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(Separate insert of legislative texts)

Director General Addresses INTA

Historical Partnership between the Two Organizations Reaffirmed

As the keynote speaker at the International Trademark Association (INTA) annual meeting, the Director General delivered an address that brought the audience of 1,000 to its feet. His speech, *The New WIPO Agenda in the Field of Trademarks*, reaffirmed WIPO's historical partnership with this nongovernmental organization, and pledged increased support of trademark activities in WIPO member States.

The meeting, held in Boston from May 9 to 13, 1998, attracted more than 5,000 representatives of trademark owners and trademark attorneys from some 100 countries, as well as representatives of governments and intergovernmental organizations. The WIPO delegation attended plenary sessions, concurrent sessions, committee meetings, and special activities to discuss current developments in trademark protection.

Dr. Idris delivered his keynote address on the last day of the meeting. In it, he reviewed WIPO's achievements in the field of trademark rights and protections, such as the Paris Convention, saying that although it is more than 100 years old, the principles it established had not lost their significance.

After discussing the Madrid Agreement and Protocol, and the Trademark Law Treaty, he outlined the initiatives planned for the current biennium, and described his vision of what could be accomplished in the next millennium.

The complete text of the Director General's address follows.

Dr. Idris's address to the 120th Annual Meeting of the International Trademark Association (INTA)

"Mr. President,

Distinguished members of INTA, Ladies and Gentlemen,

This is the first time I am attending an INTA meeting, and I am very much honored to have been given the opportunity of addressing such a distinguished audience in the prestigious city of Boston.

The membership of INTA has given an overwhelming response to the program of the meeting.

I am impressed by the enthusiasm with which each of you participates in this meeting. You all are

determined to work for the improvement of the current trademark situation. Much is still to be done. Solutions have to be found for further strengthening the protection of trademarks worldwide, and to make access to protection simpler and cost-effective.

When pursuing this objective, trademark owners and their representatives can count on the World Intellectual Property Organization. Our objective is exactly the same, and we share your mission.

The Place of Trademarks in WIPO's Work

In WIPO's agenda, trademarks have always held an important place.

We are guided by the fact that there is a growing number of trademarks which represent substantial values and sometimes constitute the most important asset of an enterprise.

Trademarks are important not only because they represent values for their owners. They are also used in the interest of consumers who want to distinguish goods and services offered on the market. Thus trademarks are a critical factor in the economic development of all countries.

Cooperation Between WIPO and INTA

The staff of WIPO's Secretariat has the humble but also noble task to assist our Member States in implementing their intellectual property policy and to provide services to the owners of intellectual property rights. In the fulfillment of this task, the cooperation with the private sector and nonstate actors, and, in particular, in the field of trademarks, the International Trademark Association, is of eminent importance.

This international assembly indeed offers an excellent opportunity for the International Bureau of WIPO to be in direct contact with a great number of users of the trademarks system, right owners and their representatives. We feel that WIPO's work in the area of trademarks can benefit greatly from your suggestions and advice.

Therefore, we seek a direct dialogue with the members and management of your Association. We want to learn from you and to understand your needs and wishes. I am glad to say that, in the past, this dialogue has taken place in a smooth and efficient manner, and it is my desire to do everything from our side to ensure that this dialogue is even further enhanced.

The Purpose of This Presentation

You have asked me to present my vision, as newly elected Director General of WIPO, in respect of activities of WIPO in the field of trademarks.

I do not want to escape this challenge. However, I prefer for my presentation a somewhat more modest title, namely "The New WIPO Agenda in the Field of Trademarks."

This approach is based on the fact that WIPO, with its predecessor, BIRPI, has a long history. Thus, whatever I propose to do, is based on the achievements of my predecessors in the Office as Director General, in particular, Dr. Arpad Bogsch, whom you have gracefully honored during your Annual Meeting last year. I therefore think that it is appropriate to first look at what WIPO has achieved so far before I talk about my own agenda and vision.

A QUICK GLANCE AT WHAT HAS BEEN ACHIEVED SO FAR

The Basis: International Trademark Law Under the Paris Convention

The first achievement to be mentioned here is more than 100 years old but has not lost its significance. I refer to the Paris Convention for the Protection of Industrial Property, which, already in 1883, included two fundamental principles of international trademark law, namely the principle of national treatment and the right of priority.

These two basic principles of the Paris Convention were later supplemented by provisions requiring a minimum of protection for trademarks. Those provisions concern, for example, the protection of well-known marks, the limitation of grounds for refusal of protection of a mark and the obligation to protect service marks.

The Paris Convention thus stands as a monument, and the more recent worldwide treaty in the field of intellectual property, namely the TRIPS Agreement, has recognized this by taking over all the substantive provisions of the Paris Convention.

The International Registration of Marks Under the Madrid Agreement and Protocol

An achievement of WIPO which is of particular importance for trademark owners is the establishment of the system of international registration of trademarks under the Madrid Agreement.

