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WIPO 1998

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New Program and Budget 1998-99

On March 27, 1998, the Assemblies of the member States of WIPO approved the Program and Budget for 1998 and 1999 as presented by WIPO's Director General, Dr. Kamil Idris.

This adoption crowned a period of intense preparations by the WIPO Secretariat, that included three rounds of informal consultations between the Director General and the member States and a number of informal exchanges of views with relevant private sector interest groups.

The approval by the member States was a milestone in Director General Idris' initiative to ensure, in a context of consensus-building, that accountability and transparency are reflected in every aspect of the planning, formulation and implementation of the Organization's policies and activities.

The Program and Budget is so designed that it offers a system of benchmarks by which the Secretariat and the member States are able to monitor and evaluate the work carried out in the course of the 1998-99 biennium.

Four challenges: The Program and Budget is designed to meet four challenges:

- The challenge of **relevance:** WIPO and its Program must remain relevant to the priorities of its member States, the private sector, civil society, non-state actors and to new technologies.
- The challenge of **governance:** WIPO's decision-making bodies, working methods and procedures must be streamlined, simplified, cost-effective and results-oriented.
- The challenge of **influence:** in particular, WIPO's influence and contribution to the progressive development of international harmonized principles and rules, the building of institutions that leave a lasting legacy in developing countries, the development of global systems and services for the protection of intellectual property, and the use of modern information technologies.
- The challenge of promoting a positive **corporate and public image** for intellectual property generally, and, WIPO, in particular in order to promote positive understanding of, and provide positive information about, intellectual property and to encourage respect for and protection of such property.



(Photo: Karin Hedinger)

Mrs. Sheila Batchelor of Canada (third from the right), Chair of the WIPO General Assembly, addressing the delegates.

Facts and figures: WIPO's budgeted income for the two years of 1998 and 1999 is of the order of nearly 400 million Swiss francs (an increase of 31 percent compared to 1996-97) and its budgeted expenditures amount to nearly 383 million Swiss francs (an increase of 25 percent on 1996-97), generating an expected surplus of about 17 million Swiss francs. Resources for cooperation for development and the WIPO Worldwide Academy (both to benefit developing countries and certain European and Asian countries) amounted to about 60 million Swiss francs, representing a variation of +35 percent over the previous biennium. Thanks to the improved financial situation and greater efficiency, fees payable for international applications made under the PCT were reduced by 15 percent (effective January 1, 1998) and contributions by member States are to be reduced by 10 percent with effect from January 1, 1999.

Principal new features: Services traditionally provided by the WIPO Secretariat to member States, particularly its clients in the business sector, are to be further enhanced. With a view to improving the Organization's responsiveness to international trends and technological developments, and its capacity to anticipate and meet the needs of the market sector and users of global protection systems, two independent bodies, which will give advice to the Director General are to be created: the **Policy Advisory Commission** that will comprise high-level experts from a wide range of policy backgrounds, whose role will be to identify and review issues that may need to be addressed by WIPO, or that may have a bearing on its operations, and to formulate policy recommenda-

tions; and the **Industry Advisory Commission** which will serve to strengthen WIPO's dialogue with its constituents in industry and the market sector.

In order to accelerate the development of international harmonized common principles and rules, mechanisms other than treaties to promote harmonization will be explored. Thus, **standing committees** will be created to study issues of patent law, trademark law and copyright law. Those committees will look into such matters as the harmonization of patent application requirements, protection of well-known marks, the use of trademarks on the Internet, the rights of performers in respect of audiovisual performances, intellectual property in databases, the rights of broadcasting organizations, distributors of cable-originated programs and alternative services, including on-line, dispute-resolution services to private parties. Further, WIPO will contribute its expertise in the field of intellectual property to international discussions on such crucial current issues as the protection of folklore, biodiversity, and the environment. The development of a global information network and enhanced intellectual property public information services also number among the Organization's key priorities.

WIPO will continue to assist developing and other countries in bringing their national legislative and administrative structures into conformity with the **Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement)** and will continue its work in helping those countries improve laws, administrative infrastructures and en-

forcement capacities. WIPO will also seek to substantially raise the quality of human resources of such countries through the creation of the WIPO Worldwide Academy, which will include distance learning facilities. In this way, all concerned, be they administrators, government officials, enterprises, the research community, academia, the legal profession or, above all, members of those communities and social groups which have not yet had effective access to the system, may truly reap the benefits of intellectual property protection. It is hoped that, thereby, national intellectual property assets can be utilized for productive economic gain and for the enhancement of cultural and artistic life.

Information Technology Projects: Resources for the worldwide registration services (for patents, trademarks and industrial designs) show an increase of 17.4 percent. Forty million Swiss francs will be drawn from a special reserve fund earmarked for additional premises and computerization to enhance computerization of the Patent Cooperation Treaty (PCT) operations, and an additional amount of about 24 million francs from the same fund will be used for the creation of a global information network and enhancement of information technologies within WIPO. The objective of the global information network project is to link, by using information technologies, the member States of WIPO, thereby enabling them to store, exchange and access intellectual property information in a fast and efficient way, taking advantage of public electronic networks.

Excerpts from Dr. Idris' Speech on the Challenges Facing WIPO

(Fordham University School of Law,
United States, March 2, 1998)

Let me take the few minutes we have here this evening to tell you about the World Intellectual Property Organization and our vision for the future.

National laws in the field of intellectual property date back hundreds of years. These laws easily predate the Paris and Berne Conventions, the 19th century Conventions to which WIPO traces its origin. Also prior to the Paris and Berne Conventions, the founding fathers of the United States enshrined patent and copyright protection in the Constitution, thereby adding, in the wonderful phrase of a young lawyer and inventor by the name of Abraham Lincoln, "the fuel of interest to the fire of genius." It is



(Photo : United States Patent and Trademark Office)

Dr. Kamil Idris addressing the Fordham University School of Law.

clear that the intellectual property laws of this nation lie close to its heart.

And yet, all of us know that laws for the protection of intellectual property are not static but change in concert with changes in technology and society. Take for example biotechnology. It has existed for millennia in the form of traditional plant and animal husbandry and breeding. In recent years, however, biotechnology has given us insights into the basic building blocks of life itself. These insights have given rise to promise and problems, including in the field of intellectual property.

It is by now cliché to say that information technology has revolutionized the way in which we live, work and communicate. This technology has certainly “pushed the envelope” for traditional forms of intellectual property protection. Indeed, in the 1980s the envelope was found to be too small and a *sui generis* form of protection for the layout designs of integrated circuits was introduced.

The evolution of technology and consequent change to laws and society is not new. In 1776, just prior to the drafting of the U.S. Constitution, Adam Smith stated in *The Wealth of Nations* that the labor of persons we now call performers “perishes in the very instant of its production.” Because of this, he felt that the work of performers created little wealth.

