

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**WIPO WORKING GROUP  
ON INFORMATION TECHNOLOGIES  
FOR INTELLECTUAL PROPERTY**

**First Session  
Geneva, July 14 to 18, 1997**

REPORT

*adopted by the Working Group*

1. The first session of the WIPO Working Group on Information Technologies for Intellectual Property, hereinafter referred to as “the Working Group,” was held at the Headquarters of WIPO from July 14 to 18, 1997.
2. The following States, members of WIPO, attended the Working Group session: Albania, Andorra, Argentina, Australia, Austria, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Costa Rica, Côte d’Ivoire, Croatia, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iraq, Israel, Jamaica, Japan, Kenya, Kyrgyzstan, Madagascar, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Norway, Pakistan, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tunisia, United Kingdom, United States of America, Uruguay, Venezuela, Viet Nam (65). There were also representatives from the World Trade Organization (WTO), the African Regional Industrial Property Organization (ARIPO), the Commission of the European Communities (CEC) and the European Patent Office (EPO). The list of participants is annexed to this report.

3. The session was opened by Mr. François Curchod, Deputy Director General of WIPO, who welcomed the participants.
4. The Working Group unanimously elected Mr. Bruce Murray (Australia) as Chairman, and Mrs. Elia del Carmen Guerra-Quijano (Panama) and Mr. Lars Björklund (Sweden) as Vice-Chairmen.
5. The Working Group adopted the agenda contained in document ITIP/WG/I/1.

Consideration of the documents from the United States of America, from any other Member States or from Organizations, and from the International Bureau

6. Discussions were based on documents ITIP/WG/I/2 (“Current Information Technology Activities of the International Bureau of WIPO” - Memorandum prepared by the International Bureau), ITIP/WG/I/3 (“The Information Technologies Committee of the World Intellectual Property Organization” - Memorandum of the United States of America), ITIP/WG/I/4 (“Comments by the Canadian Intellectual Property Office (CIPO) on the Proposal Concerning the Establishment of an Ad Hoc Information Technologies Committee under the General Assembly of the WIPO” - Memorandum of Canada), ITIP/WG/I/5 (“Draft Recommendation Concerning the PCIPI Long-Term Policy, text approved by the PCIPI/MI” - Memorandum prepared by the International Bureau) and ITIP/WG/I/6 (“Japan’s View on the Use of Information Technologies in the Intellectual Property Arena” - Memorandum of Japan).

7. In introducing its document ITIP/WG/I/3, the Delegation of the United States of America said that its proposal to establish the Information Technologies Committee within WIPO would serve essentially two functions: first, to coordinate various standards and policies needed to support the effective deployment of information technologies across the work programs of WIPO, as well as within the International Bureau’s internal activities, and second, to promote the development and deployment of practical information technology solutions that could give effect to the WIPO standards and plans. The Delegation emphasized the need for coordination by noting that, in many instances, projects had been started by various WIPO institutions with a very narrow focus, typically to address a very practical need to deploy and develop initiatives based on its own internal needs. For example, the PCT Sector was currently going through a number of steps to automate its activities and had been promoting cooperation among PCT member States for information technology-related solutions, but such solutions were exclusively considered within the PCT context. This fragmented approach was not healthy, as developments in the field of information technologies tended to be migrating toward uniform solutions and uniform underlying technologies coupled with specific applications of those technologies. As to the second purpose to be served by the new Committee, the Delegation emphasized that, through its proposal, it hoped that WIPO could engage in a new type of work program involving the development and deployment in interested member States of practical solutions to their information technology needs. In the past, WIPO had been very successful in its efforts in development cooperation, in the development of laws, and also in technical assistance at various levels. The work of the PCIPI had also been very useful in elucidating standards and identifying possible solutions. The next dimension beyond these activities would focus on infrastructure development initiatives that could rely on WIPO to provide practical solutions to offices to cope with either their internal needs for managing industrial property operations, particularly as part of the development

cooperation program, or as part of an effort to help countries succeed in their efforts to implement the TRIPS Agreement. The Delegation indicated that information technologies were absolutely critical in this regard as they could provide practical solutions to the needs of the offices. The Delegation emphasized that information technology issues were not developing versus developed country issues, but were issues that cut across the needs of all offices. It noted that many offices had engaged in efforts to automate their operations, with the goal of saving money and making their operations manageable in light of future developments; these experiences, if shared in an appropriate forum, could help in the efforts to develop common, practical solutions that were truly useful to all WIPO member States. With an institution like the Information Technologies Committee (ITC), WIPO would have a means to provide assistance in infrastructure development that would benefit both developing and developed countries. The Delegation of the United States of America then turned to its proposal as contained in its document, noting that it provided a very straightforward proposal concerning the establishment and institutional aspects of the Committee, and also provided three annexes that illustrated some of the initiatives that could be pursued within WIPO. As specified in the first part of its proposal, the Delegation indicated that the proposed ITC would have two functions: a policy coordination function, and a practical management of information technology projects function. Policies and standards were scattered among different parts of WIPO, so the Delegation considered it would be very healthy to have an institution within WIPO to coordinate and promote standards in a consistent fashion. The second, practical function would involve the ITC shepherding specific information technology projects, such as the development of a global network to link all industrial property offices, illustrated in Annex A of document ITIP/WG/I/3. The Delegation then noted that the next part of its proposal illustrated certain institutional aspects of the ITC. In this regard, the plenary of the Committee would serve a steering purpose and working groups would provide a means for practical work on topics. It noted that these working groups would consider specific tasks or projects as needed to develop standards, develop policies or develop solutions to be pursued and implemented by WIPO. The Delegation emphasized that, to be effective and efficient, initiatives must be based on real world solutions so that they would be adopted by all the interested member States. Five working groups within the Committee were proposed as a means to address various groups of essential issues for an effective organizational structure. The document also outlined a number of terms of reference that the Delegation considered would be appropriate for this Committee, to serve as a coordinating entity and to help develop and deploy consistent policies within the various bodies of WIPO. The Delegation recalled that during the March discussions, it had been made clear by other delegations that one should not try to create a redundant organization, and that if established, the institution must work well with existing institutions, rather than overlapping with the responsibility of other WIPO bodies. This was consistent with the Delegation's model of the first function of the Information Technologies Committee, namely to coordinate and ensure that things were developed and deployed in a consistent fashion. Furthermore, there should be some institution in WIPO responsible for development and implementation of specific information technology projects. Considering the example of the PCT Sector, it was stated that the PCT was a very important institution, and many patent applicants depended on its efficient functioning. It was necessary to ensure that the PCT Sector would continue to manage its own operations effectively. Since the PCT was often looked upon as a model institution by many countries, one could develop a forward-looking information technology solution, based on current technologies, to help the PCT Sector solve its electronic records management needs. Once developed, such systems could then be used to provide solutions to those countries which were modernizing their internal operations. Such initiatives would provide a concrete example of

technical assistance. In order to make things work and provide momentum, the steering entity needed to be able to make recommendations to the General Assembly concerning how to make these projects a reality, and to provide an input to the Budget Committee process to ensure the necessary funding. The Delegation of the United States of America again emphasized the need to have a forum in WIPO where delegates could meet, bring the right types of decision-makers to set priorities for action, and move and initiate activity. Turning to Annex A of its proposal, the Delegation indicated that the proposal in Annex A should be a very high priority for WIPO, namely, the establishment of a global intellectual property network to link industrial and intellectual property offices. (Annexes B and C contained some additional thoughts about issues related to the practical implementation of some projects that would serve as a priority for the work of the ITC.) The Delegation proposed to establish a network using Internet-based technologies, which had proven to be very successfully adaptable to many different types of systems and uses. The Delegation indicated that a secure and dependable information infrastructure that would link all intellectual property offices would enable all WIPO members to have the same capacity to work in a non paper-based world. Since confidential communications were needed between the offices, there was a very real need for building into that network the necessary security measures. The proposal sketched out a technically oriented structure for constructing the network. The Delegation noted that a tremendous amount of information was currently exchanged between certain industrial property offices, relating, for example, to the PCT system, and that many industrial property offices were now working to disseminate such information on a very broad scale to a number of other offices using electronic rather than paper means. These trends would continue and expand in scale. It also noted that, at present, a very large volume of information now moved between certain offices, while a smaller volume of information moved between a wider range of other offices. In this sense, a network structure that was designed to match these patterns in the flow of information would be consistent with the way the Internet was structured from a technical perspective. The proposal of the United States of America sketched out one conceptual technical solution that would be based generally on a network of PCT searching and examining authorities in order to establish a very basic backbone through which access could be provided to all interested intellectual property offices in an efficient fashion. An economically feasible solution was needed for delivering infrastructure and support to all parties that wished to have access to the network, while ensuring that the solution would use technologies that exist today. The proposal also sketched out some of the considerations that would have to be addressed in establishing the network: the different types of information exchanges that would occur between intellectual property offices (given in Table A-I in the document, which indicated bandwidth needs and security needs that would have to be provided by the network); different types of profiles of client offices (given in Table A-II in the document, which indicated who the participants would be and what would be their needs); and a methodology for estimating the costs of developing and deploying this type of network, using the client categories and expectations for the amount of information that had to be exchanged, to develop representative profile solutions for member State participants, which were then used to make some calculations as to a rough estimate of the cost for establishing the network. The Delegation of the United States of America emphasized that the goal was to have every WIPO member participating in this network at least with a minimum level of access. It was critical to have a guarantee that all members could be in a position to participate and gain access to the benefits of the network. Secondly, the Delegation emphasized that this was a first step in a process which would deliver many benefits in the future. The network would be a shared resource, through which many different types of services and products could be delivered. One of the first things that the Delegation would like to be able to do would be to

provide access to the USPTO's very extensive database of patent and trademark information to interested intellectual property offices, which would be an immediate benefit to many offices. Many offices had indicated to the United States of America that they would like to have access to a searchable collection of US patents, from the examiner desktop, rather than (as now) receiving many CD-ROMs. The Delegation added that the document from the Rio de Janeiro meeting of the PCIPI(MI) had many similar ideas about establishing a network of digital libraries; in order to make that vision a reality, the infrastructure of a network was needed. In conclusion, the Delegation said that it hoped that the ideas that it had presented in its proposal would be received favorably by the membership of WIPO and looked forward to substantive discussions.

8. The Delegation of the Russian Federation said that it was not surprising that the United States of America, which had achieved a great deal in the field of information technology, should put forward the proposal, which was important and timely. In the view of the Delegation of the Russian Federation, the idea in essence was correct. WIPO must pay greater attention to the issue of information technology. However, the Delegation had a number of comments and questions. The document of the United States of America said that the aim was to create the infrastructure which would be required for all countries, including the developing countries and it would enable them to update their infrastructure. The Delegation considered that special reference also had to be made to countries in transition which had particular problems, so particular attention had to be devoted to them. Secondly, it was necessary to avoid any kind of duplication among various WIPO bodies. As regards the Information Technologies Committee (ITC), the Delegation said that its role in the overall structure needed to be examined, in particular, its relationship to the Budget Committee on matters of funding. The Delegation added that it considered that more detail was needed as to the work of the ITC in issuing recommendations, and setting up working groups, especially if it would deal with certain questions which might have direct financial consequences. This body, which was meant to play a coordinating and a guiding role in this field, would then become rather similar in nature to the Coordination Committee, which already existed. Setting up a body with very wide range of powers, which in fact would be so important within the structure of WIPO that it might affect other bodies, raised the danger not only of parallelism and duplication but even in fact of getting into a situation where the consequences were very far from clear. Another question concerned additional posts within the Secretariat, especially from the point of view of automation and computerization: there might be a need for additional personnel, as experience had shown that when new automated systems were introduced, then new staff were needed to operate those systems. Noting that a figure of around 25 million dollars had been mentioned in connection with the proposal, the Delegation asked what financial consequences the Secretariat envisaged, even if only general information was now available on the financial implications. The Delegation added that it considered the proposal of the United States of America very interesting, which should be looked at most carefully.

9. The Delegation of Canada stated that the experience it had gained in substantially automating its patent and trademark operations convinced it that the time was ripe for WIPO to examine the use of information technology in an international forum. Greater use of information technology would not only improve services to global users of the intellectual property system, but would also result in benefits to national offices. Significant changes in information technology over the past several years meant that intellectual property offices were all being challenged to take advantage of new ways of administering intellectual property at international levels. To build on and realize the full benefits of automation, international

cooperation was essential. The potential benefits that would arise from computer access and exchange of intellectual property information between member States and WIPO required automation to exist both at the national level and at the international level. WIPO should develop a long term information technology plan including a vision and a strategy for international cooperation in the use of information technology. The plan should form an essential component of WIPO's mandate and be reflected in its biennium program. The development and implementation of the elements of the plan would, however, require commitments at the senior level by both WIPO and its member States, and would require a high-level body responsible for horizontal management or system development cutting across WIPO's activities. The Delegation said that it was prepared to work to reaching a consensus among member States on how best to proceed in order to maximize the benefits that would accrue to the intellectual property community from the development and implementation of such a plan.