In 1989, a Protocol to the Madrid Agreement was adopted which makes the system of international registration of trademarks acceptable to a number of countries which so far were unable to join the Madrid Agreement.

What still remains to be done is to find a solution to the entirely non-trademark law issue of the voting right of the European Communities in the Assembly of the Madrid Union.

Harmonization of Trademark Law and the Trademark Law Treaty (TLT)

WIPO's work for harmonization of trademark laws culminated in 1994 with the adoption of the Trademark Law Treaty.

This Treaty provides for a *magna carta* for trademark applicants and owners in respect of formalities which can be required by national and regional Offices. It guarantees that, in procedures for the registration of trademarks and the renewal of such registration, no formality may be required which is not expressly allowed by the Treaty and the Regulations.



Photo: Randy H. Goodman

Dr. Idris with Frederick Mostert, President of INTA, at the 120th INTA Annual Meeting in Boston.

WHAT WIPO WILL DO DURING THE CURRENT BIENNIUM

The Approach Taken in WIPO's New Program and Budget

At the end of March, the Assemblies of the Member States of WIPO adopted the program and budget for the Organization for the years 1998 and 1999.

The approach proposed by me, and now adopted by WIPO's Member States, is intended to meet four basic challenges:

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, 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, intensify 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 may be assured for all by the next millennium.

Together with consensus-building, there are two principles which govern the new program and budget:

- complete transparency with respect to, in particular, the income generated by the various operations of the International Bureau and the corresponding expenses, and
- accountability of the activities performed under the program and budget.

There are a number of trademark-related activities in the program which I shall now explain to you.

The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

The first of those activities is the establishment of the so-called Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications. The first session of that Standing Committee will take place from July 13 to 17, and INTA is invited to participate in that session.

The Standing Committee will have jurisdiction over all questions of harmonization of trademark laws, or as we now call it, progressive development of trademark law, because there is not only the task of harmonizing the existing laws with each other, but also the very important task of further developing existing legal approaches.

The Standing Committee will, *inter alia*, deal with three matters:

- improvement of the protection of well-known marks,
- harmonization of rules concerning trademark licensing,

- harmonization of substantive trademark law, in particular, with respect to questions concerning the domain name system on the Internet.

The latter question is of great practical importance and urgency in view of the tremendously growing number of cases where trademarks are used on the Internet.

The Policy Advisory Commission and the Industry Advisory Commission

One new feature of WIPO's program is the establishment of two advisory commissions, namely the Policy Advisory Commission and the Industry Advisory Commission.

Although they only have an advisory role, they will certainly have influence on what WIPO will do in the current biennium and in future years in the field of trademarks.

The Policy Advisory Commission will include individual experts from a wide range of policy backgrounds-potentially both governmental and non-governmental. Their task 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.

"Let us think together; let us work together; let us together face the challenges of the 21st century with a collective mission and a common vision."

The members of the Industry Advisory Commission will come from industry, in the largest sense, that is to say including commercial enterprises that own trademarks. They 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 inform WIPO at an early stage about directions towards which their industries are headed and possible consequences for intellectual property protection.

Both Commissions hopefully will work as think tanks and offer a forum for dialogue. Ideally they will function as a kind of early warning system for problems and opportunities.

Enlargement of the Geographical Scope of the System of International Registration of Marks

As you all know, the system of international registration of marks has not yet reached its desirable geographical coverage. More than 100 countries, in-

cluding the United States of America and Japan, are still not participating in that system.

One of the most important tasks of WIPO during the current biennium is to facilitate the process of accessions to the Madrid Agreement and Protocol.

There is a great variety of activities relating to the promotion of WIPO's treaties. We consult with governments who consider the possibility of accession to the international registration system, and with governments who have not yet initiated this process. We explain the system to potential users and representatives in non-member States, and we show to all interested visitors the state-of-the-art operations at WIPO's Headquarters in Geneva.

Dispute Resolution as Regards Conflicts Between Trademarks and Internet Domain Names

As you know, the unlawful use of trademarks as domain names is a subject of concern among trademark holders. The mechanisms for resolving conflicts between trademark holders and domain name holders which are presently available are expensive and cumbersome.

Dispute resolution procedures constituting alternatives to litigation for resolving disputes between trademark owners and domain name registrants, such as mediation, arbitration, or a form of administrative procedure designed specifically for domain name disputes, should be further studied. It is recalled that WIPO has developed an on-line system for administering commercial disputes involving intellectual property. This system will be available for disputes involving Internet domain names.

We are of the opinion that the protection of domain names and, more generally, of intellectual property rights on the Internet, is vital not only to trademark holders, but also to users of this remarkable medium. We are ready to participate in the elaboration of solutions to the existing problems; however, we do not want to comment on Internet governance, which is a technical and economic policy issue on which WIPO's Member States have not expressed a position.