In 1776 it was not possible, of course, to fix a performance in a tangible medium. Today, a multi-billion dollar world-wide industry has been built around the fixation of performances in videos, cassette tapes, and compact disks. The broadcast or transmission of such performances—including through the Internet—enhances their potential for creating wealth. It also heightens concern for their protection.

We have seen similar, rapid development across the spectrum of services and manufactured goods. It is a principal goal of mine that WIPO stay abreast of these developments. We must remain relevant to the technologies and businesses of the future and the wealth they can create.

The evolution of intellectual property is not entirely driven by technological change. Recent years have seen increased attention to intellectual property considerations in the policy-making mainstream, at both national and international levels, in a wide range of legal, technological, economic, commercial and social fields. This implies a broader and more diverse constituency with new challenges.

The environment in which we work may change, but our mission remains clear. It is as stated in the WIPO Convention: “to promote the protection of intellectual property throughout the world.”

There are, in my view, four challenges to WIPO in realizing our vision:

First is the challenge of relevance. WIPO and its program must remain relevant to:

- the priorities of member States;
- the private sector;
- civil society and non-state actors; and
- new and emerging technologies.

Second is the challenge of governance. The decision making bodies, working methods and procedures must be streamlined, made simpler, cost effective, and results oriented.

Third is the challenge of influence. I know well the challenges to the influence of WIPO in a number of areas, including:

- the progressive development of international-harmonized principles and rules;
- building institutions that leave a lasting legacy in developing countries;
- the development of global systems and services for the protection of intellectual property; and
- the use of modern information technologies.

Fourth is the challenge to what I call the “corporate image” of intellectual property generally and, specifically, WIPO. We must—all of us—redouble our efforts to reach out to all segments and sectors of the global society to provide positive information about intellectual property and encouragement to protect it. In this way, intellectual property for all by the next millennium may be assured.

The program of activities takes cognizance of these challenges and proposes ways in which WIPO may address them.

To maintain relevance and influence, WIPO must have direct contact with its constituents. For instance, without engaging in a dialog with our constituents in industry, we cannot know the problems that confront them and the demands those problems place on the international intellectual property system.

Governance and relevance will be improved through a range of enhanced consultative mechanisms, including the establishment of two Advisory Commissions. The first is the Policy Advisory Commission which will include individual experts from a wide range of policy backgrounds—potentially both governmental and non-governmental. Their job will be to identify and review issues that may need to be addressed by WIPO, or that may have a bearing on its operations, and formulate policy options to address those issues.

The second is the Industry Advisory Commission. The members of this commission, coming from industry, will advise WIPO of ways in which industry could work with WIPO to best implement our program of activities. Moreover, they will be called upon to look over the horizon and apprise WIPO of where their industries are headed and the implications for intellectual property.

Both of these commissions are advisory—they have no legislative or constitutional power in WIPO. They are think tanks—a forum for dialog. Both Commissions are a sort of early warning system for problems and opportunities.

To rise to the challenges I have enumerated, WIPO must be nimble. The pace of change in the intellectual property domain calls for a consideration of new options for accelerating the development of international harmonized common principles and rules. One option is to make better use of mechanisms other than treaties to establish these common principles and rules. I do not propose the elimination of treaties as an option. Rather, I propose expanding the available options so we can choose those that meet our needs at the moment.

Being imaginative about setting common principles or rules is particularly important when you consider the work on WIPO's plate. This work includes:

- the harmonization of patent formalities;
- the protection of well-known marks;
- the use of trademarks on the internet;
- the rights of performers in respect of audiovisual performances;
- intellectual property in databases;
- the rights of broadcasting organizations distributors of cable-originated programs; and
- offering alternative dispute resolution services to the private parties, including on-line through electronic communications.

Meeting the challenges I have identified will require WIPO to adopt modern information technologies in all aspects of its operations.

The use of information technology as a tool for enhancing WIPO's communications is crucial. Our program calls for us to apply information technology comprehensively in WIPO's operations, particu-

larly through the proposal for a global information network. Such a network will be available for improved development of human resources, for on-line resolution of intellectual property disputes, and for the dissemination of intellectual property information.

The forthcoming biennium concludes with a major milestone: on January 1, 2000, many developing and other countries are due, as members of the World Trade Organization, to bring their national legislative and administrative structures into conformity with the TRIPs Agreement.

WIPO will continue its work to improve laws, administrative infrastructures, and enforcement capabilities. It is not enough, however. We must be cognizant of the need for grass roots support and the political will to breathe life into the law and institutions dedicated to the protection of intellectual property. Hence, WIPO will seek to increase the human capacity of developing countries so that all concerned—administrators, government officials, enterprises, the research community, the legal profession and above all those communities and social groups who have not yet had effective access to the system—can reap the benefits of intellectual property protection.

TRIPs implementation and related modernization is much more productive when it goes beyond uncritical implementation of international standards to an implementation through which countries identify their potential intellectual property assets and protect them more effectively. Only in this way can a country advance and secure a more competitive position in the global market place.

I think Mark Twain, the American humorist, author, and inventor, had this in mind when he said that "a country without a patent office and good patent laws was just a crab, and couldn't travel any way but sideways and backwards."

In closing, I would like to leave you with one thought.

I am acutely aware of the dual character of WIPO. We serve the international community of States. WIPO also serves the interests and needs of a large, dynamic and growing group of market-oriented users of our intellectual property protection systems and services.

I believe that working together with all of our constituencies, sharing the risks and rewards in an open and transparent manner, we can all accomplish together what we could never accomplish alone.

Visits

WIPO Director General Visits United States Intellectual Property Community

In March, Dr. Kamil Idris made his first visit to the United States of America since becoming Director General of the World Intellectual Property Organization. The visit, which took place from March 1 to 6, 1998, was at the invitation of Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Bruce Lehman. During the visit, Dr. Idris met with senior officials in the Government and with leaders of industries in the United States for which intellectual property protection is critical. The industries included those in the pharmaceutical, biotechnology, television, motion picture, software, publishing, information (database), multimedia, and recording fields.

Dr. Idris spoke to the International Intellectual Property Society at Fordham University School of Law in New York City (see excerpts from this speech on page 4) and to the Intellectual Property Law Section of the State Bar of California. At both events, Dr. Idris stated a principal goal of his, that WIPO stay abreast of the rapid changes taking place in the technological, legal, economic and cultural spheres. According to Dr. Idris, WIPO must achieve this goal to ensure its relevance "to the technologies and business of the future and the wealth they can create," and thereby to better carry out the Organization's mission of promoting the protection of intellectual property throughout the world.

In Washington D.C., the Director General had meetings with Mr. William M. Daley, Secretary of Commerce, Mr. Robert Mallett, Deputy Secretary of Commerce, Mr. Bruce Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks and Mr. Princeton Lyman, Assistant Secretary of State.