10. The Delegation of Japan commended the excellent work of the International Bureau in preparing for the session of the Working Group. It was very important to discuss the use of information technologies in the intellectual property arena, since the computer and the telecommunications technologies were regularly progressing in almost all countries. At the recent PCIPI/MI meeting held in Rio de Janeiro, a recommendation concerning the PCIPI long-term policy had been adopted, which went in the same direction as the proposal of the United States of America. The Delegation hoped that a consensus could be reached on how to deploy information technologies in the industrial property arena. With respect to the proposal to create a WIPO Information Technologies Committee (ITC), the Delegation expressed its highest appreciation to the United States of America for its excellent document, which provided a good basis for further discussion. The Delegation of Japan confirmed its position—already stated at the March session of the Governing Bodies—of giving general support to the proposal to establish an ITC under the WIPO General Assembly, since the ITC should present an efficient and effective forum to deal with a wide variety of information technology activities governed by different WIPO bodies. The Delegation of Japan said that its other reasons were detailed in its submission, which had been distributed as document ITIP/WG/I/6, and which also provided comments and suggestions, in response to the invitation issued by the WIPO General Assembly, to contribute to the discussions on the proposal. The JPO introduced its first computerized system in 1964 and introduced an electronic application system in 1990 to allow applicants to file applications by electronic means. Based on this experience, the Delegation was determined to contribute positively to the information technology activities within WIPO. Additionally, the JPO had for a long time been tackling these electronic issues together with the EPO and the USPTO in the framework of the Trilateral cooperation, and the results of this cooperation had actually been shared by all WIPO member States. The Delegation was confident that future fruits from the Trilateral cooperation would also provide a good basis for the global discussion in the new framework within WIPO.

11. The Delegation of Sri Lanka, speaking on behalf of the Asian Group, stated that the members of its group were very open-mindedly participating in this meeting and would take a constructive and pragmatic approach to the issues under consideration. It was grateful to the Delegation of the United States of America for presenting the very comprehensive and far-sighted proposal regarding the establishment of an Information Technologies Committee (ITC), which raised a certain number of issues. It also expressed its appreciation to the International Bureau for its document, which had achieved the purpose of keeping the Working Group informed of what the International Bureau had been doing as regards

information technology activities in its operational and administrative fields, and which helped to evaluate the proposal of the United States of America in its proper prospective. Information technology had become one of the major driving forces of globalization, with enormous economic and social implications, and no country could escape its ever-growing influence. The impact of information technology was being primarily felt in the industrialized countries, and was also benefiting certain sectors of some developing countries. However, some other parts of the world had hardly been touched by these technologies. Undoubtedly, information technology revolutionized the way people performed functions in business, in government, and even at home. But it was important to bear in mind that each country had a different capacity to assimilate these technologies. Differences in assimilation were caused by numerous factors such as high inflation, scarcity of foreign exchange, the availability of man-power and the lack of appropriate infrastructure. These countries faced major constraints in promoting information technology development. Among them, the lack of technological capabilities, qualified human resources, telecommunications and electricity infrastructure were of critical importance. The building of infrastructures was crucial and required huge financial and human resources. In this context, the Delegation wanted to be reassured about the relevancy and applicability of the proposal to the developing countries at their present level of economic development. The proposal to create an ITC did not throw enough light on certain aspects of the major concerns of the majority of the developing countries. Therefore, any strategy to be adopted to tackle these information technologies issues would have to be equipped with facilities for providing increasing resources aimed at institution and capacity building in developing countries. The Delegation agreed with the proposal that technology-related issues in WIPO should be discussed, developed and promoted in a coordinated and focused manner. In this respect, the Working Group was reassured that International Bureau had been working in a coordinated manner to find the best way for all to benefit from the use of new information technologies. As recognized by the proposal, certain functions of the proposed ITC overlapped with the functions of the PCIPI, and all agreed that there should be no duplication of functions. In this connection, the Delegation asked for the views of the International Bureau on the utility of the PCIPI if the proposed ITC would come into being, as this was one of its major concerns. The proposal suggested that the information technology-related issues and initiatives that spanned more than one subject matter area of WIPO or that were not capable of being addressed in existing WIPO bodies be dealt with by the proposed ITC. Whilst the Delegation had no difficulty with that, it asked whether such issues and initiatives could not be addressed in any way other than creating another body. In the recent past, the Delegation had been resistant to the proliferation of additional committees, working groups and similar bodies in other forums for a variety of considerations. As a result of the proposal to give a very broad mandate to the proposed Committee, all program areas administered by WIPO would depend on it as far as the use of information technologies were concerned. Whilst the Delegation appreciated an integrated approach in relation to the application of information technology in WIPO programs, it questioned the appropriateness of a single committee, overburdened with all of information technology-related procedural, technical and legal issues. Most of the developing countries did not possess the necessary capacity, capability and competence to participate effectively in the proposed ITC and its working groups. The Delegation would like capacity-building in developing countries to be the central theme of any new scheme in relation to the application of information technologies in WIPO's program, so that if WIPO went on the information super highway, it should take the developing countries with it. The Asian Group also wanted the meeting to look in greater depth into the legal, financial, and organizational implications resulting from the proposal, which needed to be thoroughly examined.

12. The Delegation of France considered that the proposal by the United States of America was a timely one: the same phenomenon could be observed in almost all organizations, with digital technology being used more and more for the dissemination of information. Within WIPO, the use of digital technology would unquestionably ease the task not only of offices but also of States, including developed as well as developing countries. The proposal had the merit of being up to date, and it was a crucial milestone for WIPO. It did go further than the initial project, however. In terms of substance, in other words the inclusion of all offices in a network, the Delegation of France felt that the interest of the proposal was beyond dispute. From a procedural point of view, on the other hand, the proposal to create an Information Technologies Committee (ITC) would be tantamount to creating another governing body which would be responsible for managing the use of the technology and evaluating it, and the working out of such new procedures had very substantial consequences in many respects. First, as far as the Committee itself was concerned, as the Delegate of Sri Lanka had just said, it would have quite considerable power. However, WIPO operated with Unions; each Union had its activities and each of those activities had a budget, so, on the creation of the ITC, it should be established just how its operation would be reconciled with that of each of the Unions. The computerization of the PCT system, for instance, would not have the same budget as the computerization of the Madrid Union system. The financial implications had yet to be worked out, as the United States proposal included a total amount which would have to be made more specific. Secondly, there were linguistic consequences: when the new technology for the dissemination of information was introduced, the needs of the multilingual world would have to be taken into account. Seeing that there would be five working groups under the ITC, the Delegation of France recommended that overlaps with activities and structures existing within WIPO be avoided, including those of the PCIPI, which was specifically responsible for industrial property information and already had projects in the field of digital libraries, those of the Budget Committee for everything to do with the budget, those of the Assemblies of the Unions which decided on the activities of those Unions and those of the Coordination Committee which was responsible for overall supervision and itself passed on recommendations to the Governing Bodies. It seemed somewhat premature to contemplate creating the Committee, even though the idea of coordination was very important in the area concerned; it would perhaps be preferable to make use of existing structures. For instance, the terms of reference of the PCIPI could be broadened at the next session of the Governing Bodies. At first one could propose to the PCIPI that it embark on an exploratory phase in which it would define what was to be included in the projected network, and to do that it would be necessary to make a survey of available data, to determine on what carriers they were available, and whether or not they were transposable onto the projected network. An inventory would have to be made of the computer facilities available in the various offices, and proposals would have to be made not only for computerization in anticipation of the overall computerization project but also for training in developing countries. Finally, it would be necessary to make initial budget estimates for the whole operation, broken down by activity. The Delegation of France therefore felt that, at the present stage, it was advisable to continue to discuss the implications of the project and to remain pragmatic, starting with the above far-reaching study in order not to lose the momentum generated by the proposal by the United States of America.

13. The Delegation of Ecuador, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), said that the discussion in this Working Group on information technology was highly topical. It was intended in the United Nations to improve

the international management of information for the benefit of all its members. The Delegation thanked the International Bureau for the documentation prepared for the meeting and urged it to continue its very good work in this field. The Delegation believed that the documents submitted by the United States of America and Canada provided very useful elements for the discussions on new information technology within WIPO. The GRULAC countries believed that, for serious consideration of information technologies, the developing countries would need funding so that their experts could attend the discussions. It stressed that the use of information technologies must itself serve to prepare technical cooperation among developing countries. The Working Group should bear in mind the need to improve capacities in the national offices in automating the various management tasks, and it was hoped that the communication structures for the benefit of the developing countries would be reinforced. The countries of Latin America and the Caribbean believed that it was premature to discuss institutional matters, but were ready to discuss, in general terms, a possible worldwide network on intellectual property, covering both industrial property and copyright and neighboring rights, and which would respect the characteristics of each national office. The computer standards and software standards that would be adopted should make it possible for all nations to have access to this intellectual property network. The GRULAC countries would like a single document prepared by the International Bureau which would incorporate all contributions made by the members during this meeting and bearing in mind the work already done by WIPO in the field of computerization. It was also necessary to have clear information about the budget implications, as well as the legal impact of any changes to the existing system. The GRULAC countries would share their experience and individual viewpoints to facilitate a better understanding which would lead to more transparent information throughout the world concerning intellectual property.

14. The Delegation of the Republic of Korea thanked the United States of America for initiating the discussion on the establishment of an Information Technologies Committee (ITC) under the General Assembly of WIPO, with the goal of developing and pursuing the implementation of modern information technology projects. The Delegation agreed with the basic concept of expediting the harmonization of worldwide information systems. Considering the explosive expansion of information technology, there had been a relative lack of organization within WIPO in finding technical solutions for the adoption of intellectual property-related standards. In fact, the ability of many member States to devise such technical solutions was limited by development-related constraints. To overcome inefficiencies in the global intellectual property information infrastructure, a new committee under the auspices of WIPO, dealing with information technology issues, was desirable. However, the present functions of the PCIPI should not be overlooked. The status and mandate of the proposed ITC, and its operations, appeared to be closely linked to the mandate of the PCIPI, especially to the field of information technology. Although the dynamics of information technology led the development of important intellectual property information dissemination policies, the Delegation believed that some modifications to the PCIPI, in particular regarding enforcement, along the lines of the technical aspects and supplementary measures of the proposed ITC, might be beneficial. In managing PCIPI reform, the Delegation recommended that its current projects be divided into three sectors on the basis of their information technology aspects: the legal sector (which could continue within the scope of the current PCIPI Executive Coordination Committee); the development of standards sector (which should be reorganized under the current PCIPI/GI according to the information technology (IT) sensitivities of each project), and a new third sector for intellectual property-related data interchange (which might be established by creating an IT expert working group to devise contemporary IT solutions

under the supervision of the PCIPI). WIPO's IT-related policy would motivate and consolidate the global intellectual property society, and was therefore a significant concern for the near future. Naturally, any national factors and concerns, such as the level of computerization and communication infrastructure inherent in such a momentous initiative, should be taken into account. Regarding the global networking proposal, the Delegation agreed to the network construction through an inter-office backbone. However, a possible security failure in a single office Internet environment had the potential to cause a total deadlock, and therefore, a thorough preparatory analysis was needed in the implementation of such a plan, and this could be assigned to the above-mentioned IT expert group. Finally, the Delegation said that in respect of the emerging PCIPI standards, it wanted to be guaranteed the validity of those standards in current use.

15. The Delegation of Côte d'Ivoire, speaking on behalf of the African Group, announced the Group's endorsement of the idea and of the concept that had been developed and proposed by the United States of America, involving participation in the establishment of a worldwide information network: it was a very good idea, and a very timely one in view of the approach of the year 2000. Having said that, the African Group considered the creation of a Committee to be premature at the present stage, because a number of questions were still awaiting reply and required much more reflection. For that reason the African Group thought that it would be wise to continue to reflect, and that the present Working Group should be a session for information and the exchange of views, not a session that would end with the creation of a new Committee liable to duplicate the work of other WIPO committees and to become a sort of second Coordination Committee encompassing the terms of reference of other WIPO structures. The concern of developing countries was to be able to avail themselves, depending on their specific circumstances, of such networks and infrastructures as already existed, and to participate in the implementation of the proposed network, with due account being taken of training and human resources needs. The African Group asked the International Bureau to undertake a study, to be submitted next year, on the structural implications and on the impact that the creation of the proposed Committee would have on other structures. The study should make it clear how the International Bureau itself envisaged the realization of the concept. The concept did have the support of the African Group, but the concerns of developing countries would have to be taken into consideration.

