

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

GOVERNING BODIES OF WIPO AND THE UNIONS ADMINISTERED BY WIPO

Nineteenth Series of Meetings
Geneva, September 26 to October 3, 1988

GENERAL REPORT

adopted by the Governing Bodies

INTRODUCTION

1. This General Report records the decisions of the following six Governing Bodies:

- (1) WIPO General Assembly, tenth session (2nd extraordinary)
- (2) WIPO Coordination Committee, twenty-fifth session (19th ordinary)
- (3) Paris Union Assembly, thirteenth session (5th extraordinary)
- (4) Paris Union Conference of Representatives, fifteenth session (7th extraordinary)
- (5) Paris Union Executive Committee, twenty-fourth session (24th ordinary)
- (6) Berne Union Executive Committee, twenty-ninth session (19th ordinary)

meeting in Geneva from September 26 to October 3, 1988, where the deliberations took place and the decisions were made in joint meetings of two or more of the said Governing Bodies (hereinafter referred to as "the joint meeting(s)" and "the Governing Bodies," respectively), except the joint meetings of the Assembly and the Conference of Representatives of the Paris Union. The deliberations and decisions of the joint meetings of those two bodies are covered in the separate report on the session of the Assembly of the Paris Union.

2. In addition to this General Report, separate reports have been drawn up on the sessions of each of the Governing Bodies (see documents WO/GA/X/2, WO/CC/XXV/4, P/A/XIII/2, P/CR/XV/2, P/EC/XXIV/1 and B/EC/XXIX/1).
3. The list of the States members of the Governing Bodies and the observers admitted to their sessions as of September 23, 1988, is set forth in document AB/XIX/INF/1 Rev.
4. Meetings dealing with items 1, 2 and 6 of the Consolidated Agenda (see document AB/XIX/1 Rev.) were presided over by the Chairman of the WIPO General Assembly, Mr. Juan de Villafranca (Mexico), whereas those dealing with items 4, 7, 8, 9, 10 and 13 were presided over by the new Chairman of the WIPO Coordination Committee, Mr. Gao Lulin (China). The meetings dealing with the following items of the Consolidated Agenda were presided over by the following officers: item 5, the Chairman of the Paris Union Assembly, Mr. Ivan S. Nayashkov (Soviet Union); items 3 and 11, the outgoing Chairman of the WIPO Coordination Committee, Mr. Jean-Louis Comte (Switzerland); item 12, the Chairman (or, in his absence, a Vice-Chairman, or, in the absence of the Chairman and both Vice-Chairmen, an ad hoc Chairman) of one of the six Governing Bodies concerned, that is, for the General Report and the separate reports of the WIPO General Assembly and the WIPO Coordination Committee: Mr. Gao Lulin (China); the separate reports of the Paris Union Assembly and the Paris Union Conference of Representatives: Mr. Muhammad Abdullah (Ghana); the separate report of the Paris Union Executive Committee: Mr. Patrick A.D. Smith (Australia); the separate report of the Berne Union Executive Committee: Mr. Geraldo Aversa (Italy).
5. The list of participants appears in document AB/XIX/INF/4.

ITEM 1 OF THE CONSOLIDATED AGENDA:

OPENING OF THE SESSIONS

6. The nineteenth series of meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO was convened by the Director General of WIPO, Dr. Arpad Bogsch (hereinafter referred to as "the Director General").
7. The sessions of the Governing Bodies were opened in a joint meeting of all the six Governing Bodies by the Chairman of the WIPO General Assembly, Mr. Juan de Villafranca (Mexico).

ITEM 2 OF THE CONSOLIDATED AGENDA:

ADOPTION OF AGENDAS

8. Each of the Governing Bodies adopted its agenda as proposed in document AB/XIX/1 Rev. (hereinafter referred to in this document and in the documents listed in paragraph 2, above, as the "Consolidated Agenda").

ITEM 3 OF THE CONSOLIDATED AGENDA:

ELECTION OF THE OFFICERS

9. Upon the proposal of a nominations committee--consisting of a Chairman (Mr. Juan de Villafranca, Mexico, in his capacity as Chairman of the WIPO General Assembly, the ranking body of the Governing Bodies in session) and of the representatives of Australia (Mr. Patrick A.D. Smith, designated by the States members of Group B), China (Mr. Gao Lulin), Egypt (Mr. Wafik Zaher Kamil, designated by the States members of the Group of Developing Countries) and the German Democratic Republic (Mr. Joachim Hemmerling, designated by the States members of Group D)--the WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee elected their officers. The list of those officers as well as the officers of the other three Governing Bodies which also held their sessions during the nineteenth series of meetings appears in document AB/XIX/INF/5.

ITEM 4 OF THE CONSOLIDATED AGENDA:

ACTIVITIES FROM JULY 1, 1987, TO JUNE 30, 1988

10. Discussions were based on documents AB/XIX/2 and AB/XIX/2 Add.

11. The Director General greeted the representatives of the States that, since the 1987 sessions of the Governing Bodies, had acceded to, or ratified, the following treaties: the WIPO Convention, Ecuador, Guinea-Bissau, Swaziland and Trinidad and Tobago, which brought the total number of member States to 121; the Paris Convention, Guinea-Bissau and Malaysia, which brought the total number of member States to 99; the Berne Convention, Colombia, Peru and Trinidad and Tobago, which brought the total number of member States to 79; the Budapest Treaty, the Republic of Korea; the Geneva (Phonograms) Convention, Burkina Faso and Trinidad and Tobago; the Rome Convention, Burkina Faso; the Madrid Convention (Double Taxation), Peru.

12. The Director General also greeted the new members of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property: Chad, Guinea-Bissau, Swaziland, Zimbabwe; and of the WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights: Swaziland, Zimbabwe.

13. The Director General expressed the hope that the United States of America would accede to the Berne Convention in the near future.

14. The Director General also said that accession to the Patent Cooperation Treaty (PCT) was under active consideration by Canada, China, Israel, the Philippines, Spain, and several socialist countries of Europe.

15. The Director General mentioned that there were currently 79 government officials from developing countries and institutions in those countries who were undergoing training in various courses organized by WIPO and the authorities of the following countries and institutions: the patent offices of France, the German Democratic Republic, Germany (Federal Republic of), the Netherlands, Spain, Sweden, as well as the European Patent Office (EPO), the Center for the International Study of Industrial Property (CEIPI) of France and the Benelux Trademark Office (BBM).

16. The Director General thanked the following countries which had, since July 1, 1988, signed new funds-in-trust agreements: Germany (Federal Republic of) (funds of approximately 1.20 million Swiss francs for three years from 1989 to 1991); Japan (funds of approximately 360,000 Swiss francs for 12 months from April 1988 to March 1989); Sweden (funds of approximately 800,000 Swiss francs for three years from July 1988 to June 1991).

17. The Director General drew the attention of the delegations to the special exhibition on the theme of intellectual property and peace, which was on display in the lobby of the WIPO building and was organized in compliance with the program of the current biennium.

18. In addition, the Director General mentioned that the International Bureau had commenced consultations with the United Nations Secretariat in New York on the possible declaration of an International Inventors' Day, as proposed by a number of delegations at the 1987 sessions of the Governing Bodies. The International Bureau was also in touch with the United Nations Secretariat on the possible issuance of special postage stamps on the theme of intellectual property and peace.

19. The Director General renewed the offer to organize information meetings in relation to the GATT negotiations on the trade-related aspects of intellectual property rights, including technical assistance to developing countries in line with the program of the current biennium. He announced that WIPO had issued, at the request of GATT, a document (WO/INF/29) which was a study prepared by the International Bureau on the "Existence, Scope and Form of Generally Internationally Accepted and Applied Standards/Norms for the Protection of Intellectual Property."

20. The Director General stated that, because of the work load of the International Bureau, it might not be possible to reconvene a second meeting in 1989 of the Committee of Experts on Measures Against Counterfeiting and Piracy. If it was considered that such a second meeting ought to be convened in 1989, it might be profitable to limit discussions to questions relating to trademarks. If the said second meeting could not be held in 1989, proposals for such a meeting would be included in the draft program of the next biennium (1990-91).

21. In 1989, China would celebrate the fifth anniversary of the enactment of its Patent Law. At the request of the Chinese Patent Office, WIPO would organize, in cooperation with that Office, on November 1 and 2, 1989, in Beijing, an international symposium on the future of the international patent system in the 21st century. All Member States of WIPO would be invited to the symposium and the Director General asked the delegates to take note of those dates.

22. Forty-one delegations of States and the representative of one intergovernmental organization made statements: Argentina, Austria, Australia, Brazil, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Indonesia, Israel, Italy, Japan, Mexico, Malawi, Morocco, Nicaragua, Pakistan, Poland, Portugal, Republic of Korea, Senegal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe, ARIPO.