In New York, Washington D.C., Groton, Connecticut, Los Angeles, and San Francisco, the Director General met with leaders of business, industry, and legal associations which have an interest in intellectual property. In particular, he met with leaders of the International Intellectual Property Society, the Intellectual Property Owners, Inc., the International Intellectual Property Alliance, the American Intellectual Property Law Association, the International Trademark Association, institutions involved in copyright protection, including the North American National Broadcasters Association, the Recording and Industry Association of America, the



(Photo: United States Patent and Trademark Office)

Dr. Kamil Idris with Mr. Bruce Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

Association of American Publishers, the Software Publishers Association, the J. Paul Getty Center, the Motion Picture Association of America, the Information Industry Association, the Commercial Internet Exchange Association, various other bar, law and civic associations, research centers in Northern California, and major companies which make regular use of WIPO's international facilities for the registration of patents.

This visit was part of Dr. Idris' special efforts to enhance WIPO's dialogue with member States and the private sector on intellectual property affairs, and to promote a better understanding of such matters in government, business, legal, and research circles as well as among the general public.

It also served to further strengthen the very solid ties, at all levels, between WIPO and the United States of America.

The Prime Minister of Côte d'Ivoire Visits WIPO

On Wednesday, February 4, 1998, His Excellency Mr. Daniel Kablan Duncan, Prime Minister of the Republic of Côte d'Ivoire, paid a visit to WIPO headquarters in Geneva where he was received by Dr. Kamil Idris.

Mr. Duncan expressed his pleasure at the presence at the head of the World Intellectual Property

Organization, for the first time in its history, of a Director General from the African continent, which was a particularly encouraging sign for Africa.

During their informal discussions, the Prime Minister and the Director General of WIPO looked at the progress of the long-standing cooperation between Côte d'Ivoire and WIPO and at ways of intensifying all its aspects in the 1998-99 Program and Budget. The Director General described the projects of the Organization for 1998 and 1999, particularly with respect to cooperation with developing countries. The prospects for future cooperation between the Côte d'Ivoire and the International Union for the Protection of New Plant Varieties (UPOV) was discussed, as was cooperation between WIPO and the African Intellectual Property Organization (OAPI) of which Côte d'Ivoire is a member.

The Prime Minister further invited the Director General to pay an official visit to Côte d'Ivoire.

Dr. Kamil Idris Visits Paris

On Tuesday, February 24, 1998, Dr. Kamil Idris paid an official visit to Paris at the invitation of the French Government. This was his first official visit to France since assuming his duties in November 1997.

Dr. Idris had talks with Hubert Védrine, Minister for Foreign Affairs, Catherine Trautmann, Minister for Culture and Communication and Spokeswoman

for the Government, and Christian Pierret, State Secretary for Industry. Dr. Idris also had discussions with Daniel Hangard, Director General of the National Institute of Industrial Property of France (INPI), and attended a special session of the INPI Administrative Council.

The progress of the long-standing cooperation between France and WIPO was the subject of discussions between members of the French Government and senior representatives of the French administration and the Director General. Dr. Idris thanked the French Government for the extra budgetary funds that France had made available to numerous developing countries through the WIPO Cooperation for Development program. He further presented the guiding principles of Organization's new policies and the main lines of the Program and Budget for 1998-99. The manifold prospects for improving the protection of intellectual property rights (patents, trademarks, industrial designs and literary and artistic property), that are of considerable importance to this member State, were also discussed. In-depth thought was further devoted to the prospects opened up for the protection of intellectual property rights by the new information technologies and the role of the French language was also broached, particularly with regard to the dissemination of information technology. Finally, a most positive review was conducted of the prospects for developing the WIPO Worldwide Academy and the dissemination of knowledge of intellectual property throughout the world.

It was agreed that the very substantial cooperation between France and WIPO would continue to be the subject of regular consultation meetings.

Cooperation for Development

The WIPO Worldwide Academy

The fact that the human element is crucial to deriving benefit from the intellectual property system was the underlying factor in the creation of the WIPO Worldwide Academy. The Academy has since become the central body responsible for the development of human resources within WIPO. Its purpose is to spread knowledge of the intellectual property system throughout the world and make the use of the system more effective.

The long-term objective of the Academy is to devise and implement modern intellectual property training programs, and its short-term objective is to modernize, rationalize, and perfect up-to-date

training programs, and systematically monitor their effectiveness.

Another aspect of the Worldwide Academy's work is to broaden and link its various target groups in all member States, particularly developing countries, and stimulate interest and participation in the development and modernization of the intellectual property system. Common training approaches that build on synergistic and multi-sectoral interests and international cooperation are sought so that they may be developed and implemented by the Academy.

In order to determine their relevance and effectiveness, the Academy's activities are subjected to systematic evaluation after they have taken place.

Distance learning strategies have been embraced by the Academy as part of its global human resources development program. This is based on a concept of supported self-learning using modern communication and educational technologies such as special books, workbooks, CD-ROMs, broadcast programs, teleconference and video-conference based programs and the Internet. It takes place outside the normal face-to-face class-room situation, that is, in the student's place of work or home or in a university environment. It is one of the most efficient and economical ways of reaching out across the globe, and enables training and learning to be delivered to where it is needed, or "on demand."

In general terms, the Academy's responsibilities are to devise and progressively implement new training programs and to supply the teaching and multimedia materials necessary for the training and development of a network of information on current or emerging intellectual property issues.

Distance learning program modules of the Academy will cover introductory level instruction on the basic principles of the intellectual property system and general information on its uses in economic, social, cultural, and technological development. The development of more advanced treatment of selected subjects is also envisaged.

The Academy is responsible for establishing a distance-learning center and also a pedagogical guidance and information service on intellectual property topics.

Every year it holds a series of general orientation sessions for the benefit of officials responsible for intellectual property administration and another, more specific one for the benefit of senior officials responsible for the conduct of national intellectual property policy.

It grants fellowships and internships of short and longer duration to national officials responsible for intellectual property administration and, in certain cases, in agreement with certain national teaching organizations, it will issue certificates attesting training received under one of its programs.

More specifically, the Academy is responsible for the implementation of the following four sub-programs:

- information technology-based training,
- teaching and advisory services;
- inter-regional training courses, fellowships and internships;
- forums on intellectual property for policy advisors and general orientation and learning conferences.

Seminar on Intellectual Property Licensing and Dispute Resolution in Cairo

On October 24, 1997, the WIPO Arbitration and Mediation Center concluded a Cooperation Agreement with the Cairo Regional Centre for International Commercial Arbitration (the Cairo Centre) whereby, both institutions agreed to cooperate in a number of areas of mutual interest, including the organization of conferences, seminars and training programs for the promotion and better understanding of alternative dispute resolution procedures.

The Cairo Centre, non-profit-making independent international organization established in 1978 following a decision of the Asian-African Legal Consultative Committee (AALCC) and following an agreement concluded between the AALCC and the Egyptian Government, administers procedures for arbitration, conciliation, and technical expertise under the United Nations Commission on International Trade Law (UNCITRAL) Rules. Its activities aim at contributing to the economic development in the countries of Asia and Africa through the specialized services provided for the settlement of international commercial and investment disputes.