16. The Delegation of Mexico said that the use of new technologies, in particular information technologies, had become a global phenomenon, so decisions concerning the use of such technological innovations had to be coordinated, in particular as regards intellectual property. The Delegation welcomed the proposal to focus on WIPO some of the discussions that had taken place so far at the trilateral level. Their proposed coordination would avoid the dispersion of efforts and contribute to the institutional strengthening of WIPO, converting it into what the Delegation of Canada quite rightly called the focal point for the exchange of international cooperation on all matters to do with information technology related to intellectual property. However, the establishment of an ad hoc committee might not be the best solution for providing a forum to discuss matters of information technology. The document of the United States of America contained a list of examples of projects or initiatives that could be examined by the ad hoc committee; there was a very close relationship between these projects and the activities carried out by WIPO in information technology areas. Regarding the first project, to set up a safe and modern telecommunications infrastructure allowing for direct communication between national industrial property offices, the International Bureau's document pointed out that there were various information systems

using electronic media concerning the international registration treaties. Internet was used as a major tool for dissemination of information throughout the world, providing access to IPC, to the WIPO Arbitration and Mediation Center, to marks and domain names that are on the Internet, and to information on meetings and seminars, press communications, and the addresses of various websites of other industrial property offices. Regarding the second project to provide WIPO assistance to national offices to establish a national Internet focal point, the Delegation noted that the International Bureau provided assistance to national offices for formulating computerization and implementing computerization projects, including training, acquisition and support of software, etc. The existing WIPO projects planned to promote the use of global communication technologies and the use of the Internet, including the establishment within the offices of their own web sites. The third project, to coordinate the development of systems to give national offices better access to databases of other national and regional offices, was related to the PCIPI project to facilitate transmission, exchange and dissemination of information in the field of industrial property. WIPO reported that an ever growing number of national industrial property offices, especially in developing countries, had begun to use electronic mail through the Internet for their communications. There was a possibility to develop safe and secure Intranet systems, and that was being looked at by WIPO. Regarding the fourth project, to promote the development and assist in evolving systems for electronic registration and automatic patent processing, the International Bureau had information systems within the framework of the PCT that covered practically all aspects of international registration. For security of PCT operations at WIPO, there was a system which controlled and noted individual access to each office. PCT information was disseminated on the website on the Internet, and information regarding published patent applications was broadly disseminated on CD-ROMs produced in cooperation with the European Patent Office, using data provided in electronic form. The International Bureau also worked with the EPO, JPO and USPTO in developing the EASY system for the electronic filing of patent applications. Regarding the fifth project, to adopt a policy for electronic dissemination of information on WIPO through a secure worldwide network, the operational activities of the International Bureau included various information systems, including the establishment of databases, bibliographic data and the full text of intellectual property legislative texts, the IPLEX CD-ROM publication, index and access control to the library collections, annual statistics, and information on database management systems for the IPC, Nice, Vienna and Locarno Classifications. These operational activities in the International Bureau were a major part of its constantly growing information dissemination activities. On the basis of the foregoing and bearing in mind the projects that PCIPI was currently developing, the Delegation agreed with other delegations that it was very important to conduct a careful analysis of the real need to set up a specific committee on information technology. One must avoid duplicating activities within the International Bureau. Such an analysis should look at the financial, structural, and policy impacts that establishing such a body would involve, as well as other options within already existing structures within WIPO. The Delegation of Mexico believed that the information technology dissemination needs must not displace or take precedence over other equally important and urgent priorities within the framework of the tasks of WIPO.

17. The Delegation of the European Patent Office supported the initiative of the Government of the United States of America inasmuch as it was a sound initiative that would complete the experience that the EPO had been able to gain in data exchange and data processing technology, whether in its relations and joint work with WIPO or with its trilateral cooperation partners or again with its 18 Member States, with which the EPO kept up a sizable flow of

information exchange, but its support was subject to the condition that any initiatives taken in the present forum would not be an obstacle to the continuation of work in progress. A certain number of priorities should be considered, such as the electronic filing of patent or trademark applications, data exchange in the patent field (exchange of data of administrative and financial character but also with a view to search and examination, in other words data relating to the actual contents of applications) and the dissemination of data on an Internet site as a means of making documentary information accessible. That should form part of the development of a WIPO information technology plan. For a start, there should be a study and an exchange of views to determine what objectives should be pursued, as there would certainly be objectives of different kinds. As far as the EPO was concerned, a first objective concerned the exchange of data, first the data of administrative and financial character with its partners and with WIPO, in order to speed up procedures and reduce costs. A second objective for the EPO concerned the exchange of data between or access to the databases of each of the participating offices, as a means of making the documentary search involved in the European patent grant procedure easier, better and more exhaustive. A third objective would be to make electronic systems for the filing and processing of applications easier and more widespread, in such a way as to achieve harmonized systems and facilitate data exchange. A list should be drawn up of all the objectives that would be pursued through data exchange, at which time the aims, the nature of the data and their accessibility, their origin, their present format and the format desirable to make them readily exchangeable would be specified. There were of course many other aspects that required study in some depth, especially technical aspects, as the nature of such networks depended on the nature of the data exchanged and the volume of those data. That too had to be included in the terms of reference of the studies advocated by the delegations that had already spoken. As for more institutional aspects, a certain number of studies and a certain amount of preparatory work had to be undertaken, especially the study already mentioned on the objectives pursued. The EPO was willing to assist the International Bureau and a certain number of countries (as it had for instance in the case of Latin America in cooperation with WIPO) in solving the problem of basic data capture, which was necessary to determine what network should be set in place for data exchange. The International Bureau should clarify its information technology plan and its objectives in the field of information technology and data processing for the coming years, in such a way as to ensure good coordination and good interaction between its own objectives and those of the Member States of WIPO. The International Bureau should, together with the EPO and other offices, plan a certain number of actions that could be put in hand quite rapidly, within a period of some six to 12 months, and that should be paralleled by proposals for the start of a certain number of preparatory actions concerning the necessary training to be given to a certain number of countries to enable them to use modern information technology, perhaps even including the rapid establishment of a kind of experimental network linking a certain number of volunteer countries, which would make it possible to conduct a small-scale test before eventually deciding on the introduction of one or several types of permanent network. Such studies and projects should be conducted within the framework of the PCIPI, which had proved its worth. If the general feeling was that the studies should be conducted outside the PCIPI, the International Bureau could seek the advice and assistance of a certain number of offices, including both offices with experience in the field concerned but also offices that wished to make progress along that route and wished to be involved in the working out of solutions, or alternatively a specific committee could be set up to carry out and complete the work mentioned earlier. In conclusion, the EPO was approaching all the questions involved with a great deal of interest, a very open mind and a positive attitude towards the prospect of cooperation with the International Bureau and all those who wished to take part in the venture.

18. The Delegation of Denmark thanked the Delegation of the United States of America for providing a very valuable document, touching on all major aspects of uses of information technology in the future. It was very important to strengthen cooperation between member States, while not forgetting those that all Offices depended on, namely, industry and others that filed applications. The Delegation suggested that ways should be found to involve these groups in the future work. The Delegation also thanked the International Bureau for its comprehensive information about the usage of information technology (IT) in WIPO and its role in encouraging the use of IT in the member States. The Delegation had no doubt that the basic idea of the proposal would be a cornerstone for carrying WIPO and its member States into the digital age. The Delegation said that the introduction of the second generation of IT systems in the Danish Patent Office would be finished in the next few weeks, involving a purely workflow managed system based on a client-server philosophy. The basis was a paperless office that was completely integrated, so that not only patents, trademarks, designs and utility models, but also office administration, marketing and so on were dealt with in the same manner. All common functions, for example, scanning, filing, searching and word-processing, were dealt in the same manner throughout the same system. The system was prepared for electronic exchange of information using either the Internet or dedicated network solutions. As a consequence, the Danish Patent Office had over the past years obtained a lot of useful experience in using the most updated technology in this area, and it was willing to share this experience with WIPO and other member States in the proposed IT forum. Should the Committee decide to establish a number of pilot sites for the exchange of experience, the Danish Patent Office would give serious consideration to any request to participate in such a pilot project. The Delegation concluded that, while supporting the proposal, it was essential to avoid duplication of work in WIPO as well as in the member States, and to ensure that the establishment of an Information Technologies Committee would not in general diminish the activities of WIPO. It recommended that organizational matters be dealt with at the next session of the General Assembly.

19. The Delegation of Brazil stated that it could agree with the views of the majority of speakers, in the sense that the creation of an Information Technologies Committee was premature at this stage. While acknowledging the merits of the idea to build a global intellectual property office network, the Delegation considered that further work had to be done in evaluating the consequences of this initiative for the structure of WIPO and specifically the possible role of the PCIPI. It was clear that, from the point of view of developing countries, much work was still to be done in terms of developing databases and CD-ROMs, for example, and to increase their capacities in the use of modern technology, for instance in the capabilities of offering patent services via Internet. Some points raised in the proposal of the United States of America would also have to be considered in the future work of the PCIPI or of whatever mechanism was to be created, one of them being the need to develop new standards for the processing of text and image information. In considering the way in which patents and trademarks should be managed in a global network, the Delegation pointed out that a considerable number of developing countries were yet to accede to the PCT and to the Madrid and Nice Agreements. There was also the question of the possible inclusion of copyright and related rights in this network. In conclusion, the Delegation said that it would favor the preparation by the International Bureau of a synthesis document containing the various positions and inputs from this meeting as well as the legal and financial implications, and also the expected benefits for developing countries of this initiative. This document should take into account the variety of intellectual property legislations and the current status of

automation of offices, especially in developing countries. Special attention should be given to the needs of developing countries as regards financial and technical assistance in the future development of a global network. Finally, other Working Group meetings should be foreseen in order to further advance towards a consensus and a satisfactory solution in this matter.

20. The Delegation of Chile supported the statement by the Delegation of Ecuador on behalf of the GRULAC countries. During the March meeting of the Governing Bodies, the Delegation of Chile had expressed its support to the proposal of the United States of America for setting up a modern and reliable telecommunications network and information infrastructure that would foster direct communication and the exchange of information between all intellectual property offices, a proposal designed to propel WIPO into the 21st century, to ensure that it would be the United Nations system organization that was at the very forefront of the use of information technology. With reference to the work that had been done by WIPO in the sphere of information technology use, as indicated in the document submitted by the International Bureau, the Delegation expressed its gratitude to the organization and encouraged it to continue its tasks. The Delegation thanked the United States of America and Canada for the documents they had presented. The proposal of the United States of America had three parts: the first was an executive summary; the second referred to the establishment of a global intellectual property office network, and the third was a proposal for a common intellectual property record. With respect to the global intellectual property office network, the Delegation of Chile considered it should be rooted in two fundamental principles: first, the network should incorporate all of the member States, regardless of the scale of their office, and second, the network should not concentrate solely on industrial property but should also involve copyright and neighboring rights. The Delegation was concerned by the paragraphs in the document of the United States of America which stated that, before establishing a network, it was going to be necessary to define policies which would be based on relevant variables, for which the scale of the office concerned would be a determining factor; such concepts were not in accordance with the need to incorporate all intellectual property offices regardless of their size or scale. The Delegation was pleased that the Delegation of the United States of America had stressed, in its presentation at the beginning of this session, the fact that the network would connect all intellectual property offices. The matter of setting up a worldwide network of intellectual property offices was the most important aspect of the proposal of the United States of America, and it should be the prime objective. Regarding the institutional aspect, the Delegation considered it very important to have a high level forum in which member States could discuss and recommend specific initiatives regarding the use of information technology. The existing Permanent Committee on Industrial Property Information (PCIPI) was more a technical group rather than a forum in which member States established policy. The proposal referred to the possibility of setting up an Information Technologies Committee with a series of working groups. The Delegation considered it might be premature to take a decision on whether to establish such a committee, as more background information and more detailed discussion were needed on the terms of reference and structure of the committee. The Working Group might have to meet once again in order to take subsequent decisions on the establishment of the committee. The Delegation believed that it would be worthwhile to request the International Bureau, in the light of this week's discussions and perhaps with the help of external consultants, to submit in the near future a document on the proposal of establishing a worldwide network of intellectual property offices. The new Director General of WIPO should be allowed to present his vision and would be able to discuss in his program and budget the budgetary repercussions of the establishment of this network and the other initiatives.