23. All the delegations which spoke expressed their satisfaction with the completeness and clarity of the detailed reports submitted by the Director General and for the quantity, scope, diversity and quality of the activities undertaken during the period under review. They expressed appreciation to the Director General and the staff of the International Bureau for the efforts made in successfully carrying out, during the period under review, the work foreseen under the program for the biennium. The delegations, without exception, made special reference to the activities of the International Bureau in the field of development cooperation for the benefit of developing countries in the period under review. A number of delegations stressed the importance of WIPO and its work in promoting international cooperation among countries of different economic and social systems.

24. The delegations of developing countries which spoke expressed satisfaction with the assistance, which many delegations described, that their countries had received from WIPO under its development cooperation program and which had permitted them to develop their intellectual property systems appropriately. In particular, they highlighted the benefits obtained from the development of human resources, advice on legislation, institution-building, computerization of administrative procedures, the provision of patent documentation and searches, and the encouragement of regional and subregional cooperation. They expressed the wish that the International Bureau would continue and increase its development cooperation activities. They expressed appreciation of the support received from the donor countries, both industrialized and developing, and organizations, especially from the United Nations Development Programme (UNDP), and called for the continuation and expansion of such support.

25. The delegations of industrialized countries which spoke referred to the assistance which they extended to developing countries through WIPO and pledged its continuation and, where feasible, its expansion. Such assistance took the form, among others, of training either through study visits, special courses in the donor countries or on the job, the dispatch of experts or speakers as WIPO consultants and the provision of equipment and documentation.

26. Several delegations commended the International Bureau on the initiatives and activities carried out in relation to intellectual property issues of topical interest and in the field of industrial property information. They referred in particular to the activities concerning the protection of intellectual property rights in emerging technologies such as integrated circuits, biotechnological inventions and direct broadcasts by satellite, the harmonization of certain legal provisions for the protection of inventions as well as the work undertaken in the framework of the Permanent Committee on Industrial Property Information (PCIPI). Some delegations also expressed satisfaction with the international patent, trademark and industrial design registration work of the International Bureau.

27. The Delegation of Egypt stressed the importance of designing development assistance projects which were tailored to the technical absorption capacity of the beneficiary countries. It described the accomplishments of the ongoing UNDP-financed country project which was administered by WIPO and also said that the patent law was currently being revised. The Delegation expressed satisfaction with the initiatives of the International Bureau in promoting a dialogue and cooperation among the Arab countries.

28. The Delegation of Hungary noted, in particular, the progress made by the International Bureau in the activities concerning the protection of new technologies such as integrated circuits, the harmonization of certain provisions in laws for the protection of inventions, the revision of the Paris Convention and the preparations for the Diplomatic Conference for the Conclusion of Two Protocols Relating to the Madrid Agreement for the International Registration of Marks. The Delegation drew attention to its contribution to developing countries.

29. The Delegation of the German Democratic Republic stated that, in view of the increasing importance of international cooperation, it was willing to undertake further activities in cooperation with WIPO. As the German Democratic Republic encouraged young inventors and the creation and dissemination of technological information, the Delegation stated that a study was being elaborated by the end of 1988, giving the experience of the German Democratic Republic in the promotion of inventions. The study would be sent to the International Bureau in English and French for its use. Another study on the copyright of choreography was in preparation and would be made available to WIPO.

30. The Delegation of Viet Nam referred to the efforts of the International Spanish-Language Patent Documentation Center and requested the International Bureau to examine the possibility of helping in the creation of regional and subregional patent documentation centers in Asia and the Pacific. The Delegation described recent developments in the national industrial property legislation and administration, including the center for patent documentation and information services.

31. The Delegation of Cuba expressed its gratitude to WIPO for its assistance to Cuba and other developing countries, particularly in the Latin American and Caribbean region, and the wish that such assistance be continued and further expanded.

32. The Delegation of Poland congratulated the International Bureau for the work that it had done in the promotion of international cooperation throughout the world.

33. The Delegation of Chile underlined the usefulness of the work undertaken by WIPO in cooperation with the countries of the Latin American region, particularly within the framework of the Latin American Association for Integration (ALADI) (member States: Argentina, Chile, Paraguay, Uruguay). The objective of cooperation among ALADI countries was to harmonize and computerize procedures in industrial property offices and prepare and adopt manuals for the examination of patent and trademark applications. The heads of the industrial property offices of the four countries met yearly, while the vice-ministers in charge of industrial property met slightly less frequently, in meetings organized by WIPO.

34. The Delegation of the Republic of Korea said that its country was looking forward to organizing with WIPO, in the International Intellectual Property Training Institute in Seoul, more training courses in the future. It also underlined the usefulness of a regional patent documentation center in promoting the exchange of information. The Delegation said that its country would be pleased to host the regional seminar on the impact of emerging technologies on intellectual property law to be organized by WIPO in 1989.

35. The Delegation of China said that the Patent Law and Regulations of China would be revised and, to that end, welcomed the advice of the International Bureau and other countries. To celebrate the fifth anniversary of the enactment of the Chinese Patent Law, the Chinese Patent Office would cooperate with WIPO in organizing an international symposium on the future of the international patent system in the 21st century, in Beijing on November 1 and 2, 1989, to which countries of the region as well as other countries would be invited. In the field of trademarks, the Nice Classification of marks would be applied as from November 1, 1988, while preparations were being undertaken for the eventual application of the Vienna Classification of the figurative elements of marks. Furthermore, China had the intention to accede to the Madrid Agreement Concerning the International Registration of Marks in 1989.

36. The Delegation of the Federal Republic of Germany said that its country would give full support to WIPO and the International Bureau in its work. It drew attention to a meeting its Government had organized in 1987 to evaluate the effectiveness of its training program, both for the trainees concerned and the administrations of the developing countries from which they came. The report of that evaluation exercise, when ready, would be made available to help improve future training activities. On the basis of the results of that evaluation, the Delegation suggested that the training period for WIPO trainees in the German Patent Office should be extended to eight weeks from the prevailing four weeks. The Director General said that the International Bureau would consider the feasibility of extending the duration of the training courses in the country up to eight weeks.

37. The Delegation of Israel said that its country would continue to cooperate with the International Bureau in the fields of technical assistance and training for developing countries. Intellectual property affected trade and scientific and technological activities. Notwithstanding the Uruguay Round negotiations in GATT, WIPO was the major intergovernmental organization responsible for intellectual property matters. However, WIPO should adjust itself to current new developments. Thus, given the lack of efficient dispute settlement procedures in the treaties administered by WIPO, this lack should be addressed in the new program of work of WIPO. Furthermore, the Delegation said that its country would accede soon to the Patent Cooperation Treaty and that the necessary steps were being taken to that end.

38. The Delegation of Spain gave details about the extensive cooperation which existed between its country and the countries of Latin America, in particular in the field of patent documentation. The Delegation stated that, in the framework of cooperation through WIPO and bilateral agreements, about 400,000 patent documents in the Spanish language were regularly sent in microfiche-form to the Spanish-speaking countries of Latin America. Spain also participated in the funding of the microfilming of Latin American documents. The Delegation stated that such efforts, which it described, were made with a view to strengthening the International Spanish-Language Patent Documentation Center supported by Spain and the Spanish-speaking Latin American countries. The Delegation furthermore stated that its country would be pleased to host, in Madrid, the Diplomatic Conference for the Conclusion of Two Protocols Relating to the Madrid Agreement Concerning the International Registration of Marks, from June 12 to 28, 1989, in agreement with the International Bureau. The Director General expressed his pleasure with the offer of the Government of Spain to host the Diplomatic Conference in Madrid.

39. The Delegation of Mexico underlined the crucial role of the assistance which WIPO had given, with the support of UNDP and other countries, to the Mexican industrial property office in overcoming the consequences of the earthquake in 1985. Its country had, in particular, extensive cooperation at the bilateral level both with Spain and with countries in the region. Under the new regulations of the law on inventions and trademarks which were enacted recently, the Nice Classification of trademarks was adopted. The Delegation also thanked the International Bureau for assistance in the field of copyright.