(Photo : Ola Zahran)

The opening ceremony at the Seminar on Intellectual Property Licensing and Dispute Resolution held in Cairo on March 9 and 10.

On March 9 and 10, 1998, WIPO and the Cairo Centre organized a Seminar on Intellectual Property Licensing and Dispute Resolution in Cairo, Egypt. This was the first joint activity organized in collaboration with the Cairo Centre since the conclusion of the Cooperation Agreement.

The Seminar was opened by Dr. Ahmed Esmat Abdel Maguid, Secretary-General of the League of Arab States and President of the Board of the Cairo Centre. In addition, opening statements were made by Dr. Mohamed Aboul-Enein, Director of the Cairo Centre, who is also Vice-President of the High Constitutional Court of Egypt, by Mr. Vladimir Yossifov, on behalf of the Director General of WIPO, and by Mr. Jernej Sekolec, Representative of UNCITRAL.

The Seminar was attended by more than 110 participants coming from Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Oman, Palestine, Saudi Arabia, Sudan, Syria and the United Arab Emirates. The participants were mostly private lawyers, university professors, representatives of industrial and commercial companies and government officials.

WIPO officials, foreign and local experts in the field of intellectual property and/or arbitration made presentations on the following topics:

- Negotiating Terms and Conditions of Technology Transfer Arrangements;
- Legal Framework for the Transfer of Technology;
- Licensing as a Means for Transfer of Technology;
- Intellectual Property Exploitation and Valuation;
- The Conduct of an Arbitration: UNCITRAL Rules and UNCITRAL Notes on Organizing Arbitral Proceedings;
- Experience of the Cairo Regional Centre for International Commercial Arbitration;
- The Increasing Use of Alternative Dispute Resolution Procedures in Intellectual Property Disputes;
- Licensing and the Arbitrability of Intellectual Property Disputes in the Arab Region.

The presentations were followed by discussions, during which the participants contributed to the debates which took place and made recommendations reflecting a number of interests and concerns in the region and in particular concerning the need to:

- Strengthen the skills of negotiators in the field of technology transfer contracts in order to ensure a balance of rights and obligations between the licensor and the licensee;
- Emphasize the important role of contracting parties in regulating the relationship between the licensor and the licensee in a manner which does not contradict legitimate commercial practices;

- Revise the contractual clauses which could be considered as obstacles to commerce in the sense of recognized international commercial practices and to reconsider the classification of white clauses (i.e. permitted clauses), black clauses (i.e. forbidden clauses) and gray clauses (which fall in between beneficial and harmful) in order to ensure the interests of the licensee;
- Encourage developing and least developed countries to adopt appropriate measures for ensuring a positive transfer of technology in a manner which does not contradict the Uruguay Round Agreements and in particular the TRIPs Agreement.
- Diversify the sources of technology in order to provide for the license seeker the most appropriate and economic choices within the framework of legitimate and fair competition between potential licensors;
- Promote the role of arbitration and other alternative dispute resolution procedures as the most effective means for the settlement of disputes emerging from technology transfer contracts and in particular those involving intellectual property rights in accordance with objective, transparent and equitable rules;
- Confirm the separation between the applicable law chosen by the contracting parties and the competent dispute settlement authority;
- Recall the international obligation of states to adopt appropriate legislation to fight restrictive commercial practices and in particular in the context of unfair competition;
- Call on legislators and experts in Islamic Shari'a to stress the importance of resorting to peaceful settlement of disputes as the most time and cost-effective means; and,
- Confirm the importance of cooperating with internationally recognized centers such as the Cairo Regional Centre for International Commercial Arbitration and the WIPO Arbitration and Mediation Center in order to achieve these objectives.

At the closing ceremony, the participants praised the outstanding substantive and administrative conduct of the sessions and extended their thanks to the speakers for their remarkable contributions and to all those who enriched the debate by sharing their opinions and comments, rendering the dialogue more constructive and fruitful.

Finally, the participants expressed their thanks to Dr. Kamil Idris, Director General of WIPO, and Dr. Mohamed Aboul Enein, Director of the Cairo Regional Centre for International Commercial Arbitration.

Arbitration and Mediation

WIPO On-Line Dispute Resolution Procedures for Domain Names and Other Intellectual Property Disputes

The need for efficient dispute resolution

The amount of intellectual input and components subject to intellectual property rights has increased dramatically over the last decade. As Internet technologies and applications evolve, the emergence of electronic commerce, a new means for the use and transfer of intellectual property, has begun to influence significantly the way companies do business. The legal issues surrounding intellectual property on the Internet have proliferated, giving rise to complex disputes. As the current trend continues, the expansion of electronic commerce on the Internet may soon lead parties to prefer to settle disputes arising out of such commerce in the same manner as such commerce is conducted.

The WIPO Arbitration and Mediation Center is developing an on-line, Internet-based system for administering commercial disputes involving intellectual property. Based on its mandate to facilitate the resolution of intellectual property disputes, the Center offers its services to all interested parties. Initially, the Center's on-line system is made available for disputes involving Internet domain names, where an immediate need is expected to arise and where certain assumptions can be made about the technical sophistication of the parties.

Internet domain name disputes

Internet domain names are the addresses of Internet sites that the public may use to access the computer system of the owner of the address. Domain names normally consist of at least two levels. The "top-level" refers to a general category in which users may register their second-level domain names. The "second-level" domain name usually corresponds to an individual's name, a company name, a trademark or another identifier composed of letters or numbers. This second-level domain name may be registered in (that is, together with) one or more top-level domains. The second-level domain name appears to the left of the "dot" from the top-level domain (for example, in "wipo.int", ".int" is the top-level domain name, and "wipo" is the second-level domain name).

The potential for disputes to arise as result of domain name registrations, and the benefits of alternative on-line procedures for resolving such disputes, are acknowledged in the Proposal to Improve Tech-

nical Management of Internet Names and Addresses, recently published by the United States Department of Commerce.¹ On March 23, 1998, the WIPO Secretariat submitted comments on this "Green Paper." The Green Paper recognizes that, where a trademark is unlawfully used as a domain name, consumers may be misled about the source of the product or service offered on the Internet, and that, currently, trademark owners may not be able to protect their rights without very expensive litigation. The Green Paper concludes that mechanisms that allow for on-line dispute resolution could provide an inexpensive and efficient alternative to such litigation.

In its appendices on Recommended Registry and Registrar Requirements, and on Minimum Dispute Resolution and Other Procedures related to Trademarks, the Green Paper recommends that registration systems include alternate dispute resolution, providing a timely and inexpensive forum for trademark-related complaints, in a manner consistent with applicable national laws and compatible with any available judicial or administrative remedies.