Upgrading of Trademark Law and Administration in Developing Countries and Transition Countries, and Strengthening of Enforcement Mechanisms

Particular emphasis is given in WIPO's new program to cooperation with developing countries and cooperation with certain countries in Europe and Asia, for example,

- the modernization of the intellectual property system taking into account the TRIPS Agreement, and
- the development and promotion of industrial and social uses of intellectual property.

As regards trademarks, of particular relevance are:

- the modernization of national legislation and infrastructure,
- the development of nationally focused plans for institution building,
- the establishment of national and regional user organizations, and
- the development of public knowledge of trademark protection.

VISIONS FOR THE FIRST DECADE OF THE NEXT CENTURY AND MILLENNIUM

Global Coverage of International Registration System

The first part of my vision concerns the international registration system. I want that system to cover all countries of the world.

As I have already said, I am fully aware of the problems that the Madrid Protocol still encounters, because of the voting right issue.

However, that issue, in my opinion, is not an unsolvable one.

Compared with the present situation, the advantages of the Protocol for the whole trademark community, in particular for the trademark owners represented by your Association, are evident.

Of course, the international trademark community will have to continue to express its interest in having the Protocol adopted by all countries of the world. Here I very much count on INTA's continued support and action.

Global Trademark Law Standards and Enforcement Measures

The second part of my vision concerns national and regional trademark laws, both as regards the conditions for protection, and the scope and enforcement of protection conferred by those laws.

The trend for harmonizing those laws and strengthening enforcement mechanisms, which is reflected in the adoption of the Trademark Law Treaty and the TRIPS Agreement, should continue, and WIPO should have an important share in this endeavor.

We frequently hear that it is difficult to complete the process of ratification of the Trademark Law Treaty as well as other measures of harmonization of trademark law with the desired speed, in view of many other urgent tasks to be dealt with by legal draftsmen and parliaments.

Here again INTA will have a crucial role in continuing to persuade governments and legislators of the urgency of ratifying the TLT and of implementing the additional harmonization measures which are under preparation within the framework of WIPO.

Global Trademark Information Services

The third part of my vision concerns trademark information services.

A global system should be established which would ensure that information on all trademarks registered at the national, regional and international levels is instantly available, 'on-line.'

Your Association could support this area by drawing the attention of governments to the fact that this project is of immediate impact, not only on the international trademark community, but also in the socio-economic development and wealth creation for the national communities and nations.

CONCLUDING REMARKS

I believe it is essential to concentrate on projects which have a real chance of being realized.

I therefore, intentionally, refrain from propagating a project which could be called a 'world trademark.' In my view, such a project, in contrast to a 'world patent,' is, at least for the time being, premature because the validity of a trademark and any conflicts with competing marks are to be determined according to criteria which, even if they are generally similar, are evaluated differently by countries, for instance, the pronunciation of a word in different languages.

The continued cooperation of WIPO with the interested circles and market sector interests, and, in particular, with the International Trademark Association will be in the interests of Justice and Humanity.

Let us think together; let us work together; let us together face the challenges of the 21st Century with a collective mission and a common vision. I thank you for your attention."

Visits

Director General Visits Senegal

Dr. Idris traveled to Dakar in late April for his first official visit to Senegal as Director General of WIPO.

During his stay, Dr. Idris had talks with Mr. Abdou Diouf, President of the Republic of Senegal and a number of senior government officials, all of whom expressed particular pleasure at the presence at the head of WIPO, for the first time in its history, of a Director General from the African continent.

The two-day program of discussions included a review of the progress of the long-standing cooperation between Senegal and WIPO and the means of further strengthening that cooperation. The Director General presented the Program and Budget of the Organization for 1998 and 1999, with particular reference to the considerable progress made in WIPO's cooperation for development activities. Cooperation between WIPO and the African Intellectual Property Organization (OAPI), of which Senegal is a member, was also mentioned.

During his stay in Dakar, the Director General, on behalf of WIPO, officially handed over computer equipment to improve further the operation of the Industrial Property and Technology Service. He also visited the Senegalese Copyright Office, the Design and Textile Creativity Exhibition of the Biennial Contemporary African Art Fair, and a House of Culture and met with representatives of Senegal's business and cultural circles. Finally, Mr. Idris visited the memorial site on Gorée Island in order to pay his respects.

In the course of his visit the Director General was elevated to the rank of Commander of the National Order of the Lion, the Republic of Senegal's highest distinction.

President of Côte d'Ivoire Pays Tribute to Inventors and to WIPO

During his first official visit to WIPO, His Excellency Mr. Henri Konan Bédié, President of the Republic of Côte d'Ivoire, saluted the contribution made by inventors, creators, and researchers, and thanked the Organization for its support of innovation and development in Africa, particularly in his country.

"Africa is ingenious and creative. Who may doubt that? This quality is our link to universality and unites us with the Western world."

His Excellency Mr. H.K. Bédié

Before an audience of Ambassadors, Permanent Representatives to the United Nations, and senior officials of the United Nations and WIPO, the Presi-

dent described the efforts of his country to set up modern research instruments to meet the demands of a young and growing country. "Our ambition has always been to affirm our own capabilities in relation to the countries and areas that are economically strong. We shall one day achieve that," he said.

