, Zambia and Zimbabwe, two officials of SADC and some 40 participants from government circles and the private sector in Malawi. Presentations were made by four WIPO consultants from Ghana, Mauritius, South Africa and Switzerland, two local speakers and two WIPO officials. The subjects covered during the Seminar included the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

*Regional Consultation Meeting for African Countries for the Preparation of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions (Morocco).* From November 7 to 9, 1996, WIPO organized that Meeting in Casablanca to enable the countries concerned to exchange views in preparation for the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions to be held in Geneva in December 1996. Twenty-two government officials from the following countries attended the Meeting: Algeria, Benin, Burkina Faso, Egypt, Ghana, Kenya, Malawi, Mali, Morocco, Namibia, Niger, Nigeria, Senegal, South Africa, Sudan, Tunisia, Zambia, Zimbabwe. A report was adopted reflecting the results of the discussions.

*WIPO Regional Seminar on Latest Technologies and Procedures in the Administration of Patent and Trademark Registries (Sudan).* From November 23 to 27, 1996, WIPO organized that Seminar in Khartoum in cooperation with the



African Regional Industrial Property Organization (ARIPO). The Seminar was attended by 20 participants from 11 ARIPO member States (the Gambia, Ghana, Kenya, Lesotho, Malawi, Sierra Leone, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe) and seven participants from five observer States (Ethiopia, Namibia, Nigeria, Seychelles and South Africa), who took part in two roundtable discussions. Presentations were made by a WIPO consultant from South Africa, an ARIPO official and two WIPO officials. Two other WIPO officials also participated.

*WIPO Subregional Workshop on Invention and Innovation in Economic Development (Burkina Faso).* From November 19 to 21, 1996, WIPO organized that Workshop in Ouagadougou in cooperation with the Government of Burkina Faso. The Workshop was attended by 12 participants from Benin, Cameroon, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Niger, Senegal and Togo, as well as by some 20 participants from Burkina Faso who were government officials, staff of national research institutes and inventors. Presentations were made by three WIPO consultants from France, Senegal and Switzerland, an OAPI official and two WIPO officials. The program of the Workshop also covered the relevant provisions of the TRIPS Agreement.

*WIPO National Industrial Property Round Table (Mozambique).* On November 20 and 21, 1996, WIPO organized that Round Table in Maputo in cooperation with the Government of Mozambique. The Round Table was attended by some 40 participants, including government officials, tradesmen, academics and entrepreneurs. Presentations were made by three WIPO consultants—one from Brazil and two from Portugal—and a local speaker. The subjects covered during the Round Table included the relevant provisions of the TRIPS Agreement.

#### **Assistance with Training, Legislation and Modernization of Administration**

*Angola.* In November 1996, a government official discussed with WIPO officials in Geneva various matters of cooperation, including the country's possible accession to the Paris Conven-

tion for the Protection of Industrial Property and the Patent Cooperation Treaty (PCT).

*Burkina Faso.* In November 1996, two WIPO officials met with government officials of the Directorate General of Industrial Development in Ouagadougou to discuss matters of cooperation in particular the organization of the *Salon des inventions et de l'innovation* in Ouagadougou in January 1997.

In the same month, a government official met with WIPO officials in Geneva to discuss matters of cooperation dealing, *inter alia*, with the strengthening of the protection of industrial property in the country.

*Ghana.* In November 1996, the International Bureau prepared and submitted to the government authorities, at their request, draft laws, each with a commentary on its main provisions, on the protection of geographical indications and on the protection of layout designs (topographies) of integrated circuits. The draft laws and commentaries took into account the relevant provisions of the TRIPS Agreement.

*Guinea.* In November 1996, Mr. Madikaba Camara, Minister for the Promotion of the Private Sector, Industry and Commerce, and another government official met with the Director General and other WIPO officials in Geneva to discuss cooperation between Guinea and WIPO, including the organization of a national seminar on industrial property in Conakry in 1997.

*Madagascar.* In November 1996, two WIPO officials undertook a mission to the Malagasy Industrial Property Office (OMAPI) in Antananarivo where they discussed with senior officials the draft work program for the modernization of OMAPI and the training of staff under a WIPO medium-term project. The WIPO officials also met with senior officials from the Ministry of Industrial and Handicraft Promotion.

*Mali.* In November 1996, a government official met with WIPO officials in Geneva to discuss matters of cooperation between her country and WIPO.

*Mozambique.* In November 1996, a WIPO official and three WIPO consultants from Brazil and Portugal met with government leaders and

officials in Maputo to discuss the industrial property situation in the country and, *inter alia*, matters related to the possible accession of the country to certain WIPO-administered treaties.

*Nigeria.* In November 1996, WIPO arranged for an official of the Nigerian Copyright Commission to attend a copyright management course at the Canadian Copyright Society (CanCopy) in Toronto (Canada).

*African Regional Industrial Property Organization (ARIPO).* In November 1996, four WIPO

officials attended the 20th session of the ARIPO Administrative Council, held in Khartoum concurrently with the WIPO Regional Seminar on Latest Technologies and Procedures in the Administration of Patent and Trademark Registries (see above). One of the WIPO officials gave an address at the opening ceremony. Some 40 participants attended the session.