In recognition of the need for such efficient procedures, several domain name registration systems have agreed to use the Center's new on-line procedures:

- the international system proposed by the "Memorandum of Understanding on the Generic Top-Level Domain Name Space of the Internet Domain Name System" (gTLD-MoU).²
- the INternet ONE system, a newly established domain name system operated by a newly established non-profit entity in which domain names are registered in a shared indexing system.³

While the Center's on-line facility lends itself particularly well to such domain name registration systems, the Center envisages that its on-line service will, from mid-1998, be available for other types of intellectual property disputes also.

On-line administration of disputes

A novel feature of WIPO's new dispute-resolution mechanisms is their on-line character. Parties will use digital communications to the maximum ex-

¹ See www.ntia.doc.gov/ntiahome/domainname/dnsdrft.htm.

² See www.gtld-mou.org.

³ See www.internetone.wipo.int.

tent possible in the dispute-settlement procedures. They will be able to file requests by completing an electronic form. With the exception of original documentary evidence, all submissions may be exchanged on-line through secure channels. In addition, parties and neutrals will be able to communicate simultaneously (using electronic “chat” as well as, when available, audio and televideo facilities), thereby reducing the need for other potentially time-consuming and expensive means of communication and in-person meetings and hearings. It is expected that the on-line mechanism will also increase speed in the procedures while reducing costs, so that parties will prefer this alternative “forum” for its overall efficiency.

The development of the technical infrastructure necessary to support the proposed system has presented a major challenge for the Center. The system is Internet-based, meaning that users may access the procedures through the Internet site of the WIPO Center. The site will include such functions as forms for filing cases, automatic notifications, an electronic fee system, secure facilities for the on-line exchange of documents, links to real-time communication tools, as well as back-end databases to support the proper logging and archiving of documents and transactions.

The legal infrastructure needs to accommodate the on-line character of the proceedings. While the existing WIPO rules will remain in effect, the Center has been engaged in an effort to produce adapted versions of these rules.

Dispute resolution for domain names in the proposed gTLD-MoU system

WIPO has been designated to administer dispute resolution procedures for registrations in the proposed gTLD-MoU system. The presently foreseen dispute resolution alternatives, which aim to avoid the inherent limitations of national judicial remedies in dealing with conflicts of international dimension, are as follows:

- the on-line *Administrative Challenge Panel (ACP) Procedure*, an administrative procedure addressing only the parties’ rights with respect to a domain name and excluding any possibility of obtaining monetary relief (other than the costs of the proceeding);⁴
- on-line *WIPO Mediation*;
- where mediation is unsuccessful and the registrant has not opted out, on-line *WIPO Expedited Arbitration*.

A third party considering that its rights are violated by a domain name registration could, without prejudice to any applicable rights to initiate court litigation, require the domain name registrant (who

would be bound by virtue of the registration terms and conditions) to submit to any of these procedures.

Disputes, of course, would not be decided by the WIPO Center itself, but by the ACP panelist(s), mediator(s) or arbitrator(s) who would be constituted in accordance with WIPO procedures and on the basis of the WIPO List of Neutrals. Any decision resulting from these procedures would be directly implemented by the Council of Registrars (CORE) for the new system, by making appropriate changes in the CORE database. Thus, there is a built-in enforcement mechanism.

Dispute resolution for domain names in the INternet ONE system

WIPO has also been designated to administer dispute-resolution procedures for the newly established INternet ONE domain name system. The INternet ONE system seeks to facilitate users’ access to domain names by creating a shared domain name depository, enabling entities with identical names to co-exist on the Internet. When matching domain names have been registered in this system by two or more parties, a “distinguishing information page” will appear, listing not only the domain name for each entity, but also providing associated text identifying and describing each party as well as hyper text links to their own Internet sites.

Unless a third party chooses litigation, on-line *WIPO Expedited Arbitration* procedures, tailored for the INternet ONE system, will be applied in case such a dispute arises. The dispute-resolution mechanism is restricted to the issues of rights with respect to the domain name and the corresponding listing information. A decision resulting from these procedures will be implemented directly by INternet ONE.

Training sessions

Between March and April 1998, the WIPO Center undertook a series of one-day training programs to examine implications concerning dispute resolution in the on-line context. The objective of the programs was to train neutrals on WIPO’s List both in the use of the legal procedures and in the on-line tools that will be an essential part of the new procedures. The sessions also explored, in particular, new techniques that may be applied to facilitate settlement procedures given that communications may take place primarily through the on-line medium. Those individuals interested in participating in these training sessions should contact the Center.

⁴ The procedure is designed to focus on one single issue: which party has superior rights with respect to a particular domain name.

⁵ See www.arbiter.wipo.int

Information Technology

Global Information Network Project

The establishment and operation of a WIPO Global Information Network is a new activity for the biennium 1998-99. The objectives of this project are to:

- provide fast and cost-effective communications for the intellectual property community worldwide, taking advantage of available public networks
- facilitate access to intellectual property information by developing countries, thereby providing a tool for technology transfer and economic development to the benefit of these countries and their inventors, industry, universities, research, and development institutions.
- improve the interaction between the intellectual property community members, thus enhancing the protection and enforcement of intellectual property rights.

WIPO will initiate and coordinate pilot projects to assess the functional and technical aspects of the network, taking advantage of the rapid developments in information technology, with a view to implementing flexible solutions.

The WIPO Global Information Network will consist of the Internet (public telephone lines; an open network) and closed networks providing secure, private communications. Detailed technical requirements for the different network components will be determined in consultation with Member States of WIPO at a newly established Standing Committee on Information Technologies and the deployment of the network will be out-sourced, with tenders issued in respect of the various network components and the provision of technical assistance and training services.

WIPO will provide the basic assistance, materials and equipment necessary to allow the deployment and use of network infrastructures in developing countries.

Intellectual Property Digital Library (IPDL) Project

Just as the Global Information Network will provide a number of new opportunities for intellectual property offices, another important opportunity will be the use of the network to facilitate access to and exchange of intellectual property information which will be provided through *Intellectual Property Digital Libraries* (IPDLs). WIPO will serve as a forum through which offices can concurrently develop IPDLs that will be made accessible to member States and the general public through the network.

The IPDL is an implementation of the concept of a digital library, i.e., an organized collection of electronic information disseminated to a designated community through network technologies providing easy accessibility to the data. The WIPO IPDL will be one such example of an intellectual property digital library. It is expected to provide access to collections of intellectual property information across the full range of in-

dustrial property information (patents, trademarks, designs, etc.) and copyright, as well as providing enhanced search services, such as automatic translation, technology specific dictionaries, etc. Besides the availability of WIPO electronic collections it is intended (with agreement) to provide links to the intellectual property collections of WIPO member States.

A prototype of the WIPO IPDL was implemented on April 2, 1998, with the provision of a patent information database which provides comprehensive, public, searchable access to PCT Gazette data and is available via the WIPO Web site (<http://www.wipo.int>) or directly accessible (<http://pctgazette.wipo.int>). The database contains the first page data (bibliographic data, abstract and drawing) of published PCT applications supporting fully searchable information retrieval and display by users on demand. The first page data of applications published each week in Section I of the Gazette will be added to the database allowing search and display of the current week or all or any subset of the database as required.