40. The Delegation of the Soviet Union expressed its satisfaction with the work of the newly reorganized PCIPI and underlined the three priorities of the work of that Committee: first, the Committee represented the interests of all its member countries and was now considering many interesting proposals from various members; second, the Committee was dealing with the automation of the processing and utilization of patent information and documentation as well as the improvement of the International Patent Classification (IPC), thus promoting the worldwide use of the IPC, which the Soviet Union supported; third, the improvement of existing standards and the creation of new ones. The Delegation stated that its country was striving to stimulate enterprises to develop new inventions and production methods which would increase exports. In support of such an aim, revision of the industrial property legislation was being considered. The revision work took into account the trends in the legal protection for inventions which were emerging from the work in WIPO on the harmonization of certain provisions in laws for the protection of inventions. The Soviet Union regarded as important the legislative activities of WIPO relating to the protection of intellectual property, for example, the work on the harmonization of certain provisions in laws for the protection of inventions as they fostered international cooperation and exchange, including international trade. Finally, the Delegation thanked the International Bureau for having organized the exhibition in the lobby of the WIPO building on the theme of "Intellectual Property and Peace." The Director General said that WIPO planned to hold, with the support of the Soviet Union State Committee for Inventions and Discoveries, an international symposium on the role of intellectual property in economic cooperation arrangements in the Soviet Union in 1989.

41. The Delegation of Czechoslovakia stressed its country's active participation in the activities dealing with patent information, legislation and the promotion of inventive activity, including, in the latter case, the award of WIPO gold medals to inventors. It also said that its country was considering acceding to the Patent Cooperation Treaty and intended to accede to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. The Director General welcomed the probable accession of Czechoslovakia to the PCT and the Budapest Treaty. A new trademark law is about to enter into force soon and preparation is being done for the elaboration for a new law on inventions.

42. The Delegation of Austria described in some detail its contributions to the state-of-the-art search program and related services, as well as to WIPO's International Cooperation in the Search and Examination of Inventions (ICSEI). The Delegation also stressed its interest in the ongoing work of WIPO, in particular that on the establishment of a treaty for the protection of integrated circuits, and declared that the Austrian Act on the Protection of Topographies of Microelectronic Semiconductor Products will enter into force on October 1, 1988. The Delegation said that the good relations which had existed between the Austrian Patent Office and WIPO would continue under the direction of the new appointed President of that Office.

43. The Delegation of Argentina expressed its intention to take an active part in the activities relating to emerging technologies such as integrated circuits and biotechnology. The Director General said that the interest of Argentina would be taken into account in the regional seminar on the impact of emerging technologies on intellectual property law which would be held in Latin America in 1989.

44. The Delegation of Malawi described the intellectual property situation in its country and indicated the readiness of its country to host regional or subregional training courses.

45. The Delegation of Morocco expressed satisfaction with the assistance its country had received from WIPO, especially for the training, studies and documents received.

46. The Delegation of Pakistan requested WIPO to continue and expand its assistance to its country, in particular in connection with the implementation of the proposed UNDP-financed country project to develop the national industrial property administration.

47. The Delegation of Bulgaria said that its Government would be organizing, in cooperation with WIPO, an international symposium on patent information in Bulgaria in April 1989, for which preparations had begun. The Delegation expressed its willingness to participate fully in the UNDP-financed regional project for Europe in the patent information field.

48. The Delegation of India expressed its particular appreciation of the holding, from September 14 to 16, 1988, of the Worldwide Forum on the Impact of Emerging Technologies on the Law of Intellectual Property, which Forum was a follow-up of an earlier Indian proposal made at the sessions of the WIPO Governing Bodies in 1986. The Delegation made reference to the envisaged revision of the Indian Copyright Act concerning which a working group had just submitted a report that was now under consideration.

49. The Delegation of the Democratic People's Republic of Korea described the efforts of its Government to promote scientific and technological development through the industrial property system and thanked WIPO for the provision of patent documents and gold medals awarded to Korean inventors. The Delegation requested International Bureau to organize, and diversify, more national training courses. The Director General said that the International Bureau appreciated the usefulness of national seminars or courses and, depending on resources made available by UNDP, would endeavor to organize more of such events.

50. The Delegation of Egypt referred to paragraphs 416 and 417 of document AB/XIX/2 Add. and, speaking in its capacity as Spokesman of the Group of Developing Countries, made the following statement:

"The Group of Developing Countries in WIPO has noted the cooperation extended by the WIPO Secretariat to the GATT Negotiating Group on Trade-Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods. In this connection, they would like to make the following statement:

"The Group of Developing Countries in WIPO considers that the protection and promotion of intellectual property and the elaboration of substantive aspects of intellectual property rights have always been and continue to remain the responsibility of WIPO, which is the designated specialized UN agency for this purpose. The field of intellectual property is fully occupied and initiatives undertaken in other international organizations should not impair, prejudice or undermine the competence and authority of WIPO. The Ministerial Declaration of Punta del Este has not in any way affected the mandate and role of WIPO."

The Director General thanked the Group of Developing Countries for their declaration which was a reassurance that the competence and jurisdiction of WIPO in the field of intellectual property should not be undermined.

51. The Delegation of Zambia underlined the need for continuing assistance to ARIPO from WIPO and donor countries as it was a young organization.

52. The Delegation of Tunisia drew attention to the importance of training judges, lawyers and university teachers. Later in 1988, the centenary of the industrial property law of its country would be celebrated, while in 1989 the centenary of its trademark law would be celebrated. The assistance of the International Bureau would be needed to modernize the industrial property system.

53. The Delegation of Yemen expressed appreciation of the development cooperation program of WIPO and special thanks for the assistance provided to Arab countries.

54. The Delegation of Indonesia drew attention to the UNDP-financed country project for strengthening the intellectual property system in Indonesia. The Director General expressed the hope that a patent law would soon be adopted in Indonesia.

55. The Delegation of Portugal gave information about current and planned development cooperation activities that WIPO and its country were providing to the countries in Africa with Portuguese as their official language to assist them in establishing or upgrading their industrial property systems. It said that its country would like to organize with WIPO a meeting with all those countries in Lisbon in 1989. The Director General said that the International Bureau planned to organize such a meeting.

56. The Delegation of Ghana emphasized the usefulness of the assistance extended by WIPO to the three African regional organizations, namely, ARIPO, OAPI and ARCT, as such quadripartite cooperation would promote the development and harmonization of industrial property systems in Africa. In the view of that Delegation, the current "swap" arrangement for payment of contributions by member States to ARIPO, arranged by WIPO through the UNDP, was a very useful one and should be continued. The Delegation also expressed its appreciation of the work done by the International Bureau on the effective protection of intellectual property rights in emerging technologies such as integrated circuits, biotechnology and satellite transmissions. The work should be continued in the next biennium. The Delegation suggested that another meeting of the Committee on Measures Against Counterfeiting and Piracy be convened in the current biennium. Greater attention should be given to counterfeiting in new technologies such as video tapes and computer programs.

The Delegation expressed its appreciation of the contribution by WIPO to the the GATT negotiations on the trade-related aspects of intellectual property rights. In the view of the Delegation, WIPO should extend the same contribution to the deliberations of the Trade Negotiations Committee Meeting of GATT which will be held in Montreal in December 1988. The Delegation noted that the OAU was not listed among those intergovernmental organizations which would be invited to participate in the Fourth Expert Group Meeting and Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits. As the OAU would like to be invited to the Washington Conference, the Delegation requested the International Bureau to look into the matter.

57. The Director General said that the International Bureau would try to ensure the prolongation of the "swap" arrangements. He said that WIPO would be pleased to also provide information to the participants in the said GATT meeting in Montreal, provided that the question of participation by WIPO would be resolved. He added that the OAU would be invited to attend the Fourth Session of the Committee of Experts and the Preparatory Meeting for the Diplomatic Conference relating to integrated circuits.

58. The Delegation of the United States of America recalled that during the 1987 sessions of the Governing Bodies it had recommended that WIPO cooperate fully in providing assistance to GATT in connection with the latter's negotiations on the trade-related aspects of intellectual property rights. In the recently adopted Omnibus Trade and Competitiveness Act of 1988, the United States Congress urged all international organizations concerned, including WIPO, to provide expertise to GATT in carrying out its activities in the area of the trade-related aspects of intellectual property rights. The mandate of GATT could not be affected by discussions in the Governing Bodies of WIPO. Moreover, it was not the intention of the Delegation to undermine the mandate and competence of WIPO, which the Delegation had long supported. The Delegation complimented WIPO and the International Bureau for the outstanding assistance that the organization had given to the many meetings in GATT in carrying out the request which WIPO had received to assist GATT in the latter's work to provide effective protection of intellectual property rights, including the elaboration of new rules and principles.

59. The Delegation of Sweden referred to its country's contribution to the development cooperation program of WIPO, in particular the recently concluded new funds-in-trust agreement for 1988 to 1991. With regard to the last meeting of the Committee of Experts on Biotechnological Inventions to be convened in October 1988, should the Committee be unable to reach solutions because of insufficient time, an additional meeting should be provided for. Furthermore, discussions between WIPO and UPOV should be initiated to facilitate progress on the issue of biotechnology. The Delegation welcomed the increase in the number of applications under the Patent Cooperation Treaty. The Nordic countries, in its view, made a significant contribution to that increase. The Director General said that he was very pleased to note the role played by the Nordic countries in utilizing the PCT. The Director General also said that UPOV, when approached earlier by WIPO, had not been ready for a joint meeting. UPOV had begun the process of revising the UPOV Convention which could take place in 1990. A joint WIPO/UPOV meeting could take place after events in UPOV had progressed sufficiently.