*International Confederation of Societies of Authors and Composers (CISAC).* In November 1996, a WIPO official attended the 6th session of the African Committee of CISAC, held in Johannesburg.

## Arab Countries

### Training Courses, Seminars and Meetings

*WIPO Arab Regional Seminar on Industrial Property (Syria).* From November 12 to 14, 1996, WIPO organized that Seminar in Damascus in cooperation with the Ministry of Supply and Home Trade. The Seminar was attended by 29 government officials from Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Tunisia, the United Arab Emirates and Yemen. Some 400 participants from the public and private sectors in Syria also attended the Seminar. Papers were presented by two WIPO consultants from Egypt and Jordan, one local speaker and two WIPO officials. The program of the Seminar covered, *inter alia*, the relevant provisions of the TRIPS Agreement.

### Assistance with Training, Legislation and Modernization of Administration

*Djibouti.* In November 1996, a government official discussed with WIPO officials in Geneva the accession of Djibouti to the WIPO Convention and the possible organization in Djibouti, in 1997, of a national seminar on intellectual property.

Also in November 1996, the United Nations Development Programme (UNDP) Resident Representative in Djibouti discussed with the Director General and other WIPO officials in Geneva possible areas of cooperation between WIPO and UNDP in the field of intellectual property in Djibouti, and reviewed the situation following the

WIPO mission that had taken place in the country in October 1996.

*Egypt.* In November 1996, two officials of the Academy of Scientific Research and Technology (ASRT) undertook a study visit to the European Patent Office (EPO) in Munich and The Hague. The said officials also visited WIPO to discuss possible areas of cooperation between WIPO and ASRT.

*Libya.* In November 1996, a WIPO consultant from Germany undertook a mission to the Industrial Research Center (IRC) in Tripoli in the framework of the UNDP-funded country project for the strengthening of the industrial property system and the promotion of inventive capacity. The mission was to give advice on streamlining patent and trademark procedures and it formulated recommendations for the modernization of IRC.

*Syria.* In November 1996, two WIPO officials met with government officials in Damascus to discuss cooperation between Syria and WIPO in respect of industrial property legislation, modernization of industrial property office procedures and the possible accession of Syria to the Stockholm Act of the Paris Convention and to the WIPO Convention.

*Tunisia.* In November 1996, Mr. Mohamed Chaouch, Director General, National Institute for Standardization and Industrial Property, and another government official discussed with the Di-

rector General and other WIPO officials in Geneva future cooperation in respect of legislative advice and training and the possible organization, in Tunis, in 1997, of two national seminars on the TRIPS Agreement and the PCT, respectively.

*Yemen.* In November 1996, two WIPO officials undertook a mission to Sana'a to discuss future cooperation in respect of legislative advice, institution-building and training, as well as the possible organization, in Sana'a, in 1997, of a national seminar on intellectual property.

## Asia and the Pacific

### Training Courses, Seminars and Meetings

*WIPO Asian Regional Seminar on the Implications of the TRIPS Agreement for Enterprises (Republic of Korea).* From November 13 to 15, 1996, WIPO organized that Seminar in Daeduk in cooperation with the Korean Industrial Property Office (KIPO) and the International Intellectual Property Training Institute (IPTI) and with the assistance of the UNDP. The Seminar was funded under the UNDP regional project for the modernization of intellectual property system, with the assistance of a cost-sharing contribution from the Government of the Republic of Korea under that project. The Seminar was attended by 28 participants from Bangladesh, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Malaysia, Mongolia, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam, and some 30 local participants from government circles, industry, the legal profession, universities and research institutions. Presentations were made by four WIPO consultants from Australia, India, Switzerland and the United States of America, five participant speakers from China, Malaysia, the Philippines, Singapore and Sri Lanka, two experts from the Republic of Korea and two WIPO officials.

*WIPO Regional Seminar on Copyright and Neighboring Rights for Asian Countries (Republic of Korea).* From November 13 to 15, 1996, WIPO organized that Seminar in Seoul in cooperation with the Government of the Republic of Korea. The Seminar was attended by 15 participants from China, India, Indonesia, Laos, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Singapore and Thailand, and some 200 local participants from government circles and the private sector in the Republic of Korea. Presentations were made by three WIPO consultants from Japan, Thailand and the International Federation of Reproduction

Rights Organizations (IFRRO), a local speaker and four WIPO officials. The subjects covered during the Seminar included the relevant provisions of the TRIPS Agreement.

*WIPO Asian Regional Congress on Copyright and Neighboring Rights (Thailand).* From November 18 to 20, 1996, WIPO organized that Congress in Chiangmai in cooperation with the Government of Thailand and with the assistance of the Agency for Cultural Affairs of Japan. The Congress was attended by 24 participants from Bangladesh, Bhutan, Brunei Darussalam, China, India, Indonesia, Laos, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, the Republic of Korea, Singapore, Sri Lanka and Viet Nam, 15 local participants from government circles and the private sector in Thailand, five special representatives from Japan and four officials from the Agency for Cultural Affairs of Japan. Presentations were made by eight WIPO consultants from Japan, Sweden, the International Federation of the Phonographic Industry (IFPI), the Asia-Pacific Committee of IFRRO, the Asia-Pacific Office of the International Confederation of Societies of Authors and Composers (CISAC), a local speaker and five WIPO officials. The subjects covered during the Congress included the relevant provisions of the TRIPS Agreement

*Regional Consultation Meeting for Developing Countries of Asia and the Pacific for the Preparation of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions (Thailand).* On November 21 and 22, 1996, WIPO organized that Meeting in Chiangmai to enable the countries concerned to exchange views in preparation for the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions to be held in Geneva in December 1996. Representatives of the following countries attended the

Meeting: Bangladesh, Bhutan, Brunei Darussalam, China, India, Indonesia, Laos, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Republic of Korea, Singapore, Sri Lanka, Viet Nam. A position paper was adopted reflecting the view of the group on the basic proposal.