PCT Gazette Launches Three New Products

Since 1978, the PCT Gazette has been the reference source for all PCT Registrations. On April 2, 1998, the *PCT Gazette* appeared in a new way, a revised printed (bilingual) version and a new on-line version. The changes follow amendments of the PCT Regulations adopted by the PCT Assembly in October 1997 (for details, see *PCT Newsletter* No. 10/1997).

The PCT Gazette in paper form:

The paper version of the *PCT Gazette* is bilingual (English and French) and no longer contains abstracts or drawings. Special issues of the *PCT Gazette* in paper form will continue to be published in separate English and French versions (subscribers may choose which they wish to receive).

The PCT Gazette on the Internet:

The Internet version of the *PCT Gazette* is available, free-of-charge, via the WIPO Internet site (<http://www.wipo.int>). It contains, in English and in French, the following sections equivalent to the previous content of the *PCT Gazette*:

- *Section I Published International Applications* (the bibliographic data, the abstract and any drawing, for each international application published);
- *Section II Notices and Information Relating to Published International Applications;*
- *Section III Weekly Indexes;*
- *Section IV Notices and Information of a General Character.*

Section I is fully searchable. Searches are possible by single words or by phrases, and by a number of fields, including: abstract in English, abstract in French, title of invention in English, title of invention in French, name of applicant, name of inventor, international filing date, international application number, international publication date, international publication number, designated States, country of filing of priority application, priority date, priority number, International Patent Classification.

The PCT Gazette on CD-ROM:

Two series of CD-ROMs with readily searchable information from the *PCT Gazette* are now available.

A new CD-ROM, which has been developed by Bundesdruckerei GmbH, in cooperation with WIPO, will be issued every week on the day on which

WIPO publishes the corresponding international applications. Data will be stored cumulatively, week by week, resulting approximately every three months in a CD-ROM which will contain, in digital format, all the data for that period.

Subscribers will receive CD-ROMs containing information from the *PCT Gazette* published since the beginning of 1998. Each CD-ROM will contain the bibliographic details, abstracts, and drawings for the international applications contained on it. Bibliographic data and abstracts will be searchable and will appear in both English and French. Each CD-ROM will contain Sections I, II, III and IV of the *PCT Gazette* (see the *PCT Gazette* on the Internet, above). The MIMOSA search and retrieval software will be included with the CD-ROM.

Already existing is the ESPACE-FIRST CD-ROM, which is produced once a month by the European Patent Office, in cooperation with WIPO. The ESPACE-FIRST CD-ROM contains the title pages of published PCT applications with the text of the abstracts in English, French and, where available, German or Spanish. The bibliographic data and the abstracts are searchable using the MIMOSA search and retrieval software, created by the European Patent Office, the United States Patent and Trademark Office and the Japanese Patent Office, and is included with the CD-ROM.

WIPO Industrial Property Statistics Now Available in Three Formats

WIPO collects and publishes annual statistics on industrial property by country and in accordance with the relevant international industrial property classification systems administered by WIPO. The statistics relate to patents, utility models, trademarks and service marks, industrial designs, plant varieties and microorganisms. The statistics which used to be published on paper only are now also available on the WIPO website (<http://www.wipo.int/eng/general/pcipi/stats/stats.htm>) and on CD-ROM.

Industrial Property Statistics - Publication A: An abridged version of the final statistics, concerning all types of industrial property rights. Provisional figures relating to the latest year for which data has been collected are available on the website in both Adobe Portable Document (PDF) format and Excel spreadsheet format.

Industrial Property Statistics - Publication B (Part I): the final statistics concerning patents and utility models, and

Industrial Property Statistics - Publication B (Part II): The final statistics concerning trademarks

and service marks, industrial designs, plant varieties and microorganisms (The Green Books). Contents lists (which indicate the range of statistical tables available) and the Broad Summary sections included in each of the two volumes of Publication B are available on the website in PDF format only.

Publication B, Parts I and II, are also available on CD-ROM beginning with the 1995 publication. It contains the information in PDF in a structure similar to that of the paper form, together with the published tables in Excel spreadsheet format to allow for potential downloading and further processing. The CD-ROM is free to industrial property offices or may be purchased from WIPO.

Some additional information is also available including a focus on the "top ten" countries as listed in the broad summaries for patents and trademarks.

Provision has also been made for the inclusion of the raw data as recorded on individual country questionnaire returns to allow users to further analyse and compile the data as they wish.

Two further sections have been added specifically for use by offices contributing to the annual surveys:

- electronic versions of the annual questionnaires, and
- "Data Entry software" for possible future use by offices for the completion of their annual returns.

Exhibitions

WIPO Awards Two Gold Medals at Annual Inventors Exhibition in Geneva

Over 600 exhibitors from 44 countries gathered in Geneva for the 26th International Exhibition of Inventions, New Techniques, and Products. Nearly 1,000 new inventions were displayed or demonstrated to representatives of industry and members of the public. WIPO hosted a press conference to launch the exhibition and the opening ceremony at Palexpo was attended by Mr. Rossetti, Mayor of Geneva; Mr. Curchod, Deputy Director General of WIPO; and many other local dignitaries.

Among the medals awarded at the exhibition, were two WIPO Gold Medals. The winners, who also received cash awards of US\$2,000 each, were:

Mr. Mohamed CAMARA from Guinea for his invention of a village hydraulic pump that can use different types of energy - manual, electrical, aeolian, or solar - according to the users' needs; and

Ms Tatiana Leontievna VOROBIEVA from Russia for her invention for the visually handicapped of localizing glasses, that employ microelectronic infrared localizers to detect obstacles and open spaces in the path of the user.

The WIPO Gold Medal Award Scheme was launched in 1979 with a view to stimulating inventive and innovative activity around the world, particularly in developing countries, and to improving the image of inventors through recognition of their merits as creators who contribute to national wealth and development. The award, therefore, serves to at-

26^E SALON
INVENTIONS
GENEVE 27 MARS
 5 AVRIL 1998 PALEXPO



tract and enhance public recognition of inventors and their work.

The first WIPO Gold Medals were awarded at the 8th Geneva International Exhibition of Inventions in 1979. Since then, some 39 WIPO Gold Medals have been awarded to inventors from 24 countries. Among the winners were 14 women and 4 young inventors; 21 of them were inventors from developing countries.

Contemporary Ecuadorian Artists Exhibit at WIPO

On Monday, February 16, 1998, Dr. Kamil Idris, and his Excellency Mr. Luis Gallegos Chiriboga, Ambassador, Permanent Representative of Ecuador to the United Nations, inaugurated, at WIPO headquarters in Geneva, an exhibition of contemporary Ecuadorian art entitled "Ecuador and its Natural Environment", in the presence of the three artists, Mrs. Gloria Gangotena and Messrs. Marco Martínez and Ricardo Dávila.