21. The Delegation of Norway noted that patent offices were today cooperating extensively on several levels and arenas, with international and regional meetings arranged, several by WIPO. Nevertheless, despite this extensive cooperation, the offices seem to be more apart and different from each other, especially concerning documentation, its presentation and possibilities for use. In the past, the main documentation of patent offices for checking and controlling the novelty of inventions had been the paper documents exchanged between offices, so the documentation was very similar in all offices performing novelty searches. Now, however, several small and medium sized offices were uncertain as to future working conditions concerning searching for novelty and examining applications. The Delegation hoped that the creation of new instruments and agreements would overcome and ease these problems and thereby unite the global patent office family again. The proposal of the United States of America would fulfill these wishes to a great extent. The Norwegian Office had not yet made firm plans since the situation was so unclear and dependent on what the major offices would do, for example with respect to their industrial property document dissemination policy. The greatest concern involved novelty searches, now undertaken using its paper collection, on-line data banks and CD-ROMs. However, from the year 2000, the USPTO would no longer support the paper collection with new documents, and other offices would certainly follow; moreover, even if paper was received, how to solve the space problems? The Delegation therefore found the proposal extremely interesting, as it would enable electronic access to worldwide industrial property databases, facilitate industrial property documents exchange and storage, and provide easy access to the industrial property laws of other offices. The Norwegian Office intended to take part in the planned work as far as possible. Concerning the organization of the new working groups, it had no firm preferences, but had hoped that they could have been organized under the PCIPI umbrella. The Delegation was open to alternative solutions, the most important thing being that the planning was going on with WIPO as the coordinating point. The Delegation stressed that the plan, which was a package solution to solve several aspects in the industrial property area, should be implemented as planned, since parallel solutions could not be contemplated. The Delegation added that it, like the Delegation of the Russian Federation, was very concerned about the budgets and expenses, and hoped that some indications of those could be given at the present session.

22. The Delegation of Egypt associated itself with the comments made by the Delegation of Côte d'Ivoire, the coordinator of the African Group, and thanked the Delegation of the United States of America for its efforts in presenting such a substantial paper. As to the objectives of the proposed Committee, which was a very important issue, the Delegation of Egypt believed that the objective should be to enhance the efficiency and effective functioning of intellectual property systems. As regards the proposed terms of reference that appeared in the paper, the Delegation noted that in the five elements that were proposed, there was not a single reference to the situation of developing countries. The first paper that had been submitted by the United States of America last March indicated that the principal mission of the new ad hoc Committee would be to take full advantage of modern information technologies, especially with respect to development cooperation activities aimed at developing the necessary domestic and international infrastructure to enable countries, particularly developing countries, to establish or modernize the intellectual property systems. This was one of the most attractive elements of the earlier proposal, but the Delegation was concerned that the emphasis on this area was not as evident in the new paper. There was also an emphasis on networking, with less emphasis on the situation in the focal points that would be networked together, especially in developing countries and countries in transition. At a very early stage of the work, it would be

necessary to carry out an evaluation of the current situation and requirements for fulfilling the objectives. Regarding the activities of the Committee as to coordination and working in conjunction with other relevant bodies, the proposal put this Committee at a very high level; the Delegation believed that it should be on a much lower level, to discuss issues of a horizontal nature related to information technology. There were also references that the Committee would propose policies on legal and technical issues, but the Delegation was concerned about the representation it would like to have in the Committee, because one might not have experts able to deal effectively with both legal and technical issues of great complexity. This Committee should not initiate and oversee activities that were subject to the mandate of other assemblies, as that could cause unnecessary confusion or overlap. There was a need, as other delegations had indicated, to have the International Bureau prepare a paper on the implications of creating this Committee and how to ensure that it would not conflict with the responsibilities and mandates of other bodies. It was also necessary to determine what would be the impact on the on-going activities of the International Bureau. The Delegation of Egypt agreed with the Delegation of Chile that one should include not only industrial property but also copyright and other related issues. The Delegation also hoped that financial implications would be discussed in detail, including their relationship to development cooperation activities, since many of the objectives of the proposal were really related to the enhancement of the work of WIPO in general. The Delegation considered that it was premature to discuss working groups, but it thanked the United States of America for considering the matter in some detail; if the Committee was established, then it would start by considering what kind of bodies it would like to create and for what purpose. In general, the Delegation of Egypt found the proposal far too ambitious; the Delegation preferred to start by aiming modestly and progress gradually in this respect.

23. The Delegation of Spain congratulated the International Bureau for the first class document prepared for the meeting. The Delegation considered that the proposal of the United States of America was highly important, and had been made with the 21st century in view. The Delegation agreed with the Delegation of the United States of America that it was very important to share endeavors in computerizing offices, and that applied to large, medium-sized and smaller offices. The Delegation of Spain congratulated the Delegation of the United States of America on the contents of its proposal, which had given an extremely complete inventory of a series of tasks that would need to be performed, all of them very important, and the Delegation of Spain was entirely in agreement with the contents. As to the institutional aspects of the proposal, the Delegation had several misgivings about what was proposed, especially regarding possible duplication of work. For many years, certain committees had existed within WIPO, the PCIPI for example (previously the PCPI), which had performed some excellent work. And indeed the Delegation of the United States of America had commented on the high quality of the work by the PCIPI. The Delegation of Spain agreed with that, not only concerning the work in information technology, but also the work on standards, and on the need to permanently revise the IPC. For example, at the recent PCIPI/MI meeting in Rio de Janeiro, an important proposed recommendation for the Executive Committee of the PCIPI had been developed for what was known as digital libraries; the proposal of the United States of America also made reference to digital libraries. The PCIPI was therefore working on these subjects already, which indicated the problem of possible duplication. Although the PCIPI had a more limited mandate than the proposed new Committee, it might be an idea to amend the PCIPI, which had been working well for many years, so that it should continue its work in a broader and dynamic way, with stronger terms of reference.

24. The Delegation of Finland speaking as a medium sized office with domestic examination and moderate filing levels, suggested that the proposal of the United States of America was one of the most interesting ones to come forth in recent years. The Delegation, however, suggested a even faster way of beginning this work, consisting, first, of opening the data banks of most offices to all such offices which were able to fulfill some modest levels of data security, for instance of virus protection; and second, of establishing either a wider mandate for the PCIPI or starting a new steering group, perhaps in combination with the PCIPI, preferably to meet back-to-back with the PCIPI groups

25. The Delegation of Austria noted that, as a very interesting start to the meeting, it had received the last document (ITIP/WG/I/5) from the Internet. Thus the principal idea of the United States of America for enhancing the work of WIPO and improving the work of the delegations was already underway. The development of information technology in the last two years was so fast that it might not have been possible to take full advantage of it. However, now the technology had a certain ripeness. The principal idea to grasp these new tools was fine, but one should keep in mind that they were just tools that should improve the work, and not a new policy. Regarding the idea of a new committee, the Delegation said that one was considering new tools which should be put in place and be working, to make the intellectual property system more attractive, but they should not be made the driving force. The PCIPI committees in the past had done a very good job, and a lot of positive developments which benefited all countries had emerged from these committees. Before changing this structure completely by installing a new committee, one might do something in parallel, and ask the International Bureau about its position regarding the consequences on the budget, on the personnel, and on the working of the existing committees, and possibly the International Bureau could show how the existing committees, with a small change in their mandates, could also bring about the idea of the Delegation of the United States of America. The Delegation of Austria congratulated the Delegation of the United States of America for its work, but considered that questions of budgeting should be discussed much more deeply, and the details of the 25 million dollars that had been estimated for the project should be clarified before final decisions should be made. The efforts of WIPO and the results achieved in the last years on automation were very impressive. The Delegation was very much interested in the proposal regarding the use of existing worldwide web technology for intellectual property offices, and said that it would offer its office as a test site as soon as all the necessary decisions had been taken.

26. The Delegation of Pakistan thanked the Delegation of the United States of America for its detailed and informative paper. It noted that the elaboration of the proposal had moved somewhat beyond what had been proposed earlier this year, while at the same time, in a crucial respect, it did not move far enough. The proposed terms of reference for the Information Technologies Committee (ITC) had been developed in that the ITC would propose policies concerning legal and technical issues raised incident to the process of obtaining and using intellectual property rights in a network environment. That was fine if it referred to that process in the proposed network, but if it referred to that process in a global network environment, then one could be using this ITC for many more tasks than what should be envisaged. This was supplemented by the function of the working group on legal issues, which would deal with the process of obtaining or enforcing intellectual property rights in a digital network environment. The crucial area where the proposal did not move far enough related to the expectation that one would basically be working to set up a global network which could be

accessed by all the national intellectual property offices. The aim now seemed to be to set up the network, but very little was said about how to ensure that all national intellectual property offices could benefit from the network in terms of enhancing their capacity and their connectivity to the eventual network. The Delegation said that a detailed breakdown was needed as to what the cost estimate of 25 million dollars was supposed to cover, and questioned whether that was sufficient to cover the objective of enhancing the capacity of national intellectual property offices to eventually connect and benefit from the network. As noted by the Delegation of the Russian Federation, the Delegation of Pakistan said that the relationship with the role of the Budget Committee was not clear, because the terms of reference for the ITC said that it would make recommendations directly to the General Assembly in respect of funding information technology projects. Regarding the proposed structure of the ITC, the Delegation asked what exactly did participation by relevant observer organizations imply, since it appeared that a blanket right of participation would be given to a whole host of non-governmental organizations and multilateral intergovernmental institutions. The Delegation shared the concern of other delegations as to how to ensure that developing countries could participate in the work of the working groups which would be performing very crucial functions. Regarding the content of the information to be put on the network, the Delegation noted that the proposed CIPR data exchange standard, which would capture transaction records associated with the examination and grant of intellectual property rights, in addition to published patent information, seemed somewhat ambitious since it could go beyond what national regulations deemed permissible. If it was not possible to address these important questions in the course of the meeting, the Delegation agreed with other delegations that the best course would be to request the International Bureau to compile a checklist of the many comments and questions, and then the International Bureau could give its comments and the interested States could give their comments on questions directly related to their proposals. This Working Group would then meet and strive to arrive at a definitive conclusion on how best to utilize information technology in relation to WIPO's work, especially taking into account the needs of the developing countries.

27. The Delegation of China greatly appreciated the proposal made by the Delegation of the United States of America. It considered that the broad application of information technologies in WIPO would beyond doubt promote the effectiveness of WIPO and would contribute to reflection on issues and challenges regarding intellectual property in the information age. However, while the Delegation believed that it was the right time to consider the strengthening of the application of information technologies within WIPO, it was not yet the right time to consider immediately creating a new body such as the Information Technologies Committee, since planning and examining the terms of reference, functions, operations and budget arrangements for this body would be a fairly complicated matter and a long process. The Delegation appreciated very much the proposal that this working group should be open to all and that all members should have equal participation. However, the developing countries had limited human and financial resources, so it was very difficult for them to effectively participate in the work of the committee. It would also be difficult for them to obtain the resources required to establish appropriate information technology infrastructures, within the developing countries. The Delegation said that due attention should be given to the issue of the working languages used by WIPO concerning information technologies, as that involved not only the technical aspects but also the sensitive issue of national cultures. The Delegation of China considered that the strengthening of the application of information technology within WIPO was a matter of importance and emergency. To address this problem did not necessarily mean the establishment of a new body. It was necessary to think how to maximize the role of the

existing WIPO bodies in a coordinated and effective manner, to avoid duplication of tasks and institutions, and to maximize the use of limited resources.

28. The Delegation of the United Kingdom said that it was an opportune time to consider the issues raised in the very useful document from the United States of America. The document from the International Bureau identified the enormous quantity of activities in which it was currently involved in the information technology field. Looking at the notion of networks, they were now everywhere. Only five or six weeks ago, discussions took place in WIPO on the question to what extent trademark rights might be infringed by domain names on the Internet, which clearly showed that WIPO was already involved in infringement possibilities for intellectual property rights by virtue of information technology networks. It therefore seemed high time that WIPO be involved in some form of network for the administration and exchange of information that was pertinent to the creation of intellectual property rights in the first place. Given the speed of development of information technology capabilities and also the incredibly rapid change in price of such technologies, it was never the right time to consider what to do next because it would always be more convenient to wait until a clearer picture emerged. One could not tell whether this was the right time to consider these issues, nor whether the existing infrastructures in WIPO, notably in the PCIPI, were indeed appropriate to carry forward into the 21st century to ensure that information technology and networking were put at the disposal of the world-wide users of the intellectual property system, and whether the opportunities for users and for offices, for streamlining and for cost-cutting, were taken care of by the existing infrastructure. The Delegation proposed to look at what this new Information Technologies Committee might do, and consider its terms of reference and its objectives in the light of the existing activities of the Organization, and thus establish a sound footing to move on further. The Delegation commended the Delegation of the United States of America for its document which articulated issues to be considered in order to allow WIPO and its users to take full opportunity of information technology in the near future.