*WIPO/Japan Special Course on Copyright and Neighboring Rights (Japan).* From November 11 to 22, 1996, WIPO organized that Course in Tokyo in cooperation with the Agency for Cultural Affairs of Japan and with the assistance of the Copyright Research and Information Center of Japan. The Course was attended by five participants from Bangladesh, Malaysia, Singapore, Sri Lanka and Tonga. Presentations were made by officials of the Agency for Cultural Affairs of Japan and representatives from copyright and neighboring rights organizations in Japan.

*WIPO National Seminars on the Implications of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (Pakistan).* From November 24 to December 2, 1996, WIPO organized three consecutive Seminars in Karachi, Lahore and Islamabad in cooperation with the Economic Affairs Division and Export Promotion Bureau of Pakistan. The Seminars were attended by a total of some 200 participants from government circles, industry, the legal profession, universities and research institutions. Presentations were made by two WIPO consultants from the United Kingdom and the World Trade Organization (WTO). Two WIPO officials also participated.

*WIPO National Seminar on the Valuation of Industrial Property Assets (China).* On November 26 and 27, 1996, WIPO organized that Seminar in Beijing in cooperation with the Chinese Patent Office. It was the first seminar to be organized by WIPO dealing exclusively with valuation of industrial property assets. The Seminar was attended by some 250 participants from government circles, professional agencies for the valuation of assets, industry, the legal profession, universities and research institutions. Papers were presented by three WIPO consultants from Switzerland, the United Kingdom and the WTO, and several local experts. Two WIPO officials also participated.

*WIPO National Seminar on the Implications of the Agreement on Trade-Related Aspects of Intel-*

*lectual Property Rights (TRIPS Agreement) (Laos).* On November 28 and 29, 1996, WIPO organized that Seminar in Luang Prabang in cooperation with the Science, Technology and Environment Organization of the Government of Laos. The Seminar was attended by some 50 participants from government circles, industry and the legal profession. Papers were presented by three WIPO consultants from Australia (two) and Thailand, a local expert and three WIPO officials.

#### **Assistance with Training, Legislation and Modernization of Administration**

*Bhutan.* In November 1996, the International Bureau prepared and sent to the government authorities, at their request, comments on the revised national draft industrial property regulations and rules.

In the same month, a government official held discussions with WIPO officials in Geneva on matters of cooperation, in particular the WIPO medium-term project for the country.

*Brunei Darussalam.* In November 1996, a WIPO official undertook an advisory mission to the Attorney General's Chambers in Negara on the establishment of a national technological information service based on digitized patent information.

In the same month, another WIPO official undertook an advisory mission, also to the Attorney General's Chambers in Negara, to train 11 government officials on the use of the International (Vienna) Classification System of the Figurative Elements of Marks.

*China.* In November 1996, two WIPO officials visited the Chinese Patent Office in Beijing to meet with the Commissioner, Mr. Gao Lulin, and the headquarters of the State Administration for Industry and Commerce (SAIC) to meet with Mr. Wang Zhongfu, Director General of SAIC, Mr. Bai Dahua, Deputy Director of SAIC and Director of the Trademark Office, and other senior officials from the Trademark and Patent Offices. The discussions centered on future cooperation, including possible activities to be proposed for the coming year and for the 1998-99 biennium.

Also in November 1996, a group of 36 Chinese participants in the Sino-Swiss Training-of-Trainers Programme for Management Training and Organisation Development organized by the Ge-

neva-based Centre for Socio-Eco-Nomic Development, visited WIPO. The participants were from government bodies, further education and training institutions, and the industrial sector. The visit took the form of a roundtable discussion with WIPO officials on WIPO's activities.

In the same month, three government officials met with WIPO officials in Geneva to discuss matters of cooperation in the patent field.

*Fiji.* In November 1996, a government official met with WIPO officials in Geneva to discuss matters of cooperation, in particular the fifth WIPO high-level meeting of South Pacific countries to be held in Suva in January 1997.

*India.* In November 1996, two WIPO consultants from Japan undertook a mission to the Office of the Controller-General of Patents, Designs and Trade Marks in Mumbai to advise on the automation of the patent office. A WIPO official also participated in the mission, which was funded under the funds-in-trust arrangement concluded between the Government of Japan and WIPO.

In the same month, a government official of the Ministry of Industry met with WIPO officials in Geneva to discuss matters of future cooperation including, *inter alia*, the follow-up to the two UNDP-funded projects which WIPO had successfully completed in respect of the Patent Information System in Nagpur and the computerization at the Office of Trade Marks in Mumbai.