60. The Delegation of Switzerland stressed the need for close cooperation between WIPO and UPOV, which should consist not only of exchanges of information but of joint meetings. The Delegation also said that the Swiss Intellectual Property Office was now having search reports done electronically, as part of its contribution to the state-of-the-art search program of WIPO. Such work, done electronically, was encouraging for the future. The Director General said that electronic searching was the key to assistance to developing countries in this field as the immense upsurge in the number of patent documents and their variety of languages meant that the cost of holding paper collections was beyond the means of all but the largest patent offices. He said that he planned to address in the draft program and budget of the next biennium the question of how developing countries could, for less cost, establish a more effective patent documentation system through electronic means.

61. The Delegation of Zimbabwe drew attention to the importance of continuing the assistance currently provided to ARIPO by WIPO and various donor countries and institutions. It expressed the hope that more member States of ARIPO would make use of the "swap arrangements" for paying their contributions. The Director General said that the International Bureau would continue to do its best in support of ARIPO and OAPI. The future prosperity of those two organizations depended on their receiving more and more applications for industrial property protection.

62. The Delegation of Japan said that given the expansion of technological development and exchange, the protection of intellectual property rights and the harmonization international laws and practice had become very important. The Delegation fully endorsed the current and future activities of WIPO in this respect. The Delegation also referred to the new funds-in-trust agreement between its Government and WIPO and gave details about the activities of the Japanese Patent Office under the previous agreement and generally in the field of development cooperation.

63. The Delegation of Italy described its contributions to the work of WIPO, in particular, in the organization's development cooperation activities. It also referred to the work which had been carried out in the field of copyright in establishing guiding principles for copyright legislation to cope, amongst others, with the advent of new technologies. It added that cooperation with governments and non-governmental organizations in copyright practical administration should be fostered. Also, the Delegation indicated that its country had acceded to the Hague Agreement Concerning the International Deposit of Industrial Designs in cooperation with WIPO.

64. The Delegation of Australia highlighted its contribution to the WIPO development cooperation program, particularly in Asia and the Pacific. It suggested that more regional and subregional seminars or workshops be held to increase the awareness of the theoretical and practical aspects of intellectual property law and stated the readiness of its country to continue to contribute, within the resources available, to development cooperation activities of WIPO.

65. The Delegation of Brazil suggested that the problem of arrears in the contributions of the least developed countries could be studied with a view to a possible writing off of such arrears up to, for example, contributions payable in 1986. As for the arrears of other developing countries, they could be treated on a case-by-case basis. Regarding its country, the Delegation said that it had paid up its contributions for 1988 and part of those due in 1989. The Delegation said that document WO/INF/29 was a very useful basic reference material which demonstrated the major role of WIPO and its original, even exclusive, competence in the domain of intellectual property. The mandate of GATT was to deal with the trade-related aspects of intellectual property, whereas WIPO had competence for the establishment of substantive norms. The work of GATT should not be allowed to undermine the competence of WIPO. In the view of the Delegation, although the question of WIPO's participation in the GATT meeting in Montreal in December 1988 would be decided in GATT, WIPO should be present in that meeting. The Director General said that he would submit proposals on the question of arrears to the Budget Committee next year and thereafter to the Governing Bodies. The Director General said also that he was grateful to the Delegation and to those others which had expressed support in the meetings of the Governing Bodies and in GATT on the participation of WIPO, as an observer, in those sessions of the GATT Meeting in Montreal dealing with the trade-related aspects of intellectual property rights.

66. The Delegation of Nicaragua underlined the support given by WIPO and UNDP to the ongoing and future activities at the subregional level in Central America, particularly through such subregional institutions as the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA). Of particular importance were the periodical meetings organized by WIPO of heads of industrial property offices and vice-ministers responsible for industrial property, devoted to fostering cooperation among Central American countries. The Delegation drew attention to a plan to revise an existing subregional treaty on trademarks and to introduce a new treaty on inventions and industrial designs. The Director General said that the International Bureau would continue to assist the Central American countries and Panama in efforts to harmonize their industrial property legislation and administration.

67. The Delegation of India fully endorsed the statement on cooperation between WIPO and GATT made by the Delegation of Egypt on behalf of the Group of Developing Countries in WIPO. It supported the participation of WIPO as an observer at the GATT Meeting to be held in Montreal in December 1988. The Delegation of India, however, indicated that the decision as to who should be invited to the Montreal meeting was one which would have to be taken by the Contracting Parties of GATT. In that context, it noted with satisfaction that at the last GATT meeting on the trade-related aspects of intellectual property rights, the Delegation of the United States of America had called for WIPO to be invited to attend the meeting in Montreal, a proposal which had readily been supported by the Indian Delegation.

68. The Delegation of Egypt also emphasized the need for the presence of WIPO at the meeting in Montreal.

69. The Delegation of Canada gave information on the progress towards the adherence of its country to the PCT.

70. The Delegation of France said that its country made many contributions to WIPO activities in particular to the organization's development cooperation program.

71. The Delegation of Senegal expressed its full satisfaction with the work of WIPO during the period under review as it had achieved the targets set.

72. The Delegation of ARIPO referred to the excellent relations which had always existed between its organization and WIPO and gave the assurance that such relations would continue under the direction of the new Director General of ARIPO. The Delegation urged WIPO and donor countries to continue and increase their assistance to ARIPO.

73. The WIPO Coordination Committee and the Executive Committees of the Paris and Berne Unions, each as far as it was concerned, noted the reports and activities contained in or referred to in documents AB/XIX/2 and AB/XIX/2 Add.

ITEM 5 OF THE CONSOLIDATED AGENDA:

QUESTIONS CONCERNING THE REVISION OF THE
PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

74. See the report on the session of the Paris Union Assembly (document P/A/XIII/2).

ITEM 6 OF THE CONSOLIDATED AGENDA:

ESTABLISHMENT OF AN INTERNATIONAL REGISTER OF AUDIOVISUAL WORKS

75. See the report on the session of the WIPO General Assembly (document WO/GA/X/2).

ITEM 7 OF THE CONSOLIDATED AGENDA:

FINANCING OF THE PARTICIPATION OF
A CERTAIN NUMBER OF DELEGATES FROM DEVELOPING COUNTRIES
IN THE WASHINGTON DIPLOMATIC CONFERENCE FOR THE CONCLUSION
OF A TREATY ON THE PROTECTION OF INTELLECTUAL PROPERTY
IN RESPECT OF INTEGRATED CIRCUITS

76. Discussions were based on document AB/XIX/4.

77. The Delegation of the United States of America stated that its Government clearly regarded the proposed Treaty as a very important multilateral agreement that would prove to be in the interest of all countries--developing as well as developed. Further, the Delegation pointed out that its remarks were not directed at this particular treaty, at the diplomatic conference or at the World Intellectual Property Organization, but would be regarded as a policy statement. The Delegation of the United States of America stated that

its Government believed that, as a general policy, interested member countries, rather than international organizations, should fund the travel and subsistence of their participants to diplomatic conferences, and that participation in a diplomatic conference should not be subsidized by the contributions of member States. Therefore, the Delegation of the United States of America objected to the use of WIPO funds for travel and subsistence for delegates from the proposed list of 24 developing countries listed in document AB/XIX/4. The Delegation asked that its declaration be reflected in this report.

78. The Delegation of Brazil noted that the document gave information on the participation of developing countries in the preparatory meetings, the costs of payment of travel and subsistence expenses, and possible means of financing those expenses. As to the principle of whether the Organization should treat certain countries differently from others, by paying their expenses, the Delegation considered it appropriate to do so, since there were important differences in the economic situation of countries, and the principle was applied by organizations such as the United Nations and GATT. As to the question of which developing countries to be chosen, the Delegation of Brazil considered that the criterion of participation in preparatory meetings might be somewhat unfair since certain countries might not have had the means to participate. In its view, the number of countries should first be determined, and the regional groups of Africa, Asia and Latin America might then make the determination. It suggested that ten countries be included for each of those regions. The Delegation considered that the financing should not come from the development cooperation program, but could come from reserve funds. While the Delegation of Brazil recognized that the diplomatic conference was in the interest of certain countries, it stated that it did not recall that any developing countries had pressed for the diplomatic conference. It therefore rejected the notion that the convening of the diplomatic conference was in the interest of all countries. The Delegation stated that it hoped that the United States of America, which had generously contributed to development cooperation, and other interested countries, could contribute to having the travel expenses of certain developing countries paid, in the interest of the success of the diplomatic conference. The Delegation asked that its declaration be reflected in this report.