President Bédié described his country's agricultural production and diversification as a prime sector of the economy, but noted that as production cycles were becoming faster, innovation and technological development were the keys to competitiveness. "For the African countries, like Côte d'Ivoire, innovation requires advanced know-how, time, money, partners, and the participation of international cooperation to intensify research at regional levels and promote the industrial development of the continent. WIPO is an important element in the establishment of the new international order," he emphasized.

At the close of his speech, the President reflected on the importance of cultural development and the roles that ideas, events, discoveries, spectacles, and emotions play in life and its traditions.



Photo: Mercedes Martiner Dorral

During his visit to WIPO on May 15, 1998, His Excellency Mr. H.K. Bédié met with Dr. Kamil Idris and other officials and delivered a speech before an enthusiastic audience.

"By protecting them and creating awareness of them, we may prove that we are capable of putting our faith in sharing and solidarity. We shall give to the young generations a renewed source of experience and hope that is open to the realities of their present and their future. We shall then be capable of meeting the challenges of peace and progress," he concluded.

Director General Leads WIPO Delegation to Lebanon

At the start of his first official visit to Lebanon since becoming Director General, Dr. Idris was welcomed in Beirut by Mr. Elias Hraoui, President of the Lebanese Republic. He also had talks with Mr. Elie Ferzeli, Vice-President of the Parliament; Mrs. Bahiya Hariri, Head of the Parliamentary Commission on Education; and other members of Parliament, during which he was informed that Parliament was poised to adopt the new Copyright Law and that adoption of new industrial property legislation was foreseen in the new future. WIPO had collaborated with the government in the preparation of these pieces of draft legislation.

During his visit, Dr. Idris opened the Arab Regional Conference on Intellectual Property,* organized by WIPO in Beirut in collaboration with the Lebanese government and the economic journal *Al-Iktissad Wal-Aamal*. Mr. Yassine Jaber, Minister of Economy and Trade, representing the Lebanese Prime Minister; and the General Manager of the *Al-Iktissad Wal-Aamal* publishing group also spoke at the official opening before an audience of almost 300 persons and media representatives.

Germany Invites Director General to Bonn

At the invitation of the German Federal Government, WIPO's Director General, paid his first official visit to Bonn since taking up office.

In talks held with senior government officials, including Professor Edzard Schmidt-Jortzip, Federal Minister of Justice, Dr. Idris described the new Program and Budget, and reviewed the long-standing cooperation that has existed between Germany and WIPO, which is expected to continue at an intensive level.

The day-long visit also included a meeting with Dr. Ludolf von Wartenberg, Chief Executive of the Federation of German Industries and representatives of German firms and legal and scientific research institutes particularly active in the field of innovation. In these meetings, Dr. Idris expressed his satisfaction with the large-scale use of WIPO's services by business and research entities in Germany, and discussed the various prospects for improving the international protection of patents, trademarks, industrial designs, and literary and artistic property.

* See under **Cooperation for Development**

Cooperation for Development

Asia and Pacific Region Discuss Intellectual Property Rights and the Internet at WIPO Seminar

Intellectual property rights protection on the Internet was the topic of a WIPO-sponsored seminar, held in Singapore in late April. The seminar was the first in the Asia and the Pacific Region to focus on the impact of the Internet on the entire range of issues relating to the protection and use of intellectual property.

The seminar was opened by Professor S. Jayakumar, Singapore's Minister for Law and Foreign Affairs. In his remarks, he announced three important initiatives: Singapore's decision to accede to the Berne Convention for the Protection of Literary and Artistic Works, the inception of a computerized patent plan to allow electronic filing of applications by mid-1999, and the establishment of an Interministerial Committee to study possible changes in intellectual property laws arising from digital technology.

Chairmen and speakers for the panel discussions included three experts from Japan, the United Kingdom and the United States of America, speaker-participants from China, India, Malaysia, the Philippines, the Republic of Korea, and Singapore and four WIPO staff members. Discussion centered round six main themes:

- Internet as a challenge for intellectual property protection,
- trademarks and domain names,
- copyright norms in relation to the Internet
- the exercise and management of IP rights on the Internet
- infringement and enforcement of rights
- use of the Internet in the administration of IP rights, and in promoting access to information on IP and technology.

A total of 130 participants attended the seminar; 21 were sponsored by WIPO and represented 19 countries in the region.

Some 30 percent of participants came from the government sector and some 70 percent from the private sector.

The issue of IP rights on the Internet was recognized as not only a national concern, but also an international one that deserved close and continuous monitoring.

By all accounts, the seminar was a resounding success. It received a considerable amount of media coverage and positive feedback from participants



Both government and private-sector speakers explored intellectual property issues and the Internet at a WIPO-sponsored seminar in Singapore, April 28-30, 1998.

who spontaneously expressed their satisfaction with the substance and pertinence of the discussions that took place.