*Indonesia.* In November 1996, two government officials met with WIPO officials in Geneva to discuss the country's 1997 plan for the modernization of the national intellectual property system and WIPO's assistance in implementing it. The plan includes, *inter alia*, enforcement, in-house training for examiners, preparation of reference material and automation.

*Iran (Islamic Republic of).* In November 1996, a government official met with the Director General and other WIPO officials in Geneva and discussed the potential implications of the TRIPS Agreement for the country and the assistance that WIPO could provide in developing the national intellectual property system, both in general and in the context of the provisions of that Agreement. They also discussed the forthcoming national seminar on industrial property and the TRIPS Agreement to be held in Tehran the following month.

Also in November 1996, two government officials visited WIPO to discuss cooperation activities and the development cooperation program on copyright and neighboring rights, with particular emphasis on assistance to the Islamic Republic of Iran on legislation and training.

*Malaysia.* In November 1996, the International Bureau prepared and submitted to the government authorities, at their request, comments on the draft industrial design regulations.

*Nepal.* In November 1996, two government officials discussed with WIPO officials in Geneva cooperation activities for Nepal, particularly a first national seminar on copyright and neighboring rights to be held in Kathmandu in April 1997.

Also in November 1996, Mr. Bhola N. Chalise, Secretary, Ministry of Industry, and Mr. Bhanu Prasad Acharya, Director General, Department of Industries, visited WIPO and discussed with the Director General and other WIPO officials various matters of cooperation including, *inter alia*, issues related to the modernization of the industrial property system in the country, the advantages offered by the PCT for developing countries, possible future accession to the Paris Convention and the Berne Convention for the Protection of Literary and Artistic Works, enforcement and protection against unfair competition, as well as various matters related to the TRIPS Agreement. The two visiting officials undertook study visits to the Swiss Federal Institute of Intellectual Property in Berne and the United Kingdom Patent Office in Newport.

*Pakistan.* In November 1996, two WIPO officials held discussions with government officials in Islamabad on various matters of cooperation, in particular the modernization of the intellectual property system in the country.

*Philippines.* In November 1996, Ms. Emma Francisco, Director, Bureau of Patents, Trademarks and Technology Transfer (BPTTT), met with WIPO officials in Geneva to discuss, *inter alia*, possible cooperation activities for 1997 and the automation and training needs of the BPTTT.

*Republic of Korea.* In November 1996, two WIPO officials discussed with government officials in Daeduk various matters of cooperation, including the 10th anniversary celebrations of the

setting up of the International Intellectual Property Training Institute (IIPTI) and the International Forum on the Implications of the TRIPS Agreement for Intellectual Property Systems to be organized by WIPO in May 1997.

*Singapore.* In November 1996, a WIPO consultant from Australia undertook a mission to the Registry of Trade Marks and Patents in Singapore to review the procedures for the obtention of patents and appropriate revision of the Patent Regulations.

*Thailand.* In November 1996, two government officials undertook a study visit to the Japanese Patent Office in Tokyo on trademark protection. The visit was funded under the funds-in-trust arrangement concluded between the Government of Japan and WIPO.

*Tonga.* In November 1996, a government official undertook a WIPO-organized study visit on collective administration of copyright and neighboring rights to the Australasian Performing Rights Association (APRA) in Sydney.

*Viet Nam.* In November 1996, two WIPO consultants from Japan undertook a mission to the National Office of Industrial Property in Hanoi on trademark administration. The mission was funded under the funds-in-trust arrangement concluded between the Government of Japan and WIPO.

*European Communities (EC)–Association of South East Asian Nations (ASEAN) Patents and Trademarks Program (ECAP).* In November 1996, three government officials from the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs of Malaysia and three WIPO officials undertook a mission to Nanterre (France) to conduct validation and acceptance tests of the database management system for figurative marks developed for the ASEAN countries in the framework of the above program by a French private company. The visit of the Malaysian officials was funded under the UNDP-funded national project, which is executed by WIPO, to strengthen the industrial property system of Malaysia.

## Latin America and the Caribbean

### Training Courses, Seminars and Meetings

*WIPO Regional Seminar on Copyright for Latin American Publishers (Bolivia).* From November 6 to 8, 1996, WIPO organized that Seminar in La Paz, in cooperation with the Government of Bolivia and the Regional Center for Book Development in Latin America and the Caribbean (CERLALC), and with the assistance of the International Federation of Reproduction Rights Organizations (IFRRO). The Seminar was attended by 15 participants from Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, Peru, Uruguay and Venezuela, and some 120 local participants, among them publishers and lawyers. Presentations were made by six WIPO consultants from Argentina, Colombia, Uruguay and the Canadian Copyright Society, a local speaker, a representative of CERLALC and a WIPO official. The subjects covered during the Seminar included the relevant provisions of the TRIPS Agreement.