On this occasion, the Government of Ecuador presented WIPO with a work of art entitled "Campo de los Andes," by Gloria Gangotena. The Director General warmly thanked the Ambassador, and the artists, whom he considered highly talented. The Director General, who spoke in English, French, and Spanish, declared that WIPO was "a body with a clear mandate to promote creative activity" and that the Organization "could and should consider engaging" more actively in such projects.

In the course of his speech, he underlined that through its activities in the field of copyright protection, the Organization contributed "in a small way to the quality of the material with which these particular painters work, namely the remarkably beautiful natural environment of Ecuador."

The Ambassador, in turn, also thanked the artists whose art "enables us to transcend the barriers of distance and admire the wonders of my country."



(Photo, Mercedes Martínez Dozal)

Dr. Idris and Ambassador Mr. Luis Gallegos Chiriboga

He spoke of Ecuador's "pride in being both multicultural and multiethnic," and the need "to find the legal and practical machinery with which to preserve and protect our culture, the folklore associated with it, its ancestral traditions and the biosphere in which they have evolved." He was sure that the Director General's vision would "project the Organization towards the next millenium, when intellectual property must progress hand in hand with the cultural and natural heritage, human rights and the defense of creativeness in all its forms."

Mrs. Gangotena spoke on behalf of the three artists and referred to the wealth of colors in her country which served as an inspiration for their work.

Numerous guests from diplomatic, artistic and cultural circles were present.

Notifications Concerning Treaties Administered by WIPO

WIPO Convention

KUWAIT

Accession

The Government of Kuwait deposited, on April 14, 1998, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to the State of Kuwait, on July 14, 1998.

WIPO Notification No. 197, of April 14, 1998.

WIPO Copyright Treaty

REPUBLIC OF MOLDOVA

Ratification

The Government of the Republic of Moldova deposited, on March 13, 1998, its instrument of ratification of the WIPO Copyright Treaty, adopted at Geneva on December 20, 1996.

The date of entry into force of the said Treaty will be notified when the required number of ratifications or accessions is reached in accordance with Article 20 of the said Treaty.

WCT Notification No. 3, of March 13, 1998.

WIPO Performances and Phonograms Treaty

REPUBLIC OF MOLDOVA

Ratification

The Government of the Republic of Moldova deposited, on March 13, 1998, its instrument of ratification of the WIPO Performances and Phonograms Treaty, adopted at Geneva on December 20, 1996.

The date of entry into force of the said Treaty will be notified when the required number of ratifications or accessions is reached in accordance with Article 29 of the said Treaty.

WPPT Notification No. 2, of March 13, 1998.

Paris Convention

MOZAMBIQUE

Accession

The Government of the Republic of Mozambique deposited, on April 9, 1998, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

The Republic of Mozambique has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to the Republic of Mozambique, on July 9, 1998. On that date, the Republic of Mozambique will become a member of the Paris Union.

Paris Notification No. 183, of April 9, 1998.

Berne Convention

I. CANADA

Accession

The Government of Canada deposited, on March 26, 1998, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic

Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979.

The Paris Act (1971), as amended on September 28, 1979, of the said Convention, will enter into force, with respect to Canada, on June 26, 1998.

Berne Notification No. 193, of March 26, 1998.

II. ALGERIA

Notification Concerning Articles II and III of the Appendix

The Government of the People's Democratic Republic of Algeria deposited, on March 30, 1998, a notification by which it refers to the deposit, on January 19, 1998, of its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979, and declares that it will avail itself of the faculties provided for in Articles II and III of the Appendix to the said Convention as so revised.

In accordance with Article I(2) of the said Appendix, the declaration of the People's Democratic Republic of Algeria is effective until the expiration of a period of ten years from October 10, 1994, that is until October 10, 2004.

Berne Notification No. 194, of March 30, 1998.

Madrid Agreement (Marks)

KENYA

Accession

The Government of the Republic of Kenya deposited, on March 26, 1998, its instrument of accession to the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

The said instrument contains also the following declaration: "the Government of the Republic of Kenya, pursuant to Article 3bis(1) of the Agreement, declares that the protection resulting from international registration shall extend to Kenya only at the express request of the proprietor of the mark."

The Madrid Agreement, as revised, will enter into force, with respect to the Republic of Kenya, on June 26, 1998.

Madrid (Marks) Notification No. 101, of March 26, 1998.

Madrid Protocol (1989)

KENYA

Accession

The Government of the Republic of Kenya deposited, on March 26, 1998, 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 was accompanied by the following declarations:

— under Article 5(2)(b) of the Protocol, the time limit of one year referred to in subparagraph (a) is hereby replaced by 18 months;

— under Article 5(2)(c) of the Protocol, the specification referred to therein shall apply to applications in which Kenya is designated.

The Madrid Protocol (1989) will enter into force, with respect to the Republic of Kenya, on June 26, 1998.

Madrid (Marks) Notification No. 102, of March 26, 1998.

Patent Cooperation Treaty (PCT)

CROATIA

Accession

The Government of the Republic of Croatia deposited, on April 1, 1998, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970, amended on September 28, 1979, and modified on February 3, 1984.

The said Treaty will enter into force, with respect to the Republic of Croatia, on July 1, 1998.

PCT Notification No. 127, of April 1, 1998.

Nice Agreement

Accessions

I. BELARUS

The Government of the Republic of Belarus deposited, on March 12, 1998, its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services

for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979.

The Nice Agreement, as revised and amended, will enter into force, with respect to the Republic of Belarus, on June 12, 1998.

Nice Notification No. 93, of March 12, 1998.

II. ROMANIA

The Government of Romania deposited, on March 31, 1998, its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and amended on September 28, 1979.

The Nice Agreement, as revised and amended, will enter into force, with respect to Romania, on June 30, 1998.

Nice Notification No. 94, of March 31, 1998.

Locarno Agreement

Accessions

I. ROMANIA

The Government of Romania deposited on March 31, 1998, its instrument of accession to the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to Romania, on June 30, 1998.

Locarno Notification No. 42, of March 31, 1998.

II. BELARUS

The Government of the Republic of Belarus deposited, on April 24, 1998, its instrument of accession to the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to the Republic of Belarus, on July 24, 1998.

Locarno Notification No. 43, of April 24, 1998.

Strasbourg Agreement

Accessions

I. BELARUS

The Government of the Republic of Belarus deposited, on March 12, 1998, its instrument of accession to the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to the Republic of Belarus, on March 12, 1999.

Strasbourg Notification No. 51, of March 12, 1998.

II. ROMANIA

The Government of Romania deposited, on March 31, 1998, its instrument of accession to the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to Romania, on March 31, 1999.

Strasbourg Notification No. 52, of March 31, 1998.

Vienna Agreement

ROMANIA

Ratification

The Government of Romania deposited, on March 31, 1998, its instrument of ratification of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, done at Vienna on June 12, 1973, as amended on October 1, 1985.