This was in no small way due to the significant effort by Singapore, the host government, devoting considerable resources that ensured the success of the Seminar. Valuable contributions were made, in particular, by the Ministry of Law, the Registry of Trademarks and Patents, the Attorney-General's Chambers, the National Science and Technology Board, the National Computer Board, and the Singapore Trade Development Board.

WIPO-sponsored participants were from:

Bangladesh, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Iran, Laos, Malaysia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Thailand, Vietnam.

WIPO-ASIA Orientation and Study Program on the Enforcement of Intellectual Property Rights for Senior Customs Officers

In early May, WIPO organized a two-week *Orientation and Study Program on the Enforcement of Intellectual Property Rights* for 15 senior customs officers from Bangladesh, China, India, Islamic Republic of Iran, Mongolia, Pakistan, Republic of Ko-

rea, and Sri Lanka. The participants visited Geneva, Amsterdam and London to gain hands-on experience of enforcement and intellectual property issues.

The Program was designed to help senior customs officials conduct similar national-level training programs on border measures and customs procedures and thus improve their ability to deal effectively with piracy and counterfeiting.

The introduction to the Program took place at WIPO headquarters in Geneva and covered basic notions of intellectual property, international treaties and conventions for the protection of intellectual property. It also included study visits to the World Trade Organization (WTO) in Geneva, and a briefing by the World Customs Organization (WCO) on its cooperation with national customs administrations on the enforcement of intellectual property rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

The participants then visited customs authorities in the Netherlands and the United Kingdom.

Presentations by experts from the Tax and Customs Administration, Netherlands focused on the practical aspects of customs and border measures such as the identification of genuine goods from counterfeit goods being imported, exported or in transit, by examining their quality, value, producers, countries of origin, importers, and trademarks.

The participants were briefed on the results of a pilot program, on the enforcement of intellectual property rights, which the Dutch Customs carried out in 1995 and 1996. They also had a chance to observe customs officers in an Amsterdam post office examining incoming parcels.

For the final leg of the Program, participants traveled to London where they held discussions with investigators, lawyers and experts who had first-hand experience in dealing with counterfeiting and detecting pirated products.

At Her Majesty's Customs and Exercise in the United Kingdom, presentations were made by Customs officials on intellectual property rights and

counterfeiting goods policy, and related intelligence and investigation procedures.

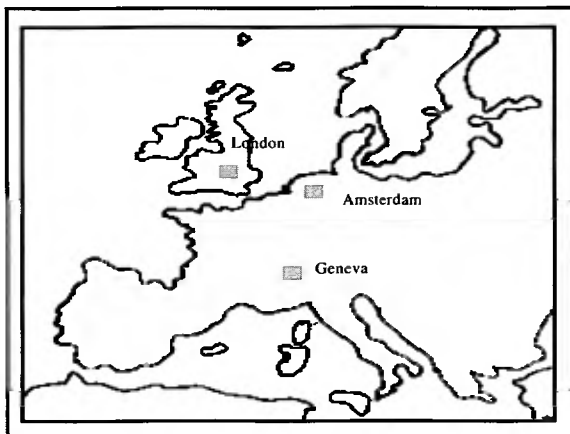
This was followed by a field visit to Heathrow Airport, where the participants were given the opportunity to observe airport customs procedures for checking and handling detained counterfeit and pirated goods. A special exhibition and demonstration was then given by representatives from Estée Lauder, Reebok International, Ford of Europe Inc., the Federation Against Copyright Theft (FACT), Intelligence and Investigation Consultant Limited, and Vauxhall Motors. This provided a good opportunity for the participants to learn how to identify genuine products from counterfeit and pirated ones.

The Orientation and Study Program was one of the major new initiatives taken by WIPO to help improve enforcement mechanisms in developing countries through an awareness building program and by fostering links with customs and other law enforcement agencies. The program is also designed to provide practical help for senior customs officers by dealing with actual problems and situations encountered in the field, and to assist customs authorities in developing countries to develop a core group of their own trainers who would, in due course, train their colleagues.

The program would not have been possible without the support of the Tax and Customs Administration of the Ministry of Finance, Netherlands, Her Majesty's Customs and Exercise, the United Kingdom and the International Confederation of Phonographic Industry (IFPI).

WIPO-sponsored participants were from :

Algeria, Bahrain, Egypt, Jordan, Kuwait, Libya, Morocco, Oman, Sudan, Syria, Tunisia, the United Arab Emirates, and Yemen.



Arab Regional Conference on Intellectual Property in Beirut

The Director General, along with Mr. Yassine Jaber, Minister of Economy and Trade, representing the Lebanese Prime Minister; and the General Manager of the *Al-Iktissad Wal-Aamal* publishing group, officially opened the *Arab Regional Conference on Intellectual Property* held in Beirut from April 21 to 22, 1998. The Conference, organized by WIPO in collaboration with the Government of Lebanon and the economic journal *Al-Iktissad Wal-Aamal*, was attended by some 200 participants, 26 of whom, from 15 countries in the region, were sponsored by WIPO.