*WIPO Regional Meeting of Heads of Industrial Property Offices of Latin American Countries (Peru).* From November 25 to 27, 1996, WIPO organized that Meeting in Lima in cooperation with the Government of Peru. It was attended by 37 officials from Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Three WIPO officials and a WIPO consultant from Chile also participated. The Meeting heard country reports on prevailing intellectual property issues in the participating countries and reviewed ongoing development cooperation activities carried out by WIPO in the region, in particular under the UNDP-funded regional project for strengthening intellectual property systems. The Meeting requested WIPO to continue providing assistance to the countries of the region, particularly in respect of training, modernization of legislation, the implementation of the TRIPS Agreement,

strengthening of national administrations, enforcement of industrial property rights, promotion of innovation, development of patent information services and teaching of intellectual property law at university level. Possible accession to WIPO-administered treaties was also discussed.

*WIPO Workshop on the Legal Protection of Biotechnological Innovation for Officials of Industrial Property Offices in the Andean Countries (Bolivia).* On November 11 and 12, 1996, WIPO organized that Workshop in La Paz in cooperation with the Secretary of Commerce and Industry of Bolivia. It was attended by officials of the industrial property offices of the five Andean countries (Bolivia, Colombia, Ecuador, Peru and Venezuela). Papers were presented by two WIPO consultants from the EPO and the United States of America, local experts and two WIPO officials. The main purpose of the Workshop was to provide information and discuss issues relevant to the patenting of biotechnological inventions and examination of such applications. The program covered the relevant provisions of the TRIPS Agreement.

*WIPO National Seminar on the New Industrial Property System (Trinidad and Tobago).* From November 12 to 15, 1996, WIPO organized that Seminar in Port of Spain in cooperation with the Ministry of Legal Affairs. The Seminar was attended by around 300 participants, including government officials, representatives of the judiciary, academics and entrepreneurs. The Seminar was opened by the Prime Minister of the country. Presentations were made by two WIPO consultants from Canada and the United States of America, two local experts and two WIPO officials. The subjects covered included the relevant provisions of the TRIPS Agreement.

*WIPO National Seminar on Copyright and Neighboring Rights (Venezuela).* From November 14 to 16, 1996, WIPO organized that Seminar in Mérida in cooperation with the University of Los Andes within the framework of a postgraduate course on intellectual property. It was attended by 150 participants, most of them students and teachers from that University. Presentations were made by three WIPO consultants from Argentina, Colombia and Spain, and lecturers from Venezuela. The program included the relevant provisions of the TRIPS Agreement.

*WIPO National Seminars on the TRIPS Agreement (Honduras).* From November 18 to 22, 1996, WIPO organized two Seminars on the TRIPS Agreement in Tegucigalpa and San Pedro Sula, respectively, in cooperation with the Government of Honduras. The first Seminar was attended by around 70 participants from governmental institutions, universities and the private sector, and the second by 14 participants from the same sectors. Papers were presented by three WIPO consultants from Colombia, Mexico and Venezuela, two local speakers and two WIPO officials.

*National Introductory Course on Industrial Property (Peru).* On November 27, 1996, WIPO organized that Course in Lima in cooperation with the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI). It was attended by around 150 participants, including government officials and judges and prosecutors from different provinces of the country. Lectures were delivered by a WIPO consultant from Venezuela and five local speakers. Three WIPO officials also participated in the Course. The subjects discussed during the Course included the relevant provisions of the TRIPS Agreement.

*First Latin American Congress on the Protection of Industrial Property (Peru).* From November 27 to 30, 1996, WIPO organized that Congress in Lima in cooperation with INDECOPI. The Congress was opened by the Director General. It was attended by more than 300 participants from public and private sectors. Papers covering some 12 different subjects which dealt with various aspects of industrial property were presented by 10 WIPO consultants from Argentina, Brazil, Chile, Cuba, Mexico, Spain and Venezuela, four local speakers and three WIPO officials. The program covered, *inter alia*, the relevant provisions of the TRIPS Agreement.

*Third Meeting of the Administrative Committee of the Cooperation Agreement among the Industrial Property Offices of the Andean Countries (Bolivia).* In November 1996, two WIPO officials attended that Meeting in La Paz, organized by the Government of Bolivia. Officials from the industrial property offices of the five Andean countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) and from the Board of the Cartagena

Agreement (JUNAC) attended the event. The main purpose of the Meeting was to discuss present and future regional cooperation activities in the field of industrial property.

### **Assistance with Training, Legislation and Modernization of Administration**

*Argentina.* In November 1996, a WIPO consultant from the EPO undertook a mission to Buenos Aires to assist the National Institute of Industrial Property in the organization and improvement of its patent information services. The mission was funded by the EPO.

*Chile.* In November 1996, a government official held discussions with WIPO officials in Geneva regarding on-line searching in the trademark sector.

*Peru.* On the occasion of the First Latin American Congress on the Protection of Industrial Property, the Director General met with several senior government officials including the Minister of Industry, Integration, Tourism and Trade Negotiation, the Vice-Minister of Foreign Affairs, the President of the Board of Directors of INDECOPI and the Coordinator of JUNAC. The Director General was awarded by the Government the *Condecoración de Gran Oficial de la Orden al Mérito por Servicios Distinguidos* for his contribution towards the development of intellectual property in Peru.