79. In the ensuing discussion, interventions were made by the Delegations of the Federal Republic of Germany, Sweden, Italy, France, Ghana, the United Kingdom, the Netherlands, Egypt, Senegal, Switzerland, Portugal, Zimbabwe, Cuba, the Soviet Union, the United Republic of Tanzania, Spain, India, Argentina and the Republic of Korea.

80. The meeting was suspended in order to allow consultations to take place in each of the Group of Developing Countries, Group B and Group D, and also among the Spokesmen of the said Groups and the Delegation of China.

81. In conclusion, the WIPO Coordination Committee and the Executive Committees of the Paris and Berne Unions, in respect of the expenses of the preparatory meetings of 1988, approved the proposals contained in document AB/XIX/4 and, in respect of the diplomatic conference, adopted the following decision: "the International Bureau shall finance the cost of participation (travel and subsistence allowances) of 31 expert delegates/advisors from developing countries in the Washington Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits, it being understood that the decision is an exceptional one not creating a precedent, that 30 of the 31 shall be designated by the countries belonging to the Group of 77 as represented by the Spokesman of that Group and one by China, and that the funds necessary should, to the extent possible, come from the WIPO budget for development cooperation."
82. The Director General stated that everything which is in the development cooperation program of the present biennium would be carried out in the present biennium.
83. The Delegation of the Republic of Korea declared that it intended to participate in the Diplomatic Conference at its own expense.

ITEM 8 OF THE CONSOLIDATED AGENDA:

FORM AND CONTENT OF REPORTS ON MEETINGS

84. See the report on the session of the WIPO Coordination Committee (document WO/CC/XXV/4).

ITEM 9 OF THE CONSOLIDATED AGENDA:

DRAFT AGENDAS OF THE 1989 SESSIONS OF THE
WIPO GENERAL ASSEMBLY, THE WIPO CONFERENCE, THE
PARIS UNION ASSEMBLY AND THE BERNE UNION ASSEMBLY

85. Discussions were based on document AB/XIX/3.
86. In reply to a question raised in connection with the item entitled "Designation of Auditor" appearing in Annexes I, III and IV of the said document, the Director General said that his intention was to propose, subject to the agreement of the Swiss Government, which would be consulted in due time, that the mandate of the Government of Switzerland as auditor be renewed.
87. The Delegation of France expressed its reservations against the inclusion in the agenda of the 1989 ordinary session of the WIPO General Assembly of an item on the consideration of the question whether WIPO should become a party to the Convention on the Law of Treaties Between States and International Organizations or Between International Organizations.

88. In view of the decision taken by the Paris Union Assembly (see document P/A/XIII/2, paragraph 6), the draft agenda of the 1989 ordinary session of the Assembly of the Paris Union was amended to include an item entitled "Questions Concerning the Revision of the Paris Convention for the Protection of Industrial Property."

89. Subject to the addition referred to in the preceding paragraph, the proposals contained in document AB/XIX/3 were adopted.

ITEM 10 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

90. See the report on the session of the WIPO Coordination Committee (document WO/CC/XXV/4).

ITEM 11 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE REPORT OF THE 24TH SESSION
OF THE WIPO COORDINATION COMMITTEE

91. See the report on the 24th session of the WIPO Coordination Committee (document WO/CC/XXIV/5).

ITEM 12 OF THE CONSOLIDATED AGENDA:

ADOPTION OF THE GENERAL REPORT AND OF THE INDIVIDUAL
REPORTS OF THE 19TH SERIES OF MEETINGS

92. This General Report was unanimously adopted by the Governing Bodies concerned on October 3, 1988.

93. Each of the six Governing Bodies unanimously adopted the separate report concerning its session, in a separate meeting of the Governing Body concerned, on October 3, 1988.

ITEM 13 OF THE CONSOLIDATED AGENDA:

CLOSING OF THE SESSIONS

94. The nineteenth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO were closed by the Chairman of the WIPO Coordination Committee, Mr. Gao Lulin (China).

WIPO



WO/GA/X/2

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENERAL ASSEMBLY

Tenth Session (2nd Extraordinary)
Geneva, September 26 to October 3, 1988

REPORT

adopted by the General Assembly

INTRODUCTION

1. The General Assembly was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 6, 12 and 13.
2. The report on the said items, with the exception of item 6, is contained in the General Report (document AB/XIX/5).
3. The report on item 6 is contained in this document.

ITEM 6 OF THE CONSOLIDATED AGENDA:

ESTABLISHMENT OF AN INTERNATIONAL REGISTER OF AUDIOVISUAL WORKS

4. Discussions were based on document WO/GA/X/1.

5. The Director General introduced the document and stated that the Diplomatic Conference for the Conclusion of a Treaty on the International Registration of Audiovisual Works was of interest not only to the member States of the Berne Union but to all WIPO member States. Therefore, he suggested that to the Diplomatic Conference be invited, as voting participants, all States members of WIPO and/or of the Berne Union. Other States and interested organizations would be invited as observers.

6. The Delegation of Austria said that the question of establishing the International Register of Audiovisual Works in Vienna was at present considered thoroughly and favorably by its Government. As to providing the initial financing, the Delegation was optimistic and regretted that it could not inform the present meeting about the definitive reply. However, that reply would be given to the Director General as soon as possible.

7. The Delegation of the United States of America expressed its strong support for the establishment of an international register of audiovisual works. It referred to the fact that there had been a unanimous agreement at the first session of the Committee of Experts in Geneva in March 1988 that the establishment of such a register was highly desirable and urgent. The Delegation also stated that the memorandum prepared by the Director General succinctly gave the reasons for that in stating that "such a Register would enhance cultural creative activity, increase legal security, facilitate the international flow of audiovisual works, and it would be a deterrent to piracy." The Delegation stated that it would not discuss the substance of the proposed Treaty, but would, nevertheless, like to emphasize two points: firstly, that the Treaty should not be considered as a copyright treaty and should consequently not have any effect on national copyright laws, and secondly, that the International Register would only complement and would not adversely affect the operations of any national register. The Delegation stressed that the International Register should be self-supporting; as to how it would be financed, the Delegation was prepared to accept the system of gradual financing but had also noted with interest the statement of the Delegation of Austria. Finally, the Delegation expressed its full support for the timetable proposed in the memorandum, that is, the convocation of a second and final Committee of Experts in November 1988 and a Diplomatic Conference in the first half of 1989.

8. The Delegation of Hungary said that its Government warmly supported the establishment of the International Register of Audiovisual Works as proposed in the memorandum. It expressed its agreement both with the desirability and urgency of such a step and with the arguments mentioned in favor of it in the memorandum. In connection with the necessity of combatting piracy, the Delegation stressed one further argument and proposed that it also should be reflected in the preamble of the Draft Treaty and in the commentary accompanying it, namely, that the International Register would contribute to an efficient and modern implementation of the Berne Convention, particularly of its Articles 14 and 14bis. Such an implementation required extensive information--on the ownership of copyright, on the authors of audiovisual

works, on the scope of rights, etc.--which would be provided by means of the Register. The Delegation also emphasized the importance of the establishment of a consultative committee as proposed which should be composed of, inter alia, representatives from CISAC, BIEM, FIAPF and IFPI. Concerning the question of how the Register should be financed, the Delegation stated that both solutions mentioned in the memorandum were acceptable to its Government and noted with satisfaction the statement made by the Delegation of Austria.

9. The Delegation of Czechoslovakia said that its Government supported the establishment of the International Register under the proposed Treaty. It stressed the importance of the principle of self-financing and expressed its agreement with the two alternative financing solutions mentioned in the memorandum. The Delegation stated that it would be ready to support the establishment of the Register in Vienna if the Austrian Government provided the necessary initial investment. Finally, it drew attention to the fact that IFPI also had an international information scheme that might overlap the proposed international registration system and said that while the proposed WIPO Register should enjoy full priority, all unnecessary duplication of activities should be avoided.

10. The Delegation of Japan stated that, although it still had some doubts concerning certain details of the proposed international registration system, it did not object to the continuation of the program as proposed in the memorandum and wished great success for this program.

11. The Delegation of Italy said that its Government fully supported the establishment of the proposed International Register and considered that the memorandum correctly stated the arguments in favor of such a register. It stressed that, although there might be certain details to be clarified, the second and last session of the Committee of Experts in November 1988 would certainly be able to produce appropriate drafts for the Diplomatic Conference; therefore, the preparatory work should be continued according to the timetable proposed in the memorandum.