The Conference featured working sessions covering the economic and social importance of intellectual property protection, with lively discussions on a wide range of topics, including the harmonization of the intellectual property legislation of Arab countries, the possible consequences of the TRIPS agreement for anti-trust laws, and the protection of pharmaceuticals. Seventeen speakers made interesting presentations in five main subject areas:

- Industrial property and copyright under the TRIPS Agreement,
- The enforcement of intellectual property rights under the TRIPS Agreement,
- Copyright and neighboring rights in the digital environment,
- The pharmaceutical industry in Arab countries and the TRIPS Agreement, and
- Implications of intellectual property on various Lebanese economic sectors.

Hungary Hosts WIPO Symposium on Digital Technology and Intellectual Property

The exercise and enforcement of rights in the digital environment and the implementation of the new WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) were the focus of discussion at a WIPO Symposium that took place in Budapest in late May.

Opened by Pál Solt, the President of the Supreme Court, and held in the Court building, the Symposium brought together judges, lawyers, experts, heads of national copyright offices and other government officials; some 50 participants were from the host country and 13, sponsored by WIPO, from seven other countries in transition.

Fourteen speakers from government, non-governmental organizations and the private sector, four of whom were sponsored by WIPO, participated in the three-day meeting, along with three WIPO officials.

The main objectives of the Symposium were:

- to promote adherence to, and appropriate implementation of the WCT and WPPT;
- to inform the participants on the exercise and collective management of copyright and related rights in the digital environment; and
- to offer an overview of the protection, exercise and enforcement of rights in connection with computer programs and databases, phonograms and audiovisual works in the digital environment.

Most of the speakers made multimedia presentations using their own laptop computers and a special projector. The presentations dealt with subjects such as the implementation of the new WIPO Treaties in the European Community and in the United States of America; collective management of copyright and related rights in the digital environment; the protection, exercise and enforcement of rights in phonograms, in audiovisual works and in computer programs and databases in the digital environment; and further development of copyright and related rights under the aegis of WIPO (rights of audiovisual performers, database makers and broadcasting organizations).

Participants were unanimous in their appreciation of the Symposium and the clarification that had been given regarding the implementation of the WCT and the WPPT which, they hoped, would contribute to accelerating accession to those treaties in their countries.

WIPO-sponsored participants were from:

**Bulgaria, Croatia, Czech Republic,
Romania, Slovenia, Slovakia, and Poland.**

Cooperation with Other Organizations

Director General Attends WTO Ministerial Meeting

The Director General and other WIPO staff members attended the second Ministerial Meeting of the World Trade Organization (WTO) that took place from May 18 to 20, 1998. Representatives from WIPO attended all sessions of the meeting as well as the day-long anniversary of the establishment

of the multilateral trading system on May 19, 1998.

The meeting resulted in the adoption of two Ministerial Declarations. The first, *inter alia*, stressed the importance of the multilateral rule based trading system, the needs of the developing and least developed countries, and the necessity to continue full and faithful implementation of the WTO Agreement. The second dealt with the unfolding phenome-

non of global electronic commerce, with Members agreeing to refrain from imposing customs duties on electronic transmissions, at least until the third WTO Ministerial Meeting.

As part of WIPO participation in this meeting, the following statement by Dr. Idris was circulated:

"The World Intellectual Property Organization (WIPO) presents its compliments to all distinguished participants taking part in the Second Ministerial Meeting of the World Trade Organization (WTO).

In keeping with the mandate given to it in the Convention Establishing the World Intellectual Property Organization, signed on July 14, 1967, and which came into force in 1970, WIPO has, and shall continue, to work diligently to enhance the protection of intellectual property rights, on a national, regional and global basis. WIPO currently has 169 Member States, and accordingly, there are WIPO activities or programs taking place in, or involving, each and every one of its Member States.

On January 1, 1996, the Agreement between the World Intellectual Property Organization and the World Trade Organization came into force. Since that date, WIPO has placed a high priority on the aims and objectives outlined in the Agreement, including maintaining and making accessible the WIPO collection of laws and regulations, including within the framework of notifications to WTO; the implementation of Article 6*ter* of the Paris Convention for the purposes of the TRIPS Agreement; and the provision of legal-technical assistance, and technical cooperation, for the benefit of both WIPO Member States and WTO Members which are developing countries. WIPO frequently requests professionals from the WTO Secretariat to speak at WIPO seminars and events, and appreciates the fact that WTO willing offers its cooperation in these endeavors. WIPO reciprocates that same professional courtesy whenever WTO requests any resources or assistance. Implementation of the obligations contained in the TRIPS Agreement is an issue which WIPO includes in all of its seminars, trainings, and especially in its Cooperation for Development activities.

WIPO enjoys Observer Status in the General Council and the Council for TRIPS. Recently, WIPO has been granted Observer Status in the Committee on Trade and Environment, and in certain Working Parties on Accession. Through those various fora, WIPO seeks to comprehend new ways to serve its various constituencies, ways to improve existing services and facilities, and ways to strengthen and enhance the growing relationship between WIPO and WTO.