The said Agreement will enter into force, with respect to Romania, on June 30, 1998.

Vienna Notification No. 14, of March 31, 1998.

Budapest Treaty

New Schedule of Fees

and

Extension of assurances regarding compliance with respect to certain items

AMERICAN TYPE CULTURE COLLECTION (ATCC)

(United States of America)

The Director General of WIPO was informed by a notification received on March 16, 1998, and dated February 24, 1998, from the Government of the United States of America, of a new schedule of fees for the furnishing of samples of all cultures deposited with the American Type Culture Collection (ATCC), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, as amended on September 26, 1980. The notification also extended the assurances by the United States of America regarding the compliance by the ATCC, with respect to certain items, as required by Article 6(2) of the Budapest Treaty. The text of the notification follows:

<i>All ATCC Cultures</i>	<i>Per Item</i>
	USD
U.S. Non-Profit Institutions	71.00 - 165.00
Foreign Non-Profit Institutions	71.00 ¹ - 165.00 ²
Other US & Foreign Institutions	114.00 - 244.00

Because of the diversity of ATCC holdings, and the requirements for complicated and varied culture media and growth conditions, the fees for ATCC cultures vary. Therefore, the current fees have been listed as a range representing all currently available ATCC cultures.

Further, in accordance with Rule 3.3 of the Regulations under the Budapest Treaty, assurances by the United States regarding the compliance by the ATCC, as required by Article 6(2) of the Budapest Treaty, are extended with respect to the following items:

Eukaryotic DNA
Murine Embryos
Mycoplasma
Protozoa (pathogenic), and
RNA

¹ Additional handling and processing = USD 43.00 per item.

² Additional handling and processing = USD 79.00 per item.

[End of text of the notification of the Government of the United States of America]

The fees set forth in the said notification of the Government of the United States of America will apply as from the thirtieth day following the date (April 30, 1998) of the publication of the said fees in the April 1998 issue of *Industrial Property and Copyright*, that is, as from May 31, 1998 (see Rule 12.2(c) of the Regulations under the Budapest Treaty) and will replace the fees as published in the April 1997 issue of *Industrial Property and Copyright*.

The items with respect to which the assurances by the United States of America have been extended regarding the compliance by the ATCC with the Budapest Treaty will be published in the April 1998 issue of *Industrial Property and Copyright*. The extension will take effect as from April 30, 1998, date of the publication (see Article 7(2)(b) of the Budapest Treaty and Rule 3.3 of the Regulations under that Treaty).

Budapest Notification No. 162, of April 6, 1998

Nairobi Treaty

SLOVENIA

Accession

The Government of the Republic of Slovenia deposited, on April 14, 1998, its instrument of accession to the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981.

The said Treaty will enter into force, with respect to the Republic of Slovenia, on May 14, 1998.

Nairobi Notification No. 43, of April 14, 1998.

Trademark Law Treaty

ROMANIA

Accession

The Government of Romania deposited, on April 28, 1998, its instrument of accession to the Trademark Law Treaty, done at Geneva on October 27, 1994.

The Trademark Law Treaty will enter into force, with respect to Romania, on July, 28, 1998.

TLT Notification No. 23, of April 28, 1998.

Notifications Concerning the UPOV Convention

UPOV Convention

BULGARIA

Accession

The Government of the Republic of Bulgaria deposited, on March 24, 1998, 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, on October 23, 1978, and on March 19, 1991 (the 1991 Act).

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 the Republic of Bulgaria.

The date of entry into force of the said Act is the subject of a separate notification (UPOV Notification No. 63).

UPOV Notification No. 62, of March 24, 1998.

Recent WIPO Publications

The following new publications¹ were issued by WIPO in March and April 1998:

Protecting your Trademark Abroad - Twenty Questions about the Madrid Protocol (English), No. 428 (E), 12 pages, free of charge.

Introduction to Patent Searching with CD-ROMs (English), No. 473(E), 102 pages.

Information Sheet WIPO (168 countries), English, French, Spanish), No. 414 (E/F/S), 2 pages, free of charge.

Model Provisions on Protection Against Unfair Competition, (Arabic), No. 832(A), 68, 15 Swiss francs.

CD-ROM IP/STASTICS/1995 (English), 60 Swiss francs.

¹ WIPO publications may be obtained from the Information Products Section, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 338 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (A for Arabic, E for English, F for French, and 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.)

1998

June 8 to 12 (Geneva)

Committee of Experts on a Possible Protocol Concerning Audiovisual Performances (Protocol to the WIPO Performances and Phonograms Treaty)

The Committee meeting (the second session) will discuss proposals to be submitted by States members of WIPO and the European Community concerning a Protocol to the WIPO Performances and Phonograms Treaty (WPPT) on Audiovisual Performances.

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

June 15 to 19 (Geneva)

Standing Committee on the Law of Patents (First Session)

The Committee will consider issues to be dealt with in the area of patent law, in particular, the draft Patent Law Treaty.

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

June 22 to 26 (Geneva)

Standing Committee on Information Technology (SCIT) (First Plenary Session)

The Committee will discuss detailed working procedures of the SCIT Plenary Session and its Working Groups, as well as policy matters and the implementation plan of certain projects for the establishment of a global information network and its application, including Intellectual Property Digital Libraries.

Invitations: As members, the States members of WIPO and other delegations that the Committee may admit as members; as observers, other states and organizations.

- July 13 and 17 (Geneva)** **Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications (First Session)**
- The Standing Committee will consider draft provisions on well-known marks and trademark licenses, and issues relating to trademarks and the Internet, Trademarks, and International Nonproprietary Names for Pharmaceutical Substances and Geographical Indications.
Invitations: As members, the States members of WIPO and other delegations that the Committee may admit as members; as observers, other States and certain organizations.
- July 23 and 24 (Geneva)** **Roundtable on Indigenous Intellectual Property Rights**
- The Roundtable will facilitate an exchange of information and views among representatives of indigenous groups and local communities, States members of WIPO and other interested parties on the intellectual property needs and expectations of the holders of traditional knowledge, innovations, and culture.
Invitations: The States members of WIPO, representatives of indigenous groups and local communities, intergovernmental organizations, other interested organizations, and specially invited experts.
- September 7 to 15 (Geneva)*** **Assemblies of the member States of WIPO (Thirty-Third Series of Meetings)**
- Some of the assemblies will meet in extraordinary session, others in ordinary session.
Invitations: As members or observers (depending on the assembly) the States members of WIPO; as observers, other States and certain organizations.

UPOV Meetings

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

1998

- October 27 (Geneva)** **Consultative Committee (Fifty-Sixth Session)**
- Invitations:* Member States of UPOV.
- October 28 (Geneva)** **Council (Thirty-Second Ordinary Session)**
- Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

* The said meeting will be held in the CICG (Centre international de conférences de Genève) in Geneva from September 7 to 11, and will continue in the WIPO main building on September 14 and 15.