29. The Delegation of Bulgaria supported in principle the establishment of an Information Technologies Committee in WIPO, since the fast changing information technologies had an influence on all activities of an industrial property office and required international support and coordinated development. The need for effective and secure communications was urgent, to communicate between industrial property offices and for access to the internationally available sources of industrial property information. The functions of such a committee would be, first, to develop a policy and recommendations, and second, to administer real projects. The Delegation recalled that the Bulgarian Patent Office had made a proposal in January this year, in reply to a WIPO inquiry, that a Working Group on Information Technologies be established. The Delegation stated that it fully supported the proposal to create a secure global network connecting intellectual property offices. It was important that financial and technical support be provided for the member States to participate in this network, to be able to connect to the network, to use the resources of the network, and to offer information and documentation on the network to be used by other offices. The Bulgarian Patent Office was ready to participate in the creation of such a network and also to be one of the nodes in its topology for the region. The Delegation proposed, as one step, the creation in WIPO of a world patent information and documentation web server, where member States could deposit patent information for use by other countries. It also supported the creation of a common standard of data exchange covering elements like data carriers, search software and other software, hardware, communication lines, etc.; the creation of such standards was an absolute prerequisite for the creation of the network. The Delegation expressed further special interest in the development

of business models for self-financing electronic offices, which was very relevant to the viability of participants in the activity and program of the new Committee. The investigation of strategies and tools for cost-effective transfer of available paper collections into electronic ones was very important. The Delegation proposed for discussion the development of a standard solution for collective use of patent information written on optical or CD-ROM discs or other new carriers, because the Internet solution or the network solution might not be ready in time, and in the meantime many offices would face the urgent problem of lack of access to the necessary industrial property information; the other alternative would be to speed up the creation of this network and the creation of electronic libraries. The Delegation added that it hoped that the main goals and tasks of the Information Technologies Committee could be discussed, in order to help resolve the organizational problems.

30. The Delegation of Sweden stated that all comments so far showed the same pattern and were structured in saying that one appreciated the daring and the foresight displayed in the proposals of the United States of America and wished to work with them, but had certain reservations, and its comments had the same kind of structure. The positive part of the proposal was like the statement, made in 1961 by President Kennedy, that before the end of the decade, a man would be put on the moon; that had articulated a goal and painted a vision, and one should not underestimate the strength of such a goal and such a vision. The Delegation felt that it was a little premature to accept the whole proposal all at once, as one needed to know more of the consequences with respect to the present WIPO structures. The Delegation agreed with the Delegation of France that WIPO was made up of various Unions, with their own budgets, and that the existence and the usefulness of the PCIPI could not be overlooked. The Delegation of Sweden recalled the meeting of the ad hoc Working Group in Washington in 1975, convened by the USPTO, to create a structure to better coordinate the technical activities of WIPO, and the result was the PCPI. The PCPI and later the PCIPI had done a lot of good work and still was doing good work, as witnessed by the PCIPI/MI report from Rio de Janeiro. The PCIPI should be protected against any dramatic damage to its structure. The Delegation agreed with the Delegation of Austria that the subject matter of the proposal was in fact just a set of tools, rather than a goal or legislation or an agreement, even though it was important enough to be the basis of visions and goals. The Working Group should try to formulate the goal, elaborate it, and study in detail the exact impact it would have on the WIPO structure. The Delegation thought that the Information Technologies Committee might be useful to create soon, but it was concerned about the proposed network of sub-bodies under the Information Technologies Committee, and felt that, before creating them, there should be further consideration. The Delegation concluded one should not wait, as everything could not be done at once; one should still proceed with whatever could be done immediately, based on the already existing Internet and providing the first steps of modernization to those many Offices which felt that the vision was far away and foreign to them.

31. The Delegation of Morocco endorsed the statement made by the Delegation of Côte d'Ivoire on behalf of the African Group, and thanked the International Bureau for the document that it had submitted, a very detailed document on all the work done on computerization up to the present time. It would be desirable to adopt a global approach on information technology in the years to come, as it was part of the International Bureau's competence and responsibility to take initiatives in that area. The Delegation of Morocco thanked the Delegation of the United States of America for the very important and detailed document on information technology, and endorsed totally the ideas and objectives set forth in its proposal. As for the proposed institutional framework, however, the Delegation of

Morocco had doubts as to the usefulness of the creation of an Information Technologies Committee with a very broad mandate and a multitude of working groups. Such a committee would no doubt encroach on the competence of other existing bodies and perhaps cause overlaps and conflicts of jurisdiction. At the extraordinary meeting of the WIPO General Assembly in March 1997, a certain number of delegations, including that of Morocco, had wondered about the effect that the creation of a committee would have on the structure, operation and activities of WIPO. The Delegation of Morocco therefore supported all the delegations that had proposed that the International Bureau undertake a study on the financial, institutional and legal implications of the creation of such a committee, with special emphasis on the aspects that had to do with assistance to developing countries in the information technology field.

32. The Delegation of Kenya reiterated the position expressed by the Delegation of the Côte d'Ivoire on behalf of the African group, and added that, during the March session of the General Assembly, it had urged that this Working Group should look at all the implications of setting up the ad hoc Committee proposed by the United States of America. It was apparent from the discussions and the exchanges of views that a study of all the implications, especially on existing WIPO structures, was absolutely necessary. The Delegation attached great importance to the use of new information technologies in the field of intellectual property, but due consideration should be given to the question of whether the expansion of the activities, operations and responsibilities of existing WIPO bodies and structures, in such a way as to facilitate the maximum utilization of existing and new information technologies, would meet the objectives of, and the needs to be addressed by, the proposed committee.

33. The Delegation of Israel welcomed the proposal of the United States of America on information technologies and thanked the International Bureau, Canada and Japan for submitting additional documents and thus assisting the Working Group in understanding this rather complicated issue. Israel was a small country in the process of being industrialized and having a patent system which was somewhat larger than its size or population might imply, so would no doubt benefit from the proposal. However, it believed that a study should be undertaken by the International Bureau on the budgetary and administrative implications of the proposal. The Delegation noted that this had already been proposed in the March meeting, but still there was no clear understanding of those implications. Specifically the Delegation wanted to prevent any duplication of activities and jurisdictions in the context of the WIPO activities, since in a way there were already too many committees in WIPO, which made it difficult for smaller countries to attend all the meetings. If a committee were to be established, its meetings should be linked to the meetings of the Governing Bodies, whether as a subsidiary body or in any other way, so that it would not be necessary for delegations to come specifically for these meetings. The Delegation also suggested that cooperation should be established with the observer organizations and the NGOs, since both they and the governments would benefit from such cooperation. The Delegation agreed with the Delegation of Brazil that a study should be made of the implications for trademarks, copyright and neighboring rights in the context of information technologies. To sum up, the Delegation was in principle in favor, but still had some misgivings, and asked both the Delegation of the United States of America and the International Bureau to make some further studies before a final resolution on this issue would be made.

34. The Delegation of Panama thanked the United States of America for its very useful proposal, and noted that the documents of Canada and Japan added important features to it.

In adding to what had been said by the Delegation of Ecuador on behalf of the GRULAC countries, the Delegation considered that it was necessary to further study questions such as the possible scope of this proposal for the developing countries vis-à-vis the immediate organizational and service priorities of the national offices, whether the needs of all of the unions administered by WIPO were fully covered, and the possibility of expanding upon services already offered by the International Bureau. The Delegation considered that the PCIPI mandate could be expanded and re-focused so that its activities would be more beneficial to all member States, and that thus the majority of the membership could participate in such bodies on an equal footing and participate using their own languages. As the Delegations of Sweden and Austria had said, the discussion on information technology was not an end in itself. The Delegation of Panama believed that an ad hoc group as part of the Coordination Committee might be set up to discuss information technology, and this could provide supporting material for the Budget Committee discussions on the subject of tasks and activities devoted to development cooperation, which in turn could lead to provision for the implementation of a broader intellectual property network.

35. The Delegation of Switzerland stated that the proposal of the United States of America was very innovative and full of good ideas, and needed to be discussed whether or not it could be realized. As regards the structure, with the proposed five working groups, the Delegation observed that the proposal included tasks which were absolutely new and not found within the PCIPI, for example, the legal issues working group. Secondly, the proposal looked at intellectual property as a whole. Even if such working groups would not be realized, it could be necessary to revise the existing PCIPI working groups in such a way. As regards the Information Technologies Committee (ITC), the Delegation said that, if the goals outlined in Annexes A to C of the proposal were to be achieved, then an ITC was needed. The Delegation did not consider that it was possible to realize such a big achievement with the existing structure of the PCIPI. It considered that it could be possible to maximize the existing PCIPI, so that the ITC could be a revised PCIPI or a PCIPI/ITC.

36. The Delegation of Portugal said that its country had a number of systems in operation or under development for the improvement of data exchange between the information technology systems of its industrial property office, on the one hand, and the EPO and WIPO on the other. The United States of America was now proposing a comprehensive and entirely new solution. Its proposal made considerable changes to the projects that were currently being developed in Portugal. The Delegation of Portugal therefore considered that the proposal, while highly attractive from a technical standpoint, should still be subjected to an in-depth study to determine its technical, financial and legal consequences before a decision is taken on whether or not to create the new Committee.

37. The Delegation of Nigeria identified itself with the comments of the Delegation of Côte d'Ivoire made on behalf of the African group, and thanked the United States of America for its proposal, and Canada and Japan for their inputs. The Delegation stated that it had no objection to the establishment of the Information Technologies Committee (ITC). However, it believed that adequate time should be devoted to study the modalities for its establishment, its legal status and the implications of ITC functions vis-à-vis the work already being undertaken by the International Bureau, to avoid overlap and duplication of functions. The Delegation considered that particular attention should be given to the development of human resources and the creation of the necessary infrastructure to facilitate the administration of information technology-related programs, especially in the developing countries of Africa.

38. The Delegation of Argentina said that it was most grateful to the Delegation of the United States of America for the initiative it had taken. It fully shared the objectives of setting up a world-wide network of intellectual property offices and joint standards for data exchange. The Delegation stated that Argentina had a new modern patent law which had led to the opening of the National Institute for Industrial Property (INPI) with new premises and new officials, and this new step for effective protection of intellectual property would therefore take place in the context of growing activities. INPI was already working very hard on mark registrations and was very involved in the processing of patent applications, and soon Argentina would join the PCT. In order to allow INPI to respond better to the needs of its users, there was a great need to computerize its work. In this respect the Delegation mentioned that many cooperation activities with WIPO were under way and stressed, as had been stated by the Delegation of Ecuador, on behalf of the GRULAC countries, and the Delegation of Sri Lanka, on behalf of the Asian group, that financial support and assistance would be needed not only for computerization, but also for better participation in the process of preparing this new information technology system within WIPO, so that it would be a world-wide exercise. As to the institutional choices to be made, the Delegation of Argentina did not yet have a position on whether a new committee should be set up, or existing ones should be used, but it stressed that there should be full participation in preparing the new system, involving not only officials from Geneva. The Delegation considered that representatives of all countries and of all institutes and bodies should be involved in the process.

39. The Delegation of Andorra commended the United States of America for its initiative and thanked Canada and Japan for their proposals. The Delegation, in looking closely at the scope in which information technologies were put into practice in the world, said that the use of information technology should be analyzed for its use in all intellectual property, including its use in joint management companies for copyright and neighboring rights, which would make it possible to improve effective management and consequently better protect the interests of authors, copyright owners and those who own neighboring rights. The Delegation was convinced that small countries like its own which had limited resources, whether they were developing countries or countries in transition, could only manage high levels of data and therefore protect their intellectual property owners with assistance in setting up the necessary networks. It did not have the resources to manage this in paper form, nor the resources necessary for manual relations with other databases, nor did it wish to devote resources to systems that could prove to be incompatible. Andorra's small office had worked very hard to make its system compatible with various new systems of other offices, which showed that offices were taking initiatives on the national level for the use of different kinds of information technology, with bilateral exchanges of information. As all of that involved systems that might not be compatible in the future, the Delegation stated that it was necessary to develop systems that would definitely be compatible in the future. The Delegation said that it was a technical issue to set up a global network and define shared standards; the political problem had to do with the scope of the databases. Before moving on to the next phase, which would perhaps involve joint registration procedures or joint searches, the Delegation proposed that first and foremost one should define the communication standards for intellectual property databanks and define protocols for communicating between different systems, and then in a second phase, establish as quickly as possible a network that was accessible to various digital databases that already exist. This would provide the know-how that would in turn promote the updating of the databanks in the developing countries or the countries in transition, and do so without too

much expenditure to assist with the digitalization of all the databases. How that should be done needed to be defined. The Delegation of Switzerland had said that the best idea might be to redefine the mandate of PCIPI. If this proved impossible, the Delegation of Andorra said that it might be better to set up working groups with the necessary terms of reference.