Several initiatives and activities in WIPO are relevant to the work of the distinguished participants in this Ministerial Meeting, including the following:

The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), adopted at the WIPO Diplomatic Convention on

Certain Copyright and Neighboring Rights Questions held from December 2 to 20, 1996, received 51 and 50 signatures, respectively, during the period in which the Treaties were open for signature. The WCT has been ratified by two Member States, and the WPPT has been ratified by one. Many Member States have informed WIPO that there has been good progress to effect ratification, and thereby bring these Treaties into force. The Treaties will clarify how existing international norms on copyright and related rights should be applied in the digital environment, particularly in global networks such as the Internet, and, where needed, adapt those norms to the digital environment. By this, they create the necessary basis for global electronic commerce of intellectual creations protected by copyright and related rights.

Also in the copyright and related rights field, work on a Protocol on the protection of the rights of performers in audiovisual fixations is in an advanced stage, and a Diplomatic Conference is foreseen for 1999. Work on a *sui generis* protection system for databases continues, and work on the protection of the rights of broadcasters will start this year. WIPO will devote its full attention to each of the foregoing initiatives.

The WIPO Arbitration and Mediation Center (the Center) provides independent, neutral and cost-effective services for resolving intellectual property disputes among private parties. With the expansion of electronic commerce on the Internet, parties may soon prefer to settle disputes arising from such commerce in the same manner as the commerce is conducted. The Center has developed an on-line, Internet-based facility for administering commercial disputes involving intellectual property. It is expected that this mechanism will increase speed in the procedures while reducing costs. Much of this work was initiated as a result of the advice on intellectual property and dispute-resolution issues provided by WIPO to the International Ad Hoc Committee (IAHC) and the Policy Oversight Committee (POC) in relation to the 'Memorandum of Understanding on the Generic Top-Level Domain Name Space of the Internet Domain Name System' (gTLD-MoU). The Center has been designated to administer on-line mediation, expedited arbitration and an Administrative Domain Name Challenge Panel procedure for registrations in this system. Thus, initially, the Center's on-line system is made available for disputes involving Internet domain names, where an immediate need is expected and where certain assumptions can be made about the technical sophistication of the parties. During the second half of 1998, the facility will be made generally available for other Internet-related disputes. This work of the Center should serve to reduce friction and resolve disputes on and concerning the Internet, and thereby facilitate the globalization of Internet usage and accessibility, and the proliferation of electronic commerce.

Pursuant to the newly adopted Program and Budget for the 1998-99 biennium, WIPO has received an enhanced mandate concerning its Cooperation for Development activities, and increased resources have been allocated for the modernization of national intellectual property systems in developing countries, including through, *inter alia*, nationally-focused programs providing assistance for implementation of the TRIPS Agreement. On January 1, 2000, many developing countries, as Members of WTO, are required to bring their national legislative and administrative structures into conformance with the TRIPS Agreement. An unprecedented effort is thus required on the part of WIPO to provide the necessary technical assistance to the countries concerned. The revision, or as required, drafting, of national legislation will be at the forefront of WIPO's efforts in this area, as well as the strengthening of infrastructures, institution building, and development of human resources. A concerted set of actions will also be undertaken by WIPO to enhance skills and cooperation in respect of enforcement of intellectual property rights, when this accords with the specific national priorities.

The WIPO Standing Committee on the Law of Patents will, in June 1998, be the first of the newly-formatted Standing Committees within WIPO to hold session. This first meeting will examine the draft Patent Law Treaty (PLT). With one of its objectives being to address the increasing pace of new Industrial Property issues, the Standing Committee will seek to finalize this current PLT draft, and will likely propose a Diplomatic Conference in the near future. It will also deal with other timely and vital Industrial Property issues, such as: central recording of changes in patents and patent applications, and the disclosure of technical information on the Internet and its impact on patentability, so as to ascertain the feasibility of harmonizing rules concerning patent-law implications of Internet disclosure of patent information, and whether such exposure creates any impact on patentability.

One of the most important initiatives currently in progress at WIPO is the creation and deployment of the WIPO Global Information Network. This Network will address the needs of Members States with fast and cost-effective communications, materials and services related to intellectual property rights, administration and enforcement, worldwide. It will be designed to connect approximately three hundred intellectual property offices and administrations globally to WIPO, and to each other. The availability and convenience of information, Intellectual Property Digital Libraries, distance learning opportunities, WIPO services, and other benefits will be of particular importance to developing countries, countries in transition, and least developed countries, as well as to all governmental personnel and other professionals involved in intellectual property. Through this project, WIPO will provide intellectual property offices with technical assistance in further-

ance of the development of their information infrastructure and office automation, thereby, among other benefits, facilitating the streamlining and modernization of the administrative work connected with implementation of the TRIPS Agreement.