12. The Delegation of Poland expressed its support for the establishment of the proposed International Register. It referred to the legal situation in its country and the existence of various collections and information centers in respect of which certain modifications might be needed if the Register was set up; it added, however, that the need for such modifications would not change the positive attitude of its Government concerning this program.

13. The Delegation of Israel stressed that the establishment of the proposed International Register was highly desirable and urgent because it could be a very efficient means for combatting piracy of audiovisual works. It referred to a recent modification of the Copyright Law of its country in the framework of which penalties against piracy had been significantly increased and the copyright protection of computer programs had been recognized. The draft of the modifying Law had originally contained provisions also on audiovisual works but those provisions had not been finally included in the Law because the Government wanted to wait for the completion of WIPO's program concerning the International Register. The Delegation said that it found both versions of possible financing of the Register acceptable and noted with interest the statement made by the Delegation of Austria.

14. The Delegation of Mexico expressed its warm support for the establishment of the International Register. It stressed the complex nature of audiovisual works and their particular vulnerability to piracy against which the Register would be a very efficient means.

15. The Delegation of Finland stated that it was in favor of continuing the preparatory work for the establishment of the International Register as proposed in the memorandum. It also said that it agreed with the convocation of the Diplomatic Conference if the preparatory work was successfully completed.

16. The Delegation of Spain fully supported the establishment of the International Register and the convocation of the Diplomatic Conference as proposed. It stressed the particular urgency of the program and stated that it was ready to accept both versions of financing the Register proposed in the memorandum.

17. The Delegation of the German Democratic Republic said that it, in principle, supported the establishment of the International Register. Subject to the clarification of some questions before holding the Diplomatic Conference for the adoption of the proposed Treaty, it expressed its conviction that the Register would have positive effects, in particular, with regard to the worldwide promotion of economic, intellectual and cultural relations between States, would serve the interests of creators and users as well as the further development of legal security, and would actively contribute to the fight against piracy. The Delegation also expressed the view that the establishment of the Register would contribute to further increasing the weight and importance of WIPO in the international system of copyright protection.

18. The Delegation of the Soviet Union said that it did not have any objection to the establishment of an international register of audiovisual works under the aegis of WIPO. Such a register would, in its view, contribute to strengthening the legal security and the efficient protection of the rights of authors and producers and to the promotion of the international exchange of audiovisual works. The Delegation expressed its hope that the necessary financial conditions would be guaranteed and the principle of self-financing fully applied.

19. The Delegation of Switzerland said that, although it had some doubts in relation to the International Register, it did not have any objection to the continuation of the preparatory work for the establishment of the Register according to the proposed timetable. It also stated that both versions of financing mentioned in the memorandum were acceptable to it. The Delegation expressed, however, certain misgivings in relation to the possible location of the Register outside Geneva. It stressed that the comparison of costs contained in the memorandum and the arguments based on that comparison were not convincing; according to the memorandum, the costs would be almost identical in Geneva and in Vienna, which showed in itself that there was no sufficient reason for decentralizing that activity of WIPO. The Delegation furthermore stated that the initial expenses and risks in connection with the registration activities would be less at the headquarters of WIPO than outside it because the unnecessary burden following from the initial partial occupation of the staff concerned could be avoided. Finally, the Delegation said that further clarification was needed concerning the different financing solutions, that, for the time being, no final decision could be taken and that it was in any case not willing to delegate such decision to the Committee of Experts.

20. The Delegation of the Federal Republic of Germany said that it did not object to the continuation of the work on the establishment of the International Register but that, at the same time, it had yet to be convinced of the urgency and desirability of that Register. Furthermore, the question of the prima facie evidentiary value of statements in the Register needed further elaboration. There was, in the view of that Delegation, a distinction to be drawn between such evidentiary value and a rebuttable presumption; Article 3 of the draft Treaty provided for the latter rather than for a prima facie evidentiary effect. The Delegation also stated that national laws contain differing provisions about the ownership of rights in audiovisual works and that a conflict might arise between the application of national laws in this respect and the effects of statements in the Register, and possible solutions to the elimination of such a conflict needed to be further studied. Such a study should deal with, in particular, the effects of an international registration system in countries having no registration system and no formalities, and the relation between statements in the International Register on the ownership of copyright in cinematographic works in different countries and the application of Article 14bis 2(a) of the Berne Convention under which the ownership of copyright in such works shall be a matter for legislation in the country where protection is claimed. The Delegation requested that an in-depth analysis of those matters should be submitted as a basis for discussions at the Committee of Experts scheduled for November 1988.

21. The Delegation of Portugal expressed its support for the establishment of the International Register within WIPO but said that it had a certain hesitation about the advantages of locating the Register outside Geneva; in the view of that Delegation, so far, the inconveniences of that solution were apparent. The Delegation stressed the importance of the self-supporting character of the Register and expressed its preference for the gradual financing of it.

22. The Delegation of France stressed the desirability of the establishment of the International Register; however, the working languages of the Register should be English and French. The Delegation furthermore said that it was not convinced about the advantages of placing the Register in Vienna, rather than in Geneva. If the Register was to be located in Geneva, the system of gradual financing should be chosen, without any financial contributions from the States.

23. The Delegation of Zimbabwe said that, without expressly committing its Government, it supported generally the creation of the International Register. It also stated that in the course of revising the Copyright Act of its country the question of registration of audiovisual works had been studied, as such registration would be an efficient means of combatting piracy.

24. The Delegation of Australia said that it would not oppose the creation of the International Register on the understanding that governments would have no financial obligations. The majority of interested organizations in its country had expressed some doubts as to whether the Register would be a deterrent to piracy and also some concern about the prima facie evidentiary value of statements contained in the Register, much along the same lines as those mentioned by the Delegation of the Federal Republic of Germany. As far as the location of the Register was concerned, the Delegation had the same concerns as those expressed by the Delegation of Switzerland.

25. The Delegation of Bulgaria stated its support for the idea of establishing the International Register as one of the most efficient measures against piracy.
26. The Delegation of Senegal greeted the initiative to establish the International Register and supported the plan to hold a diplomatic conference in the 1988-1989 biennium. In its view, the establishment of the Register would, inter alia, promote the exchange of cultural works by providing a stable foundation for the flow of rights in such works. Once the Register was established, it would need acceptance by the majority of States in order to obtain the status of a well established authority in respect of audiovisual works and rights in such works. The Delegation also said that a further analysis of the legal questions involved should be made so as to eliminate the problems which had been mentioned during the debate.
27. The representative of CISAC expressed his support for the planned International Register and said that CISAC had itself set up a register of audiovisual works, based on information from its 163 member societies, for the purpose of recording works and chains of rights in such works. As the objective of the CISAC register was not the same as that of the envisaged International Register, they would complement each other. CISAC could, in his view, offer a valuable contribution to the consultative committee referred to in Article 4(2)(a)(vii) of the draft Treaty. In order to make data contained in the International Register trustworthy and having a prima facie evidentiary value, a certain amount of verification had to be carried out before entering the data in the Register.
28. The representative of FIAPF said that the proposed Register was not only necessary but essential for the film and television industries in view of new technologies which had greatly facilitated piracy of audiovisual works. The representative particularly thanked the International Bureau for having, at an early stage, realized the importance of fighting piracy, of which fight the creation of the Register was an essential element. In his view, at least some of the legal problems mentioned during the discussion could be solved easily.
29. The Director General said that the International Register would not have any influence on copyright laws and conventions and that it would entail no financial obligations to member States (except Austria, if the seat was in Vienna). Furthermore, he said that if an agreement could be reached with the Government of Austria, it would be submitted to the General Assembly of WIPO and would become effective only if that Assembly approved it. Finally, he said that the invitations to and the working documents for the preparatory meeting for the Diplomatic Conference would be distributed very soon and, before the end of October 1988, a supplemental document would be distributed which would deal with the evidentiary value of international registrations.
30. The General Assembly, having noted the declarations of the Delegation of Austria (paragraph 6, above) and the suggestions made (paragraph 5, above) and assurances given by the Director General (paragraph 29, above), approved the plans and suggestions contained in paragraph 5, above, and in document WO/GA/X/1.

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WIPO



WO/CC/XXV/4

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

WORLD INTELLECTUAL PROPERTY ORGANIZATION

COORDINATION COMMITTEE

Twenty-Fifth Session (19th Ordinary)
Geneva, September 26 to October 3, 1988

REPORT

adopted by the Coordination Committee

INTRODUCTION

1. The Coordination Committee was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13.
2. The report on the said items, with the exception of items 8 and 10, is contained in the General Report (document AB/XIX/5).
3. The report on items 8 and 10 is contained in this document.
4. Mr. Gao Lulin (China) was elected Chairman of the Coordination Committee.