40. The Delegation of Australia stated that it believed that information technology developments in intellectual property systems were at the threshold of major change and widespread implementation. WIPO was ideally placed to reach beyond the setting of norms and standards, and running its business efficiently, to a role of delivering basic infrastructure which would not only meet its own needs but would also be capable of meeting the needs of member States, especially of developing countries. For these reasons, it supported the proposal in principle. The Delegation considered it important that any information technology initiatives be based on open standards, be transportable and scaleable to be able to meet the differing needs of member States, and should take advantage of the significant developments already occurring in the world of electronic business. The Delegation had a number of questions of detail regarding the proposal, such as the nature of the costs, but most of these should be addressed by whatever institution was charged with the task. The Delegation suggested that, without detracting from the broad focus of the proposal, it might be useful to focus initially on patents, for example, in order to realize early tangible results. In any event, it believed that information technology developments would progress rapidly and with considerable uncertainty. The Delegation stated that all institutions must live with and respond to these uncertainties if they wished to influence the outcome.

41. The Delegation of Germany expressed its general support concerning the proposal of the United States of America. It shared the vision of a future global digital network for exchanging technical and other information on dedicated lines and based on Internet technology, in order to provide easier access for every participant. The Delegation was convinced that a global digital library concept would have tremendous advantages in the field of exchange of documents, as well as in dissemination and spreading of technical information in general. It would help the big offices in handling the workload of data exchange and provide better access to technical information. The assumption would be to agree upon standards and that every country would have the technical possibility for setting up, maintaining and further development of its access and data bases. The German Patent Office had set up an automated patent information system that would be operational from the beginning of 1998. This system, consisting of a toolbox of research tools and offering a comprehensive document database, could be a partner in the proposed network. An Internet version of the archive was being tested now. Along with many delegations, the Delegation underlined that strong efforts should be taken by WIPO and by every office for successfully establishing and cooperating within the proposed system, in order to be able to share in the benefits. According to the experience of the Delegation, just solving the security questions would be a hard and new challenge. All consequences would have to be studied thoroughly before decisions could be taken. The main points had clearly been addressed by many delegations. With respect to the appropriate organizational provisions in WIPO, the Delegation confirmed the need for a study to be made by WIPO, in accordance with the Delegation's statement in the March session of the General Assembly, before changes in the organization could be made. The proposal of the United States of America might be a possible solution, but maybe other solutions would be preferable. In concluding, the Delegation stated that organizational adaptation was normal in a changing and developing world, and flexibility had become an organizational quality mark. One must

therefore step forward and follow the vision, but organizational changes which provided deep cuts in an existing working structure must be considered carefully beforehand.

42. The Delegation of ARIPO thanked the United States of America for its thought-provoking document, and also Japan and Canada for making comments on that document. Representing a group of 14 African countries, ARIPO had for the last 20 years been charged with the responsibility to ensure the harmonization of industrial property laws among the English-speaking African countries, and to act as a central patent documentation collection center and delivery authority of patent-based technologies to industries, research institutions, universities and other users of patent information in member States. ARIPO appreciated the proposal because of the nature of its activities. The proposal was timely and very genuine as it sought to develop and promote information technology-related initiatives in a coordinated manner. The Delegation of ARIPO felt that a caretaker body was mandatory for a project of the magnitude of implementing the global industrial property office network. This Working Group should therefore establish whether such a function should be entrusted to the existing PCIPI or to a new committee, the decisive factor being the mandate and terms of reference to be elaborated by the Working Group. The proposal seemed to be consistent with a number of resolutions and recommendations made at various international forums, such as the Vienna Program of Action for Science and Technology for Development adopted at the United Nations Conference of Science and Technology for Development held in Vienna in August 1979, which recommended the establishment of an information system and network at sub-regional, regional and international levels that should ensure close linkages with the national information systems to provide support for strengthening the national science and technology information capacity, including systems to facilitate access to technological information contained in patent documents, through training, institutional building and intergovernmental cooperation in classifying, publishing and exchanging such documents. In the African region, the plan of action for the implementation of the Monrovia strategy for the economic development of Africa, adopted at the second extraordinary session of the Assembly of Head of States and Governments of the Organization of African Unity, held in Lagos, Nigeria, in April 1980, urged African Governments to adopt measures to ensure the development of an adequate science and technology, inspire development in agriculture, transport and the communication industry, as well as in other sectors. This Lagos Plan of Action also recognized that lack of information was one of the most serious obstacles to the selection, acquisition and use of appropriate technology options, and among the measures it proposed for surmounting this obstacle was that of actively supporting and strengthening African regional organizations in the field of patent documentation and information, such as ARIPO and its documentation center. In response to the recommendations made by the Vienna Program of Action and the Lagos Plan of Action, a Patent Documentation and Information Center was established within the framework of ARIPO, with WIPO acting as an executing agency. That Center had since been computerized to improve its administrative and technology delivery system. The computerization efforts had been largely supported by WIPO under its development cooperation program and by the EPO under its technical cooperation program, and any new data sets contained in the Common Intellectual Property Record (CIPR) could be accommodated. Those matters showed the relevance of the proposal in the development strategy of ARIPO. The Delegation wanted to ensure that any new developments would take full advantage of already existing infrastructures such as those at ARIPO. In this regard, the Delegation noted that, in Table A-I on page A-4 of document ITIP/WG/I/3, the proposed use with respect to exchange of pending PCT application information should include, under "Participants," regional organizations as well as ISAs and

IPEAs. (This was very important since the Harare Protocol had been amended to incorporate the PCT provisions, and some PCT member States of ARIPO had opted to close their national route so that all functions for these States were to be performed by ARIPO.) The Delegation also considered that, although the proposed network topology on page A-3 of that document was only for purposes of illustration, ARIPO should be indicated as a node, since ARIPO's role as a regional information dissemination center can no longer be doubted. (ARIPO was in third place, after Viet Nam and the Republic of Korea, in a cumulative survey of the number of requests for state-of-the-art reports received from developing countries by WIPO.) Other considerations were the increasing number of designations under the PCT and the steady increase of filings under the Harare Protocol and the anticipated membership of countries with higher industrial property activities, such as South Africa and Nigeria and, finally, the Banjul Protocol on Marks which was adopted in 1993.

43. The Delegation of the Netherlands stated that it supported the proposal of the United States of America and considered it a good idea to give WIPO a coordinating role in information technology. However, as most of the delegations had said, it was premature to create a new committee before knowing what impact the proposed committee would have on the present structure of WIPO. The Delegation advised making an inventory of the information needed and which information was already available. It joined the Delegation of Denmark's view that it was most important to consult the clients, the applicants, in the development of information technology. The Delegation of the Netherlands considered that the applicants should be given access to the network, since they were the ones being asked to deliver the applications in electronic form, and they needed the contents of a library to do their research. The Delegation said that the Working Group could make a considered decision only when answers would become available.

44. The Delegation of Hungary said that it approved and supported, subject to some comments, the whole proposal put forward by the United States of America. The proposal was likely to be an effective response to the challenge represented by the rapid changes that were taking place in information technology in the intellectual property field. The proposal to link WIPO members in a world information network of intellectual property offices was bound to facilitate access to the digital library and respond to increasing demands. It should be borne in mind that courses of action and possible initiatives in the information technology field had already been set and were being implemented as part of the activities of the PCIPI. As far as organizational questions were concerned, notably the way in which the new Committee would interact with existing WIPO institutions, and also the terms of reference and structure of future committees and the means by which the new committees would discharge their mandates, the Delegation of Hungary proposed that minimum solutions should be sought and found; for example, the new PCIPI Committee could hold regular meetings once or twice a year. A specific reconstruction plan should be drawn up for the PCIPI, and its new organization should be discussed with active assistance from the International Bureau so that its possible structure and new functions could be worked out.

45. The Delegation of the Commission of the European Communities congratulated the Delegation of the United States of America for its very important text, in terms of both the scheduling and the substance, and was favorably disposed towards the substance of the overall proposal. However, as a number of delegations had said, things should not be rushed, and a certain number of legal, structural, organizational and budgetary considerations had to be thoroughly analyzed before any more definite action was embarked upon. One should also

investigate whether it was possible with existing structures, perhaps after some modification, to accomplish the tasks provided for in the proposal. Regional or intergovernmental offices should be able to participate in the system. All aspects of industrial property and also copyright and neighboring rights should be included in the exercise, even if that were to involve working at different rhythms. It was also necessary to work with the longer term in mind, taking due account of the fact that the system eventually introduced, whatever its nature or form, should also make allowance for third parties, whether industry or other owners of rights or clients of whatever kind, who also had to be given greater access to information.

46. In summarizing the discussion held so far, the Chairman stated that there seemed to be a consensus for WIPO to focus on information technology with a serious commitment and clear objectives and involvement of member States. Further there was strong support for many of the substantive ideas in the proposal of the United States of America, particularly concerning the network infrastructure to support cooperation and information sharing between offices. There remained quite a number of issues that needed to be resolved, namely: the institutional aspects, including the relationship between the proposed new Committee, on the one hand, and the Budget Committee, the Coordination Committee, the PCIPI and the Registration Unions, on the other hand; a desire to set goals and priorities for whatever institution might emerge; aspects concerning what individual countries, especially developing countries, would gain from the present proposal; how countries could contribute to this proposal; how the proposal would enable dissemination and transfer of technology; costing issues, including whether the costs mentioned in the proposal were one-off or involved an on-going commitment; and a common request for the International Bureau to state its view about the institutional and financial aspects. The Chairman asked for any further discussion about those or other issues.

47. The Delegation of the United States of America thanked all the delegations which had contributed their views on its proposal, which indicated the thoroughness with which the proposal had been considered. It agreed with the Chairman's summary which reflected the topics that remained to be addressed. With respect to the institutional issues, it noted that a number of delegations had indicated that there were existing bodies with some jurisdiction over some of the projects that might be pursued under the auspices of a new Committee. To help clarify the situation, the present Chairman of the Executive Coordination Committee of the PCIPI, who was a member of the Delegation of the United States of America, described the structure of the PCIPI as follows. There were two standing committees under the PCIPI. One was the Working Group on General Information (PCIPI/GI) with basically three mandates: dealing with standardization matters, including those relating to automation, with some standards being highly technical while others were more informational in nature; exchange of industrial property documents among offices, and conducting surveys. The second standing committee was the Working Group on Search Information (PCIPI/SI), charged with the preparation of the revision of the International Patent Classification (IPC), its development and use, and the development of search systems based on the IPC. There were also two ad hoc working groups within the PCIPI: the ad hoc Working Group on the Management of Industrial Property Information (PCIPI/MI), which dealt with policy matters for the PCIPI and which had worked in Rio de Janeiro to develop the very interesting recommendation for the use of industrial property digital libraries, and the ad hoc Working Group on Trademark Information (PCIPI/TI) dealing with standardization matters relating to trademark information and the use of digital technology for the generation, storage, exchange and retrieval of trademark information. All these groups reported to a plenary body, the PCIPI Executive

Coordination Committee which basically had the function of approving their work. To indicate why it did not consider that the PCIPI could be used to pursue many, if not all, of the objectives in the proposal, the Delegation of the United States of America stated that the PCIPI had clearly been focused on a technical approach to issues relating to documentation, IPC work and automated search systems. In order to establish a network or pursue other large-scale initiatives within WIPO, one needed to bring together decision makers who were not necessarily technical experts but policy makers from all the respective industrial property offices. The biggest gap, in the view of the Delegation, was that the present PCIPI did not have the mandate or the tradition to deal with issues at the level that was needed in order to set large-scale initiatives in motion. Moreover, some of the topics to be addressed in deploying a large-scale network, or creating digital libraries, involved issues not typically addressed by the PCIPI, like network technology questions and telecommunication protocols, as well as legal implications for electronic records and record management. These legal implications were quite important to the process of developing consistent systems. As to whether the PCIPI could be transformed into an entity which would serve some of the functions that might be envisaged for the proposed Information Technologies Committee, the Delegation recognized that that was possible, but to pursue the objectives, one would have to re-shape the mandate, the funding authority, and the past practice and trend of participation in the PCIPI, thus ending up with a continuing PCIPI name with very little resemblance to the previous entity. The Delegation considered that it would be much more efficient to define the requirements of a Committee that would be charged with carrying out some of these initiatives, and then determine whether the PCIPI either in its existing structure or through modification or through some other action would serve the overall objectives. Once the requirements of the Committee were defined, one could determine how this new Committee might relate to existing institutions at WIPO, how it might be structured, and its impact. The Delegation emphasized that it did not want to disrupt the smooth functioning of the PCIPI, whose important ongoing projects must continue. The Delegation also firmly agreed that there should be no overlapping responsibilities or institutions. It was ready to discuss the future role of the PCIPI, but the basic question was the need of WIPO to have the right level of institution to carry out many the objectives.