Preparations are being made for a Diplomatic Conference on the Hague Agreement for the International Deposit of Industrial Designs. Such a Conference would most likely take place in 1999, and preparations focus on the potential adoption of a new act to expand its geographical scope, and also to make the Hague system simpler, cheaper to use and generally more responsive to creators of designs and industry in general.

The WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications will, in July 1998, examine aspects of well-known marks and trademark licenses, and trademark issues related to the Internet, to International Nonproprietary Names for Pharmaceutical Substances, and to Geographical Indications. As regards well-known marks, the Standing Committee will discuss a revised set of provisions aimed at improved international protection of well-known marks and dealing with their definition and conditions of protection, and available remedies in cases of infringement. In respect of trademark licenses, the Standing Committee will consider a set of draft Articles aimed at the harmonization and simplification of administrative procedures relating to the recordation of trademark licenses. The proposal to deal with the protection of International Nonproprietary Names for Pharmaceutical Substances against registration or use as trademarks within the framework of the Standing Committee originated in consultations between the World Health Organization (WHO) and WIPO on that issue. Work on the protection of Geographical Indications will be undertaken with a view toward gaining a clearer practical understanding of the desirability and feasibility of establishing guiding principles on that issue.

The Program and Budget of WIPO for the 1998-1999 biennium established new programs to explore, research and make recommendations on various challenges facing the intellectual property system in a rapidly changing world. These challenges include: accelerating technological advancement; the integration of the world's economic, cultural, and information systems; and, the expanding relevance of intellectual property issues in debates on trade, health, culture, investment, human rights and the environment. For example, the Global Intellectual Property Issues Division will have an initial focus on matters such as the intellectual property needs of the holders of traditional knowledge, innovations, culture and genetic resources, such as in agriculture and medicine; the role of intellectual property rights in the preservation, conservation and dissemination of global biological diversity; the intellectual property aspects of biotechnology; the use

of intellectual property rights in the transfer of technology under multilateral environmental agreements; and, the need for and possible nature and scope of new or adapted forms of protection for 'expressions of folklore.'

The WIPO Worldwide Academy (WWA) has been created and has given an entirely new significance in these current times in which human resource development is of paramount importance. The WWA will be WIPO's central mechanism for training and developmental activities relative to government managers, policy advisors, administrators, and others needing or deserving intellectual property training. A multi-faceted approach will be used in the WWA, which includes, among other elements, inter-regional training courses, fellowships and internships; different fora focusing on different aspects of intellectual property; conferences; and a distance learning center. WIPO believes that the en-

hanced benefits and expanded services produced through the WIPO Worldwide Academy will be a crucial factor in the future of intellectual property.

The Patent Cooperation Treaty (PCT) continues to expand its user base, as well as the number of Contracting Parties thereto. The current program of up-grading automation and computerization in PCT operations, which will modernize literally every aspect of this department, will make this system even more attractive and user friendly to industry and the worldwide patent community, and as well, is intended to make this system more accessible and more beneficial for developing and least developed countries, and countries in transition.

WIPO is appreciative of the mutually beneficial relationship which it shares with the WTO, and looks forward to enhancing and strengthening that relationship."

News from National Intellectual Property Offices

New Chinese Intellectual Property Training Center

China now has an impressive new Intellectual Property Training Center, situated to the northwest of Beijing. The spacious building can provide conference rooms for groups of up to 250 persons and accommodation for up to 188. It is equipped with the latest information technology tools, and has video-conferencing capabilities and computer training and language learning facilities.

The inaugural ceremony took place in April, before an audience of almost 400, including 66 foreign guests. Among the speakers were the Vice Chairman of the National People's Congress, Mr. Zhou Guangzhao, the President of the European Patent Office, Mr. Ingo Kober and a senior WIPO official.

Plans for the Center include on-the-job and post-graduate training with selected law firms and universities in China.



The new Chinese Intellectual Property Training Center.

Notifications Concerning Treaties Administered by WIPO

Madrid Protocol (1989)

GEORGIA

ROMANIA

Accession

Ratification

The Government of Romania deposited, on April 28, 1998, 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 Madrid Protocol (1989) will enter into force, with respect to Romania, on July 28, 1998.

Madrid Notification No. 103, of April 28, 1998.

The Government of Georgia deposited, on May 20, 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 Madrid Protocol (1989) will enter into force, with respect to Georgia, on August 20, 1998.

Madrid Notification No. 104, of May 20, 1998.

Recent WIPO Publications

The following new publications¹ were issued by WIPO in May 1998:

WIPO World Symposium on Broadcasting, New Communication Technologies and Intellectual Property, Manila, April 28 to 30, 1997, (English,

French, Spanish), No. 757 (E/F/S), 137 pages, 20 Swiss francs.

UNESCO-WIPO World Forum on the Protection of Folklore, Phuket, April 8 to 10, 1997, (English, French, Spanish), No. 758 (E/F/S), 244 pages, 25 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 (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.

* 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.

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.