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ITEM 8 OF THE CONSOLIDATED AGENDA:
FORM AND CONTENT OF REPORTS ON MEETINGS

5. Discussions were based on document WO/CC/XXV/2.
6. The Chairman first mentioned the two solutions contemplated in that document, namely either a return to the concise reports defined in 1979 and 1980, which seemed difficult to put into practice, or the legalization of the detailed reports that had gradually replaced the concise ones, which would call for additional resources at an annual cost of 750,000 Swiss francs.
7. The Director General confirmed that the increase in the use of languages other than English and French had been and still was the Secretariat's objective. The use of Arabic, Spanish, Russian and Chinese was growing year by year as a result, but the steady increase in the length of reports on meetings was difficult to reconcile with that effort. For the reports of meetings, the Director General wished to return to the principles set forth in 1979 and 1980, which were still valid and which provided for concise reports.
8. The Delegations that took part in the ensuing debate were those of Colombia, France, Mexico, the United States of America, the United Kingdom, Italy, Brazil, Spain, Cuba, Ghana, the Federal Republic of Germany, Egypt, Denmark, China, Portugal and Switzerland.
9. The Delegation of Colombia mentioned once again the problems that it had repeatedly experienced on account of the non-availability, at the time of the adoption of the reports, of complete versions in all the established working languages, as provided in paragraph 2 of the rules adopted in 1980 and reproduced in document WO/CC/XXV/2 of the International Bureau. It also expressed the view that the substance of reports should not be sacrificed to brevity as there had to be scrupulous concern for faithful reporting of interventions, subject to the exceptions mentioned in paragraph 4 of the same document, and subject also to respect at all costs for the right of delegations to provide whatever explanations or clarifications they considered necessary in relation to their statements.
10. A number of delegations considered that there should be a return to concise reports and that the length of those reports should be limited according to available staff rather than the staff increased to accommodate the length of the reports. Every body that was to meet would be informed beforehand that the record of its discussions would be concise. The savings made in that way could be used for the more extensive use of languages other than English and French, notably for draft reports submitted to committees and working groups for adoption. Certain delegations suggested that delegates desiring a detailed account of their statements should distribute the text themselves in the form of separate documents or annexes to the report.
11. Other delegations, however, pointed out that it was still necessary to identify in the reports each delegation that had spoken (with a distinction being made between government delegations and non-governmental organizations); it had to be possible to use a report later to trace all the arguments put forward in the course of a discussion; a report had moreover to provide the national authorities with the most detailed information possible on the conduct of a meeting, even if that were to require an increase in resources.

12. The Director General proposed that an intermediate solution be experimented with as a means of reconciling the views that had been put forward: the International Bureau would endeavor to reduce the length of reports during the coming year, and would observe the reactions of delegations. Budget proposals would be made for the 1990-91 biennium according to the experience gained from the experiment.

13. The Chairman noted that there was general support for the proposed intermediate solution, and that it would be tested on the next meetings convened by the International Bureau.

ITEM 10 OF THE CONSOLIDATED AGENDA:

STAFF MATTERS

14. Discussions were based on documents WO/CC/XXV/1, WO/CC/XXV/1 Add. and WO/CC/XXV/3.

Staff Regulation 3.1bis

15. Following a suggestion made by the Director General, and upon the invitation of the Coordination Committee, the President of the WIPO Staff Association made a statement in which he expressed the views of the said Association on the position of the International Civil Service Commission (ICSC) with respect to Staff Regulation 3.1bis and urged the retention of that regulation. The text of the said statement is reproduced in the annex of this report.

16. The Coordination Committee had before it three solutions to the question whether Staff Regulation 3.1bis should be deleted, whether it should be retained for staff in service on October 1, 1988, and if so, for what duration that regulation should remain applicable to such staff.

17. Under one of those three solutions, Staff Regulation 3.1bis would be deleted from the Staff Regulations but, in order to safeguard acquired rights, that regulation would remain in force as to staff members already in service on October 1, 1988, and the following rule would prevail: "Where, for any given month, the take-home pay, expressed in Swiss francs, of any staff member is, as a result of a variation in the exchange rate between the Swiss and United States currencies, less than for the preceding month, the difference ("take-home pay differential") shall be paid by WIPO to the said staff member until the month for which, for any reason, the amount of the take-home pay reaches the amount paid prior to the said variation."

18. Under each of the other two solutions, Staff Regulation 3.1bis, as in the case of the previously mentioned solution, also would be deleted from the Staff Regulations but also would be retained in force as to staff in service on October 1, 1988; however, according to one of those two solutions, the take-home pay differential payable to such a staff member would be phased out, over a period of six months (document WO/CC/XXV/3) (subsequently amended to twelve months by the Delegation of the United Kingdom and supported by the Delegations of the United States of America, the Netherlands and France), whereas, according to the other of those two solutions, the following rule

would prevail: "Where, for any given month, the take-home pay, expressed in Swiss francs, of any staff member in service as of October 1, 1988, is, as a result of a variation in the exchange rate between the Swiss and United States currencies, less than for the month of October 1988, the difference ("take-home pay differential") shall be paid by WIPO to the said staff member until the month for which, for any reason, the amount of the take-home pay reaches the amount paid prior to the said variation" (document WO/CC/XXV/1, paragraphs 16 and 17).

19. The first of the three aforementioned solutions was advanced by the Director General (document WO/CC/XXV/1, paragraphs 22 and 23) and was supported by the Delegations of Brazil, Zimbabwe and Egypt, as well as by the Delegation of Portugal.

20. The second of the three aforementioned solutions was proposed by the Delegations of Australia, Belgium, the Netherlands, Sweden, the United Kingdom and the United States of America (document WO/CC/XXV/3) and, during the meeting, was endorsed by the Delegation of Japan and supported by the Delegation of the Soviet Union.

21. The third of the aforementioned solutions was recommended by the Working Group set up by the Coordination Committee at its session in September 1987 to examine Staff Regulation 3.1bis in all its aspects and was supported by the Delegations of Cuba, Cameroon, India and the United Republic of Tanzania, as well as by the Delegation of Switzerland.

22. During the discussions, a fourth solution emerged, which was advanced by the Delegations of Ghana and Uruguay, and was supported by the Delegation of Senegal, namely, that Staff Regulation 3.1bis, as in the case of the three solutions previously mentioned, would be deleted from the Staff Regulations but continue in force as to staff members in service on October 1, 1988, until such time as the United Nations General Assembly had taken action on the comprehensive review of the conditions of service of staff in the Professional and higher categories, which, by resolution 42/221, it had requested the ICSC to undertake and to present at the 1989 session of the United Nations General Assembly, after which a final decision would be taken by the Coordination Committee.

23. Following a recess in the discussions, the matter was resumed.

24. The Delegation of Switzerland, supported by the Delegations of Cameroon, India, the Soviet Union, Australia, Italy, Turkey, Cuba and Ghana, proposed that the Coordination Committee adopt the recommendation of the Working Group (document WO/CC/XXV/1, paragraphs 16 and 17).

25. The Delegation of the United States of America said that it could support the recommendation of the Working Group provided that the following sentence was added: "This transitional measure will terminate upon adoption of permanent measures regarding exchange rate fluctuations under the common system." That proposal was supported by the Delegation of the United Kingdom.

26. The amendment proposed by the Delegation of the United States of America and specified in paragraph 25, above, was put to a vote by roll call and was adopted by 14 votes for, 4 against and 18 abstentions.*

27. Thereupon, the Coordination Committee adopted, by consensus, the text recommended by the Working Group, set forth in document WO/CC/XXV/1, paragraphs 16 and 17, with the amendment adopted and referred to in paragraph 25, above.

28. The Delegation of the United States of America said that, while its Government had actively pursued the elimination of Staff Regulation 3.1bis, that effort was not directed at the staff of the Organization which was highly respected and whose work was much appreciated.

Other Staff Matters

29. The Coordination Committee:

- (i) approved the amendments to the Staff Regulations referred to in document WO/CC/XXV/1, paragraphs 1 to 11, and noted the amendments to the Staff Rules referred to in documents WO/CC/XXV/1, paragraphs 12 and 13, and WO/CC/XXV/1 Add., paragraphs 1 to 4;
- (ii) gave a favorable advice on the intent of the Director General to promote Mr. Rubén Beltrán and Mr. Daniel Bouchez to grade D.1 and to appoint Mr. S. Ramaiah to a D.1 post;
- (iii) elected Mr. Wolfgang Milzow, Counsellor (Financial Affairs), Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and other International Organizations in Geneva, as its member of the WIPO Staff Pension Committee for the balance of the term of office remaining until the 1989 ordinary session of the Coordination Committee;
- (iv) noted the information contained in document WO/CC/XXV/1, paragraphs 24 to 26.

* In favor: Australia, Canada, Chile, Germany (Federal Republic of), France, Italy, Japan, Mexico, Netherlands, Spain, United Kingdom, United States of America, Turkey, Venezuela (14).