48. The International Bureau drew the attention of the Working Group to paragraphs 92 to 99 of document ITIP/WG/I/2 which described the PCIPI in some detail, and noted that the Delegation of the United States of America had omitted the most important body of the PCIPI, namely, the Permanent Committee itself. To complete the picture, the International Bureau said that the Permanent Committee met every second year, at the same time as the Governing Bodies, so that the highest PCIPI body would be attended by the decision makers who usually attended the meetings of the Governing Bodies, namely, the heads of industrial property offices. It was the Permanent Committee itself which established the priorities and the general policy to be followed by the various PCIPI bodies in the next biennium.

49. The Delegation of Japan, with reference to its contribution which was distributed as document ITIP/WG/I/6, stated that the proposed ideas dealt with the horizontal issues related to various intellectual property information-related activities governed by different bodies, including those related to copyright and neighboring rights. The Delegation considered that the proposed Information Technologies Committee (ITC) would eliminate the duplicative work among different bodies and achieve coherence in both legal and technical activities with the oversight of the ITC. Furthermore, and most importantly, the ITC would make recommendations to the Director General in respect of automation in the International Bureau

itself. In this context, the Delegation referred to the suggested possible priority areas in its document, with the proposed Action No. 1 including the computerization of the administration of the International Bureau, and the proposed Action No. 3 which dealt with the strengthening of the International Bureau, not only in terms of the number of staff but also in terms of their proficiency in computer and communications technologies. The Delegation said that there was much to be done in the context of the ITC. On the other hand, the PCIPI was a committee essentially of a technical nature, which was established under the Paris, PCT and IPC Unions, and therefore it was not organized to assume the functions envisaged for the ITC. However, the Delegation considered that the PCIPI functions could be developed to be integrated into the new proposed ITC with new and expanded mandates.

50. The Delegation of the United States of America agreed that there were a number of institutional aspects in its proposal, including the relationship to the Coordination Committee and Budget Committee. It was quite flexible in how one might organize the relationship of a new body or committee to other institutions in WIPO. The Information Technologies Committee (ITC) would not have a free range to dictate to other bodies of WIPO, but would be limited in its focus to information technology initiatives. It reiterated its previously stated views that, ideally, the ITC would essentially have two functions, the first being to generate recommendations and propose policies that could guide and be used by other bodies of WIPO, and since most countries shared membership in these other bodies, there would be follow-up in other bodies. The second function would involve responsibility for unique projects relating only to information technology, which could be the network development or specific information technology projects such as electronic filing of patent applications. The two functions were not intended to interfere with the authority or operations of other bodies, but rather to be complementary in nature to these other bodies. With respect to the question of how the recommendations regarding budgetary issues would be handled, the Delegation said that it would be very healthy to have a kind of consensus within the ITC regarding the level of funding of certain initiatives, before going directly into the Budget Committee as part of its normal operations. As such, the Delegation made it clear that it was flexible with regard to the suggestion in its proposal that funding recommendations should go directly to the General Assembly. Also in respect of institutional aspects, the Delegation emphasized that the proposal aimed at avoiding redundancy or duplication of functions, since the ITC would tackle common issues that would arise in each of the Unions because of the impact of information technology, and instead of adopting different solutions on a case by case basis, wherever possible one would develop a consistent policy, whether in the field of data standards or legal implications of electronic records. With respect to some observations regarding a possible shift, between the Delegation's first proposal and its second proposal, in the emphasis on using this opportunity to promote development cooperation initiatives in the field of information technology, the Delegation assured the Working Group that there was absolutely no shift. When one looked at initiatives in information technology, it was very clear that one could not engineer one developing country solution and another developed country solution. The Delegation said that efforts should be planned to produce common solutions and then direct development cooperation efforts to ensure that those common solutions could be implemented in each country. From the implementation perspective, many countries might need more assistance to get to the basic level of capacity to deploy and participate in a common solution, and that was where development cooperation would be important. Certain offices like the EPO, JPO, CIPO, or the USPTO were at a certain level where they could deploy initiatives without much assistance from WIPO, whereas other offices might need more assistance to get to the level where they could deploy these common solutions. So the focus of the proposal of

the United States of America had not changed at all, and this should be a priority for development cooperation initiatives to support deployment of these types of solutions. The Delegation said it would be pleased to hear some constructive proposals on how to identify needs of developing countries, and some type of measurement of the level of capacity in developing country offices, so that better estimates could be made as to the costs and implications of making these solutions available to these offices. Regarding the question raised by the Delegation of Pakistan, whether the proposal had shifted away from what in essence was an institutional focus of information technology projects into a new area where one might be dictating some type of standard development for the substantive intellectual property rights, the Delegation of the United States of America said that answer was that it had not, but the Delegation emphasized that the forum would be useful for addressing some of the legal issues that were going to be encountered in dealing with the electronic or digital environment, so that experiences could be shared.

51. The Delegation of India stated that, on the question whether one should think at all in terms of a new Information Technologies Committee (ITC) or an existing committee, the PCIPI, to perform the proposed functions, it emphasized that the PCIPI was limited to industrial property only, whereas several delegations, including the Delegation of India, had indicated the need for incorporating copyright and neighboring rights issues in any discussions on the future role of the ITC. The PCIPI had a rather limited mandate, which would need to be substantially changed and expanded if it were to cover these aspects proposed for the ITC, and that would substantially change the PCIPI. The Delegation said that another issue that needed to be taken up was the nature of the proposed ITC. Would it be a high-powered committee or essentially a technical and recommendatory committee? If it were to be a high-powered committee, as seemed to be the general thrust of the proposal, then it would end up encroaching on and diluting the powers of the existing Governing Bodies of the various Unions of WIPO, and that was not desirable. So the Delegation considered that the ITC should be a recommendatory body, which was technical in nature and would make recommendations to the Governing Bodies, which would then take the necessary decisions for implementation. The Delegation would not like to see the creation of a new policy-making body. The Delegation also asked whether the ITC would have any implications for the on-going work in various WIPO committees on harmonization and standard-setting, as the Delegation wanted to ensure that there would be no conflict of responsibilities. Regarding development cooperation, the Delegation of India stated that if one was going to computerize and use the latest information technologies in the work of WIPO and in networking, it was extremely important to take developing countries along, and to ensure that the required funds would be available for development cooperation work. The Delegation said that the costing in the document of the United States of America did not appear to take into account the requirements of the developing countries. The Delegation hoped that a preliminary study could be made by the International Bureau on the requirements to upgrade the national offices of developing countries over a period of time, so that they would be able to benefit from the process of adoption of information technologies by WIPO. The Delegation also wanted to know which part of the expenses would be incurred by WIPO, whether only for the networking that WIPO would be doing for its own office or would it also be for all national offices or for national offices only of developing countries and such other countries as had genuine requirements. All this would cut deeply into the reserves of WIPO, and before embarking on this project, the Delegation said that one should know the impact on the reserves.

52. In reply to several points raised by the Delegation of India, the Delegation of the United States of America said that it had envisaged that the Information Technologies Committee (ITC) would be an entity that, with regard to one of its functions, would produce recommendations, noting that it would also be responsible for pursuing specific projects unique to its mandate, such as the global network. With respect to the question of studies of the costs or needs of countries connected to this type of a network, or studies of the impact of the ITC on existing WIPO institutions and the International Bureau, the Delegation welcomed a process of generating more information to help decide the basic question of whether to establish this type of institution, but considered that one should differentiate between studies that would essentially be the substantive work of the Committee, such as costing or requirements definition for countries to participate in a network, and studies or information gathering exercises that helped make the basic decision to establish the Committee. In the latter category the Delegation thought it would be very useful to outline what it was that would be compared to WIPO's current structure before attempting to conduct a study of the impact of that entity on the WIPO structure. The Delegation was therefore very open to trying to sketch out what the mandate of a new Committee might be.

53. Following the general discussion, the Working Group turned to the matter of developing the conclusions and recommendations from its session.

54. After informal consultations, the Working Group adopted by consensus the following "Conclusions and Recommendations":

- "1. The First Session of the WIPO Working Group on Information Technologies for Intellectual Property,
- "2. Notes with appreciation the WIPO report on Current Information Technology Activities of the International Bureau of WIPO;
- "3. Recognizing that the Memoranda of the United States of America, Canada and Japan have enlightened the debate of technical, financial and procedural issues, reached an understanding on the following:
  - a) the overall recognition of the advantages for the establishment of a global WIPO network for all countries;
  - b) the network should address requirements of industrial property activities and copyright and neighboring rights activities;
  - c) the recognition of the need to establish, upgrade and modernize the intellectual property offices and to provide training, particularly in developing countries, in order to enable them to participate effectively in the proposed network;
  - d) the need for the coordination and management of horizontal issues related to the effective use of information technology in WIPO activities, in a coherent manner and to avoid duplication with other WIPO bodies;
  - e) the need for a better understanding of information technology infrastructure in intellectual property offices, particularly in developing countries and countries in transition, and their requirements;

- f) the need to develop a new strategy encompassing any required additional resources and expertise for WIPO information technology structures;
- “4. Notes that, in order to deal with the structure, additional information and analysis is required.
- “5. The Working Group recommends to the next session of the General Assembly:
- a) To request the new Director General, taking into account views from WIPO members and interested intellectual property offices, to make a proposal for the requirements for the implementation of a global WIPO network and effective use of information technology in WIPO activities. The proposal should take into account the legal and other requirements of all countries, the need to improve efficiency of the intellectual property offices and the need to expand the development cooperation activities of the International Bureau through increased access to information technology infrastructures (including institutional and capacity building) and to intellectual property data. It should also include an indication of the magnitude of the costs for the implementation of the global WIPO network and for the establishment, upgrading and modernizing as well as the capacity building requirements of the intellectual property offices of the developing countries and countries in transition, and the envisaged information technology infrastructure and personnel requirements, as well as the implications to WIPO projects and activities;
- b) To request the new Director General to submit at the Second Session of this Working Group his views for the structure to deal with information technology projects including its terms of reference, the relationship with other WIPO bodies and its “modus operandi”;
- c) To convene the Second Session of this Working Group at the end of January 1998 to consider the proposals and views of the new Director General and to recommend an overall implementation and automation plan.”

*55. This report was unanimously adopted by the Working Group on July 18, 1997.*

#### Tribute to Mr. Paul Claus

56. Following the adoption of the report, the Delegation of Sweden noted that Mr. Paul Claus, Director of the Information Technology Department, would retire at the end of July 1997, and it wished to take the occasion to pay tribute to Mr. Claus for his work in BIRPI and WIPO for some thirty years, and in the business of patent information and industrial property information for some 35 years. Mr. Claus' positive and enthusiastic approach was remarkable; on top of that, he was always friendly and open, with a very nice sense of humor. The Delegation noted that it had met Mr. Claus at many many meetings around the world, and considered that the Organization would not be the same without him. The Delegation

concluded by thanking Mr. Claus, and stated that it hoped that there would be the opportunity to meet further with him, perhaps working in this business in one way or the other.

57. The Chairman added that he had also known Mr. Paul Claus for a long time, and fully endorsed what had been said by the Delegation of Sweden.