## **Development Cooperation (in General)**

### **Training Courses, Seminars and Meetings**

*WIPO Seminar on Administrative Issues in the Patent and Trademark Procedure (The Hague/Geneva).* From November 11 to 22, 1996, 24 participants attended that Seminar organized in The Hague and Geneva by WIPO in cooperation

with the EPO, the Benelux Trademark Office (BBM) and the Netherlands Industrial Property Office. The participants came from Argentina, Belarus, Bhutan, China, Georgia, Jordan, Kyrgyzstan, Lithuania, Mexico, Nigeria, the Republic of Moldova, Tajikistan, Turkmenistan, Ukraine, Uruguay, Uzbekistan, Viet Nam and Macao.

## **WIPO Medals**

In November 1996, a WIPO official presented two WIPO medals at the 45th International Exhibition "Brussels Eureka '96" held in Brussels, one to an inventor from Morocco for the best invention from a developing country and the other to an inventor from Yugoslavia for the best invention by a woman inventor. On the same occasion, a WIPO gold medal was presented to the President of the Exhibition in recognition of

his contribution to the worldwide promotion of inventive activity.

In the same month, three WIPO medals were awarded at the Philippine National Inventors' Week '96 held in Manila, one for the best invention and the other two for the best inventions presented by students, one at high-school level and one at college level.



## Activities of WIPO Specially Designed for Countries in Transition to Market Economy

### Regional Activities

*WIPO-EPO (European Patent Office) Regional Seminar on Enforcement of Industrial Property Rights (Ukraine).* On November 11 and 12, 1996, that Seminar was organized in Kyiv by the State Patent Office of Ukraine in cooperation with WIPO and the EPO. It was attended by about 150 participants from Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. They were mainly government officials, private practitioners and industrial property managers of enterprises and research institutions. Presentations were made by four WIPO consultants from France, Germany, Sweden and the United Kingdom, a government official from Ukraine and a WIPO official. Another WIPO official also participated in the Seminar. The subjects discussed at the meeting included the further development of the Ukrainian industrial property legislation in order to comply with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

*WIPO Regional Seminar on the Role of Industrial Property in Legal Relations in Business (Uzbekistan).* On November 27 and 28, 1996, that Seminar was organized in Tashkent by the State Patent Office of Uzbekistan in cooperation with WIPO. It was attended by about 150 participants from government and business circles in the Czech Republic, Georgia, Kazakstan, Kyrgyzstan, Ukraine and Uzbekistan. The EPO was also represented. Presentations were made by three WIPO consultants from France, Germany and Slovenia and a government official from Uzbekistan. Two WIPO officials also participated in the Seminar. The subjects covered included the relevant provisions of the TRIPS Agreement.

*Interparliamentary Assembly of the CIS (Commonwealth of Independent States) Member States (IPA).* In November 1996, two WIPO officials made presentations in a roundtable discussion at the Conference on "Legislative Support

for Development of Science and Education in CIS Member States under Market Economy," organized by IPA in Saint Petersburg (Russian Federation).

### National Activities

*Hungary.* In November 1996, a government official had discussions with the Director General and other WIPO officials in Geneva concerning, *inter alia*, possible cooperation in organizing a seminar on geographical indications in that country.

*Kyrgyzstan.* In November 1996, a government official discussed with WIPO officials in Geneva WIPO's advice on several draft intellectual property laws currently under consideration in Parliament.

*Lithuania.* In November 1996, Mr. Rimvydas Naujokas, Director, State Patent Bureau, had discussions with the Director General and other WIPO officials in Geneva concerning Lithuania's possible accession to the Madrid Agreement and Protocol and to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, and ratification of the Trademark Law Treaty. Discussions concerned also WIPO's advice on the compatibility of Lithuania's industrial property laws with the TRIPS Agreement, as well as advice for the drafting of laws on the protection of geographical indications and of layout designs of integrated circuits.

*Russian Federation.* In November 1996, a WIPO official held discussions with government officials in Moscow on the three draft treaties to be considered at the WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions to be held in Geneva from December 2 to 20, 1996.

*Turkmenistan.* In November 1996, a group of 13 senior government officials and a UNDP (United Nations Development Programme) official visited WIPO as part of a study program organized by the UNDP Office in Ashgabat. They were

briefed on WIPO's activities, particularly in relation to the Madrid Agreement, the Eurasian Patent Convention and the TRIPS Agreement.

*Uzbekistan.* In November 1996, a WIPO official visited the State Patent Office in Tash-

kent, together with government officials from the patent offices of the Czech Republic, Georgia, Hungary and Slovenia. Matters of bilateral cooperation between the five above-mentioned offices, as well as cooperation with WIPO, were discussed.

## Contacts of the International Bureau of WIPO with Other Countries and with International Organizations

### National Contacts

*Portugal.* In November 1996, the Director General delivered a speech at the celebration of the 20th anniversary of the National Institute of Industrial Property. This event was organized in Lisbon in the framework of a seminar entitled "Evolution of Industrial Property in the Last 20 Years." There were some 200 participants.

*Sweden.* In November 1996, Mr. Björn von Sydow, Minister for Trade, and two other government officials held discussions with the Director General and other WIPO officials in Geneva on matters of cooperation between Sweden and WIPO.

*Switzerland.* In November 1996, a WIPO official gave a course on the international aspects of the protection of trademarks and industrial designs at the École supérieure de commerce in Geneva.