Against: Brazil, Cuba, Egypt, Senegal (4).

Abstentions: Argentina, Austria, Bulgaria, Cameroon, China, Colombia, German Democratic Republic, Hungary, India, Indonesia, Morocco, Nicaragua, Poland, Republic of Korea, Soviet Union, Switzerland, Syria, Uruguay (18).

Not represented: Algeria, Bangladesh, Côte d'Ivoire, Czechoslovakia, Jamaica, Kenya, Pakistan, Philippines, Saudi Arabia, Sweden, United Republic of Tanzania (11).

ANNEX

STATEMENT BY THE PRESIDENT OF THE WIPO STAFF ASSOCIATION
TO THE COORDINATION COMMITTEE ON SEPTEMBER 30, 1988

Mr. Chairman,
Honorable Delegates,

First, I wish to thank you for the opportunity that I have been given of informing you of the opinion of the staff on an essential aspect of their employment conditions, namely, with reference to Staff Regulation 3.1bis, respect for legal principles and the preservation of good employment relations.

Mr. Chairman, Honorable Delegates, the staff have been deeply disturbed by the virulence of the attacks made by the Chairman of the ICSC on a system that you yourselves, in your great wisdom, introduced 16 years ago, and which was accepted by the ICSC when WIPO accepted the latter's statute and thereafter until 1986.

The Staff Association has protested, with respect to both their substance and their form, against the direct contacts between the ICSC secretariat and selected delegations of member States, and against the violation of the duty of independence and impartiality provided for in article 6 of the ICSC statute; it has asked the Chairman of the ICSC to bring its protest to the notice of the Commission. Its request has been ignored, which is contrary to article 28 of the statute of the ICSC and rule 36 of its rules of procedure.

Mr. Chairman, Honorable Delegates, you have received a "Memorandum of the International Civil Service Commission" which contains recommendations. There has been no prior consultation of the Staff Association, in contravention, inter alia, of article 16 of the ICSC statute. Furthermore, contrary to rule 22 of the rules of procedure of the ICSC, the recommendations have not even been sent to the Staff Association.

The staff cannot agree that a body which systematically violates its own statute can set itself up as a defender of law and legality and, at the same time, show the utmost leniency towards other organizations which, unlike WIPO, have not implemented its decisions. The staff cannot understand why, in the present circumstances, they should be reduced to the level of the theoretical lowest common denominator whereas other organizations can retain special arrangements that are much more significant than Staff Regulation 3.1bis, or even introduce special measures intended to remedy the notorious shortcomings of the system managed by the ICSC. For it is a fact that, for instance, the 35.625-hour week in New York represents an immediate and permanent 11% advantage, and that an advantage of the same magnitude can be obtained at the UN and ILO by means of accelerated increments, or at WHO by the award of several merit and long-service increments. Finally, the staff cannot agree to relinquish a system that is simple and effective to slip into the uncertainties of provisional measures that are complex and unmanageable, as is illustrated by the numerous errors detected in the figures quoted in the memorandum that you have received from the ICSC.

Mr. Chairman, Honorable Delegates, it is for you to make a choice by virtue of your absolute sovereignty; a choice that also takes due account of the rights of the staff and the interests of the Organization that it is our honor to serve and your honor to administer; a choice which, in our view, is between three solutions:

first, a solution dictated by law, notably the principle of respect for acquired rights specified in the ICSC statute and the WIPO Staff Regulations;

secondly, a solution dictated by reason, as we are within one year of the definition of a new system of remuneration which should make Staff Regulation 3.1bis obsolete;

thirdly, a solution based on concerns that have absolutely nothing to do with the decision process, but a solution advocated by an ICSC that:

has not escaped criticism by the United Nations General Assembly and the governing bodies of numerous other organizations,

has already been repudiated by the UN and ILO Administrative Tribunals, and

has so discredited itself in the eyes of the staff that the federations of international civil servants' associations, namely FICSA and CCISUA, have been compelled to break off relations with it.

The staff earnestly desire that this distinguished Committee should take the side of law and reason. The staff desire that this Committee should subscribe to the position defended by the ICSC itself in the case of matters that concern the organizations collectively: for has it not just acknowledged, at its most recent session, in connection with place-to-place surveys, "that a decision which would lead to losses in take-home pay would not be understood by the staff members affected and would create difficulties for the organizations in terms of staff/management relations"? Has it not just decided, on that basis, to protect, not individual salaries, but salary scales in certain duty stations?

In this matter the ICSC is making a "heads we win, tails you lose" approach to the "equal pay for equal work" principle. By virtue of that principle, the staff of WIPO also have a just claim to the 35.625-hour week, to accelerated increments and to the award of several merit increments and long-service increments.

It is the earnest desire of the staff that this distinguished Committee should be guided by the same wisdom that guided the pioneers of 1972; that it should seek to preserve the respect and understanding of the staff that it already enjoys; that it should recognize through action the exceptional competence and devotion to duty of the staff that it consistently recognizes in words, for which recognition we give you our heartfelt thanks.

Mr. Chairman, Honorable Delegates, thank you for your attention.

[End of Annex and of document]

WIPO



P/A/XIII/2

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
(PARIS UNION)

ASSEMBLY

Thirteenth Session (5th Extraordinary)
Geneva, September 26 to October 3, 1988

REPORT

adopted by the Assembly

INTRODUCTION

1. The Assembly was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 5, 12 and 13.
2. The report on the said items, with the exception of item 5, is contained in the General Report (document AB/XIX/5).
3. The report on item 5 is contained in this document.

ITEM 5 OF THE CONSOLIDATED AGENDA:

QUESTIONS CONCERNING THE REVISION OF THE PARIS CONVENTION
FOR THE PROTECTION OF INDUSTRIAL PROPERTY

4. Discussions were based on document P/A/XIII/1.
5. Detailed discussions took place, mainly among the Spokesmen of the Group of Developing Countries, Group B and Group D and the Representative of China, and in group meetings. In conclusion of those discussions, the Assembly agreed on the text contained in paragraphs 6 to 8, below.
 6. The Assembly, in the light of the commitment undertaken by Group B that it would communicate, through its Spokesman, by June 15, 1989, written counterproposals to the written and oral proposals in respect of Articles 1, 5A and 5quater made for or during the fifth Consultative Meeting on the Revision of the Paris Convention (September 19 to 23, 1988), decided that the sixth Consultative Meeting will take place from September 18 to 22, 1989, and that the continuation of the work of the revision of the Paris Convention, including the question of the continuation of the Diplomatic Conference, will be on the agenda of the next ordinary session of the Assembly of the Paris Union (September 25 to October 4, 1989).
 7. It was understood that the said counterproposals need not be subscribed to by the totality of Group B and that their contents are not predetermined.
 8. It was also understood that WIPO would bear the travel costs of up to ten participants from the Group of Developing Countries and one participant from China in the sixth Consultative Meeting.

[End of document]

WIPO



P/CR/XV/2

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
(PARIS UNION)

CONFERENCE OF REPRESENTATIVES

Fifteenth Session (7th Extraordinary)
Geneva, September 26 to October 3, 1988

REPORT

adopted by the Conference of Representatives

INTRODUCTION

1. The Conference of Representatives was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 5, 12 and 13.
2. The report on the said items, with the exception of item 5, is contained in the General Report (document AB/XIX/5).
3. The report on item 5 is contained in the report on the session of the Paris Union Assembly (document P/A/XIII/2).

[End of document]

WIPO



P/EC/XXIV/1

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
(PARIS UNION)

EXECUTIVE COMMITTEE

Twenty-Fourth Session (24th Ordinary)
Geneva, September 26 to October 3, 1988

REPORT

adopted by the Executive Committee

INTRODUCTION

1. The Executive Committee was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 3, 4, 7, 9, 12 and 13.
2. The report on the said items is contained in the General Report (document AB/XIX/5).
3. Mr. Patrick A.D. Smith (Australia) was elected Chairman of the Executive Committee.

[End of document]

WIPO



B/EC/XXIX/1

ORIGINAL: English

DATE: October 3, 1988

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

INTERNATIONAL UNION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS (BERNE UNION)

EXECUTIVE COMMITTEE

**Twenty-Ninth Session (19th Ordinary)
Geneva, September 26 to October 3, 1988**

REPORT

adopted by the Executive Committee

INTRODUCTION

1. The Executive Committee was concerned with the following items of the Consolidated Agenda (document AB/XIX/1 Rev.): 1, 2, 3, 4, 7, 9, 12 and 13.
2. The report on the said items is contained in the General Report (document AB/XIX/5).
3. Mr. Geraldo Aversa (Italy) was elected Chairman of the Executive Committee.

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