58. All delegates applauded Mr. Claus and wished him well in the future.

[List of Participants follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

*(dans l'ordre alphabétique des noms français des États/  
in the alphabetical order of the names in French of the States)*

AFRIQUE DU SUD/SOUTH AFRICA

Bongiwe QWABE (Ms.), Second Secretary, Permanent Mission, Geneva

ALBANIE/ALBANIA

Vladimir NIKA, directeur des programmes internationaux, Ministère de l'enseignement supérieur et de la recherche, Tirana

ALLEMAGNE/GERMANY

Harald VON KEMPSKI, Head, Information Technique Division, Federal Ministry of Justice, Bonn

Eduard MERZ, Vice-President, German Patent Office, Munich

ANDORRE/ANDORRA

Eusebi NOMEN, Asesor del Presidente del Gobierno del Principado de Andorra en materia de propiedad intelectual, Andorra la Vella

Patricia QUILLACQ (Srta.), Representante del Ministerio de Relaciones Exteriores, Andorra la Vella

ARABIE SAOUDITE/SAUDI ARABIA

Amin KURDI, Information Systems Advisor, Ministry of Commerce, Riyadh

Shayea ALSHAYEA, Director General, General Directorate of Patents, Riyadh

ARGENTINE/ARGENTINA

Diego MALPEDE, Primer Secretario, Misión Permanente, Ginebra

AUSTRALIE/AUSTRALIA

Bruce MURRAY, Commissioner of Patents, Registrar of Designs, Australian Industrial Property Organisation, Canberra

Julia NIELSON (Ms.), Third Secretary, Permanent Mission to WTO, Geneva

AUTRICHE/AUSTRIA

Wolfgang PILCH, Technical Expert, Presidential Department IV, Industrial Property Section, Ministry of Economical Affairs, Vienna

BRÉSIL/BRAZIL

Luiz Cesar GASSER, Second Secretary, Permanent Mission, Geneva

Claudio Rosemberg TREIGUER, Advisor of the President, National Institute of Industrial Property (INPI), Rio de Janeiro

Jeziel da Silva NUNES, Head, Modernization and Informatics Division, National Institute of Industrial Property (INPI), Rio de Janeiro

BRUNÉI DARUSSALAM/BRUNEI DARUSSALAM

Kasmirhan PENGIRAN TAHIR, Counsel, Attorney General's Chambers, Negara

BULGARIE/BULGARIA

Nikolay Christov TERZIEV, Head, Automated Systems Department, Patent Office of the Republic of Bulgaria, Sofia

BURUNDI

Épiphanie KABUSHEMEYE-NTAMWANA (Mme), premier conseiller, Mission permanente, Genève

CAMEROUN/CAMEROON

François-Xavier NGOUBEYOU, ambassadeur, représentant permanent, Mission permanente, Genève

CANADA

Jean GARIÉPY, directeur exécutif, Office de la propriété intellectuelle du Canada, Hull

Nabil KRAYA, Director, Informatics Branch, Canadian Intellectual Property Office, Hull

CHILI/CHILE

Alejandro ROGERS, Consejero, Misión Permanente, Ginebra

CHINE/CHINA

CHANG Cheng, Deputy Director General, Copyright Department, National Copyright Administration (NCAC), Beijing

ZHANG Xiyi, Deputy Director General, General Planning Division, Chinese Patent Office, Beijing

LIU Bolin, Deputy Director, Legal Division, National Copyright Administration (NCAC), Beijing

ZHAO Yangling (Mrs.), First Secretary, Permanent Mission, Geneva

COSTA RICA

Joaquín ALVAREZ, Ministro Consejero, Misión Permanente, Ginebra

CÔTE D'IVOIRE

Marc Georges SEREY-KORE, conseiller, Mission permanente, Genève

CROATIE/CROATIA

Nikola KOPČIĆ, Director, State Intellectual Property Office, Zagreb

Kristina BUBANKO-ŽIGER (Mrs.), Deputy Director, State Intellectual Property Office, Zagreb

Vesna ČERNELČ-MARJANOVIĆ (Mrs.), Head, EDP, State Intellectual Property Office, Zagreb

DANEMARK/DENMARK

Hans JAKOBSEN, Deputy Director General, Danish Patent Office, Taastrup

Bente Skovgaard KRISTENSEN (Mrs.), Legal Advisor, Danish Patent Office, Taastrup

ÉGYPTE/EGYPT

Hesham YOUSSEF, First Secretary, Permanent Mission, Geneva

EL SALVADOR

Lilian ALVARADO-OVERDIEK (Sra.), Consejero, Misión Permanente, Ginebra

ÉQUATEUR/ECUADOR

Federico MENESES ESPINOSA, Consejero, Misión Permanente, Ginebra

ESPAGNE/SPAIN

José Daniel VILA ROBERT, Director, Departamento de Patentes y Modelos, Oficina Española de Patentes y Marcas, Ministerio de Industria, Comercio y Turismo, Madrid

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Jeffrey P. KUSHAN, Attaché, U.S. Mission to the WTO, Geneva

Stephen G. KUNIN, Deputy Assistant Commissioner for Patent Policy and Projects, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Robert W. SAIFER, Director, International Liaison Staff, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Thaddeus BURNS, Patent and Trademark Office, Department of Commerce, Washington, D.C.

EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE/THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA

Zoran JOLEVSKI, First Secretary, Permanent Mission, Geneva

FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

Nikolaï KHLESTOV, Senior Counsellor, Permanent Mission, Geneva

Alexei D. GVINEPADZE, Deputy Director, Russian Agency for Patents and Trademarks, Moscow

Igor MOVTCHAN, First Secretary, Permanent Mission, Geneva

FINLANDE/FINLAND

Juhani RAINESALO, Director, Search and Examination Division, National Board of Patents and Registration, Helsinki

FRANCE

Joëlle ROGÉ (Mme), conseiller juridique, Mission permanente, Genève

Jean-François LESPRIT, chef de service, Institut national de la propriété industrielle, Paris

GHANA

Kenneth Asare BOSOMPEN, Minister Counsellor, Permanent Mission, Geneva

GRÈCE/GREECE

Nikos BEAZOGLU, Ministry of Development (Trade), Direction of Commercial and Industrial Property, Athens

GUATEMALA

Federico URRUELA PRADO, Embajador, Representante Permanente, Misión Permanente, Ginebra

Beatriz MÉNDEZ (Sra.), Tercer Secretario, Misión Permanente, Ginebra

HONDURAS

Maria Teresa DA COSTA GOMEZ (Sra.), Agregado, Misión Permanente, Ginebra

HONGRIE/HUNGARY

Miklós BENDZSEL, Acting Vice-President, Hungarian Patent Office, Budapest

Ágnes VADÁSZ (Mrs.), Information Counsellor, Hungarian Patent Office, Budapest

Zoltán VARGA, Counsellor, Permanent Mission, Geneva

INDE/INDIA

Dilip SINHA, Counsellor, Permanent Mission, Geneva

INDONÉSIE/INDONESIA

Bambang HIENDRASTO, First Secretary, Permanent Mission, Geneva

Bebek DJUNDJUNAN, Third Secretary, Permanent Mission, Geneva

IRAQ

Khalid AL-KHERO, First Secretary, Permanent Mission, Geneva

ISRAËL/ISRAEL

Mayer GABAY, Chairman, Patents and Copyright Laws Revision Committees, Ministry of Justice, Jerusalem

JAMAÏQUE/JAMAICA

Frank HALL, Counsellor, Permanent Mission, Geneva

JAPON/JAPAN

Shozo UEMURA, Director-General, Fourth Examination Department and International Affairs, Japanese Patent Office, Tokyo

Toshimichi MORIYA, Director, International Affairs Division, Japanese Patent Office, Tokyo

Koichi MINAMI, Director, Electronic Data Processing, Administration Division, Japanese Patent Office, Tokyo

Satoshi MORIYASU, First Secretary, Permanent Mission, Geneva

KENYA

Esther Mshai TOLLE (Ms.), Ambassador, Permanent Representative, Permanent Mission, Geneva

Alex Kiptanui CHEPSIROR, Counsellor (Legal), Permanent Mission, Geneva

KIRGHIZISTAN/KYRGYZSTAN

Roman O. OMOROV, Director, State Agency of Intellectual Property, Bishkek

MADAGASCAR

Nadimalala RABETSIMALONA, conseiller, Mission permanente, Genève

MALAISIE/MALAYSIA

Ahmad JAZRI Mohd. Johar, First Secretary, Permanent Mission, Geneva

MAROC/MOROCCO

Abdellah BENMELLOUK, premier secrétaire, Mission permanente, Genève

MEXIQUE/MEXICO

Dolores JIMÉNEZ HERNÁNDEZ (Sra.), Consejero, Misión Permanente, Ginebra

NIGÉRIA/NIGERIA

Yemisi Kikelomo MARCUS (Mrs.), Counsellor, Permanent Mission, Geneva

NORVÈGE/NORWAY

Lisbeth WOLTHER (Mrs.), Assistant Director General, Norwegian Patent Office, Oslo

Per Einar LILLEJORDET, Head of Patent Division, Norwegian Patent Office, Oslo

PAKISTAN

Mansur RAZA, First Secretary, Permanent Mission, Geneva

PANAMA

Elia del Carmen GUERRA–QUIJANO (Sra.), Representante Alternativa, Misión Permanente, Ginebra

PARAGUAY

Rodrigo UGARRIZA, Segundo Secretario, Misión Permanente, Ginebra

PAYS-BAS/NETHERLANDS

Koen KORVING, Head, Department of Register and Publications, Netherlands Patent Office, Rijswijk

PHILIPPINES

Rowena Margaret GOROSPE (Ms.), Acting Director, Office of United Nations and Other International Organizations, Department of Foreign Affairs, Pasay City

Leo PALMA, WTO-AFTA Attaché-Legal Affairs, Permanent Mission, Geneva

PORTUGAL

Madalena ABREU (Mme), directeur de services, Institut national de la propriété industrielle, Lisbonne

Jorge Alberto ALVIM, Director, Trademark Service, National Institute of Industrial Property, Lisbon

José Sérgio DE CALHEIROS DA GAMA, conseiller juridique, Mission permanente, Genève

RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

Joon-Kyu KIM, Counsellor, Permanent Mission, Geneva

Sung-Hoon HYUN, Deputy-Director, Korean Industrial Property Office, Seoul

ROUMANIE/ROMANIA

Valeriu GEAMBAZU, Head, Patent Information and Library Division, State Office for Inventions and Trademarks, Bucharest

ROYAUME-UNI/UNITED KINGDOM

Graham Paul JENKINS, Head, Intellectual Property Policy Directorate, The Patent Office, Newport

Jim AYLING, Senior Patent Examiner, Intellectual Property Policy Directorate, The Patent Office, Newport

SLOVAQUIE/SLOVAKIA

Ondrej STEHLIK, Head, Informatics Technology Department, Industrial Property Office, Banska Bystrica

SRI LANKA

Ranjana ABEYSEKERA, Minister (Economic and Commercial Affairs), Permanent Mission, Geneva

SUÈDE/SWEDEN

Lars BJÖRKLUND, Deputy Director General, Swedish Patent Office, Stockholm

SUISSE/SWITZERLAND

Christian BOCK, controller, Institut fédéral de la propriété intellectuelle, Berne

THAÏLANDE/THAILAND

Ornsuang SUTIRASAKUL (Ms.), Computer Scientist, Department of Intellectual Property, Bangkok

Quanchai SASIVANIJ (Miss), Third Secretary, Permanent Mission, Geneva

TUNISIE/TUNISIA

Kamel MORJANE, ambassadeur, représentant permanent, Mission permanente, Genève

Kadhem BACCAR, conseiller, Mission permanente, Genève

URUGUAY

José Antonio VILLAMIL NEGRÍN, Coordinador del Departamento de Patentes, Dirección Nacional de la Propiedad Industrial, Montevideo

Carlos SGARBI, Ministro-Consejero, Misión Permanente, Ginebra

VENEZUELA

David VIVAS, Agregado, Misión Permanente, Ginebra

VIET NAM

VU THI BICH DUNG (Mrs.), Third Secretary, Permanent Mission, Geneva

II. ORGANISATIONS INTERGOUVERNEMENTALES/  
INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE  
ORGANIZATION (WTO)

Hannu WAGER, Counsellor, Intellectual Property and Investment Division, Geneva

COMMISSION DES COMMUNAUTÉS EUROPÉENNES (CCE)/COMMISSION OF THE  
EUROPEAN COMMUNITIES (CEC)

Roland KOBIA, Administrator, European Commission, Brussels

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

Guillaume MINNOYE, Principal Director, Information Systems, Rijswijk

Carlo PANDOLFI, Head, Cooperation Department, European Patent Information and Documentation System, Vienna

Kevin DOUGLAS, Administrator DG1, European Patent Office, Rijswijk

Richard YUNG, Director, International Technical Cooperation, European Patent Office, Munich

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INDUSTRIELLE  
(ARIPO)/AFRICAN REGIONAL INDUSTRIAL PROPERTY ORGANIZATION (ARIPO)

Gift Huggins SIBANDA, Senior Industrial Property Officer, Harare

IV. BUREAU/OFFICERS

Président/Chairman:	Bruce MURRAY (Australie/Australia)
Vice-présidents/Vice-Chairmen:	Elia del Carmen GUERRA-QUIJANO (Sra.) (Panama)
	Lars BJÖRKLUND (Suède/Sweden)
Secrétaire/Secretary:	Thomas KEEFER (OMPI/WIPO)

V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE DE LA  
PROPRIÉTÉ INTELLECTUELLE (OMPI)/INTERNATIONAL BUREAU  
OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

François CURCHOD, vice-directeur général/Deputy Director General

Kamil IDRIS, vice-directeur général/Deputy Director General

Thomas KEEFER, sous-directeur général/Assistant Director General

Busso BARTELS, directeur du Secteur du PCT /Director, PCT Sector

Paul CLAUS, directeur du Département de l'informatique/Director, Information Technology  
Department

Bruno MACHADO, directeur du Département des enregistrements internationaux/Director,  
International Registrations Department

Gary SMITH, directeur du Département des opérations du PCT/Director, PCT Operations  
Department

Yoshiyuki TAKAGI, directeur du Département de l'information en propriété industrielle et des  
classifications internationales/Director, Industrial Property Information and International  
Classifications Department

Roberto CASTELO, directeur de la Division de l'administration générale, Service  
administratifs généraux/Director, General Administrative Division, General Administrative  
Services

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