*United States of America.* In November 1996, a WIPO official attended in Washington, D.C., a meeting of the Working Group on Intellectual Property, Interoperability and Standards of the US State Department Advisory Committee on International Communications and Information Policy, which discussed mainly issues relating to trademark and Internet domain names.

### United Nations

*United Nations.* In November 1996, a WIPO official attended a meeting on Macroeconomic Policy Questions, held in New York.

*Convention on Biological Diversity.* In November 1996, a WIPO official attended the third meeting of the Conference of the Parties to the above-referred Convention, held in Buenos Aires.

*International Telecommunication Union (ITU).* In November 1996, an ITU official had discussions with WIPO officials in Geneva on the WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions to be held in Geneva from December 2 to 20, 1996.

### Intergovernmental Organizations

*Council of Europe.* In November 1996, a WIPO official attended the third meeting of the Group of Specialists on the Protection of Rights Holders in the Media Sector, held in Strasbourg (France).

*European Patent Office (EPO).* In November 1996, a WIPO official attended an extraordinary session of the EPO's Administrative Council, held in Munich.

*European Space Agency (ESA).* In November 1996, a WIPO official participated in a Colloquium on Intellectual Property and Space Activities in Europe, organized in Rome by ESA in cooperation with the Osservatorio di Proprietà Intellettuale, Concorrenza e Telecomunicazioni (CERADI).

*Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM).* In November 1996, a WIPO official attended a session of the Administrative Board of OHIM, held in Alicante (Spain).

*World Trade Organization (WTO).* In November 1996, a WIPO official attended as an observer the General Council of the WTO, held in Geneva.

Also in November 1996, a WIPO official attended as an observer a meeting of the Council for TRIPS of the WTO, held in Geneva.

### **Other Organizations**

*WIPO Informal Meeting with International Non-Governmental Organizations Interested in Matters of Industrial Property (Geneva).* On November 22, 1996, WIPO held this annual meeting, which was attended by the following seven organizations: European Brands Association (AIM), European Chemical Industry Council (CEFIC), European Communities Trade Mark Association (ECTA), European Federation of Pharmaceutical Industries' Associations (EFPIA), Institute of Professional Representatives Before the European Patent Office (EPI), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC). During the meeting, there was an extensive exchange of views

on the industrial property activities and programs of WIPO of particular interest to those organizations.

*American Intellectual Property Law Association (AIPLA).* In November 1996, a government official of the United States of America and a representative of AIPLA discussed with WIPO officials in Geneva the current activities of the United States Patent and Trademark Office (USPTO) in Latin America, as well as PCT practice.

*Association of International Librarians and Information Specialists (AILIS).* In November 1996, a WIPO official attended a meeting organized by AILIS in Geneva.

*Dutch Copyright Foundation.* In November 1996, a WIPO official participated as a speaker in a meeting organized by that Foundation in Amsterdam.

*International Chamber of Commerce (ICC).* In November 1996, a WIPO official attended a meeting of the Standing Group on Trademarks of ICC and a meeting of ICC's Commission on Intellectual and Industrial Property, both held in Paris.

*International Intellectual Property Society (IIPS).* In November 1996, a WIPO official presented a paper on the Eurasian Patent Convention at a meeting of IIPS, held in New York and attended by 25 representatives of local companies, patent attorneys and law firms.

*Internet Society (ISOC).* In November 1996, a WIPO official attended a meeting of the International Ad Hoc Committee of ISOC, held in Washington, D.C.

## Miscellaneous News

**Belarus.** The Law on Copyright and Neighboring Rights of June 19, 1996, entered into force on July 18, 1996.

**Greece.** Law No. 2435/1996 amending Law No. 2121/1993 (Copyright, Related Rights and Cultural Matters), entered into force on August 20, 1996.

**Ukraine.** The Law on Protection Against Unfair Competition of July 7, 1996, entered into force on January 1, 1997.

**United States of America.** The Economic Espionage Act of 1996 (Public Law 104-294 (H.R. 3723) of October 11, 1996) entered into force on the same date.

## Recent WIPO Publications

The following new publications<sup>1</sup> were issued by WIPO in November 1996:

*Conference on Mediation, Geneva, March 29, 1996* (in French), No. 750(F), 180 pages, 20 Swiss francs.

*Implications of the TRIPS Agreement on treaties administered by WIPO* (in English, French and Spanish), No. 464(E)(F)(S), 83 pages (E), 89 pages (F) and 87 pages (S), 10 Swiss francs.

*Industrial Property Statistics 1994 (Publication B--Part II: Trademarks and Service Marks, Industrial Designs, Varieties of Plants, Microorganisms)* (in English/French), IP/STAT/1994/B, 535 pages, 60 Swiss francs.

*Madrid Agreement Concerning the International Registration of Marks, Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, and Regulations*

(as in force on April 1, 1996) (in German), No. 204(G), 131 pages, 15 Swiss francs.

*WIPO Arbitration and Mediation Center--Guide to WIPO Mediation* (in French), No. 449(F), 16 pages, free.

*WIPO Catalogue of Publications 1996/97* (in English), 44 pages, free.

<sup>1</sup> WIPO publications may be obtained from the Publications Sales and Distribution Section, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (E for English, F for French, G for German, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

## Calendar of Meetings

### WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

**1997**

**March 18 and 19 (Geneva)**

#### **Coordination Committee of WIPO**

The Committee will meet in extraordinary session in order to nominate a candidate for appointment to the post of Director General of WIPO.

*Invitations:* States members of the WIPO Coordination Committee and, as observers, States members of WIPO not members of that Committee.

**March 20 and 21 (Geneva)**

#### **General Assembly of WIPO, Coordination Committee of WIPO, Assembly of the Berne Union**

These three Bodies will, in extraordinary session, discuss the schedule and methods of the preparatory work on a protocol (to the WIPO Performances and Phonograms Treaty (WPPT)) concerning audiovisual performances and a treaty concerning intellectual property in databases. The Coordination Committee will also consider staff matters.

*Invitations:* As delegates, States members of the General Assembly of WIPO, the Coordination Committee of WIPO and/or the Assembly of the Berne Union, respectively; as observers, other States members of the United Nations, and certain intergovernmental organizations.

**March 21 (New York)**

#### **WIPO Arbitration Conference**

The Conference will provide a detailed review of the arbitration of intellectual property disputes under the WIPO Arbitration and Expedited Arbitration Rules. Representatives of WIPO, legal scholars and private practitioners will make presentations and conduct discussions on all important aspects of the said Rules, under the following headings: arbitration of intellectual property disputes and arbitration in the age of high technology; the arbitration clause; constituting the panel; interim relief; the conduct of the proceedings; the award; and the costs of arbitration.

*Participation:* Any person, against payment of a registration fee.

**April 8 to 10 (Phuket, Thailand)**

#### **UNESCO/WIPO World Forum on the Protection of Folklore**

The World Forum—organized by UNESCO and WIPO in cooperation with the Government of Thailand—will review all the important aspects of the protection of folklore. It will also deal with the question of what legal measures may be envisaged in this field at the national and international levels.

*Invitations:* States members of UNESCO and/or WIPO, certain intergovernmental and non-governmental organizations and any person who sends his registration form up to March 14, 1997.

**April 14 and 15 (Geneva)**

#### **WIPO Budget Committee and WIPO Premises Committee**

The two Committees will continue to consider, in a joint session, matters concerning WIPO's needs for new premises.

*Invitations:* States members of the Committees and, as observers, other States members of WIPO.

- April 16 to 18 (Geneva)**      **WIPO Budget Committee**  
 The Committee will consider the draft program and budget for the 1998-99 biennium, the arrears of contributions of developing countries and the accounts of the 1994-95 biennium.  
*Invitations:* States members of the Committee and, as observers, other States members of WIPO.
- April 28 to 30 (Manila)**      **WIPO World Symposium on Broadcasting, New Communication Technologies and Intellectual Property**  
 The World Symposium—organized in cooperation with the Government of the Philippines—will review the present status and possible improvement of the legal regulation of the rights and obligations of those organizations (broadcasters, cable distributors, Internet, etc.) which make available to the public programs containing protected works, broadcasts, performances and phonograms.  
*Invitations:* States members of WIPO and certain intergovernmental organizations, and—against payment of a registration fee—non-governmental organizations and any person.
- May 14 to 16 (Sevilla, Spain)**      **WIPO International Forum on the Exercise and Management of Copyright and Neighboring Rights in the Face of the Challenges of Digital Technology**  
 The International Forum—organized in cooperation with the Government of Spain—will review the principles and practical aspects of the management of copyright and neighboring rights, with special attention to the management of such rights in a digital environment, particularly on the Internet.  
*Invitations:* States members of WIPO, certain intergovernmental and non-governmental organizations and—against payment of a registration fee—any person.
- June 23 to 27 (Geneva)**      **Committee of Experts on the Patent Law Treaty**  
 This (the fourth) session of the Committee of Experts will continue to examine draft provisions for the planned Patent Law Treaty.  
*Invitations:* As members, States members of WIPO and/or the Paris Union; as observers, other States members of the United Nations and certain organizations.
- September 3 to 5 (CICG,<sup>1</sup> Geneva)**      **WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**  
 The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (May 1994) and make recommendations on the future orientation of the said Program.  
*Invitations:* States members of the Committee and, as observers, States members of the United Nations, not members of the Committee and certain organizations.
- September 22 to October 1 (Geneva)**      **Governing Bodies of WIPO and the Unions Administered by WIPO**  
 All the Governing Bodies of WIPO and the Unions administered by WIPO will meet in ordinary session.  
 They will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1995, decide the program and budget of WIPO for the 1998-99 biennium and appoint the new Director General.  
*Invitations:* States members of these Governing Bodies; other States; certain organizations.

<sup>1</sup> CICG: International Conference Center Geneva/Centre international de conférence de Genève.

## UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

### 1997

**April 29 (Geneva)**

**Consultative Committee (Fifty-Third Session)**

*Invitations:* Member States of UPOV.

**October 27 (Geneva)**

**Administrative and Legal Committee (Thirty-Seventh Session)**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

**October 28 (Geneva)**

**Consultative Committee (Fifty-Fourth Session)**

*Invitations:* Member States of UPOV.

**October 29 (Geneva)**

**Council (Thirty-First Ordinary Session)**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

