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REPORT OF THE 1997 SESSION OF THE WIPO PERMANENT
COMMITTEE ON DEVELOPMENT COOPERATION RELATED TO
COPYRIGHT AND NEIGHBORING RIGHTS (PC/CR)

Memorandum by the Director General

1. During the Twenty-Ninth Series of Meetings (held from September 23 to October 2, 1996) of the Governing Bodies of WIPO and the Unions administered by WIPO, it was decided that an item entitled "Examination of the Reports of the Permanent Committees on Development Cooperation related to Industrial Property (PC/IP) and related to Copyright and Neighboring Rights (PC/CR)" would be included in the draft agenda of the WIPO Conference (see document AB/XXIX/10, paragraph 137).

2. The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights held its twelfth session in Geneva from September 9 to 12, 1997. The report of the session is given in the Annex.

3. *The WIPO Conference is invited to note the contents of the report of the Committee.*

[Annex follows]

ANNEX

REPORT OF THE SEPTEMBER 9 TO 12, 1997, SESSION OF
THE WIPO PERMANENT COMMITTEE ON DEVELOPMENT COOPERATION
RELATED TO COPYRIGHT AND NEIGHBORING RIGHTS

(WIPO document CP/DA/XII/4)

INTRODUCTION

1. The WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (referred to hereinafter as “the Permanent Committee”) held its twelfth session in Geneva from September 9 to 12, 1997.
2. Seventy-five States, members of the Permanent Committee were represented at the session: Algeria, Angola, Argentina, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, France, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lesotho, Malawi, Mali, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Russian Federation, Senegal, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe.
3. The following six States were represented as observers: Belarus, Kyrgyzstan, Madagascar, Qatar, Slovakia and Yugoslavia.
4. Observers from two intergovernmental organizations, namely: the World Trade Organization (WTO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO), and seven national and international non-governmental organizations, namely: the International Confederation of Societies of Authors and Composers (CISAC), the European Bureau of Library, Information and Documentation Association (EBLIDA), the Ibero-Latin-American Federation of Performers (FILAIIE), the International Federation of Musicians (FIM), the International Federation of Reproduction Rights Organizations (IFRRO), the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), and the University of Alicante, also participated in the meeting.
5. The list of participants is annexed to this report. [Here omitted.]

OPENING OF THE SESSION

6. On behalf of the Director General of WIPO, Mr. Carlos Fernández Ballesteros, Assistant Director General, opened the session and welcomed the participants. A special welcome was extended to Bolivia and Ecuador which had become members of the Permanent Committee at the present session, bringing its membership up to 111 States.

ELECTION OF THE CHAIRMAN AND TWO VICE-CHAIRMEN

7. The Permanent Committee unanimously elected Mr. Fernando Zapata López (Colombia) as Chairman, and Mr. Henry Olsson (Sweden) and Mrs. Ketrah Tukuratiire (Uganda) as Vice-Chairmen. Mr. Carlos Fernández Ballesteros, Assistant Director General of WIPO, acted as Secretary of the Permanent Committee.

ADOPTION OF THE AGENDA

8. The Permanent Committee adopted the agenda as contained in document CP/DA/XII/2 Rev.

REVIEW AND EVALUATION OF ACTIVITIES UNDER THE PERMANENT PROGRAM SINCE THE BEGINNING OF 1995 AND REVIEW OF THE SECOND DECADE OF THE DEVELOPMENT COOPERATION AND RELATED ACTIVITIES IN THE FIELD OF COPYRIGHT AND NEIGHBORING RIGHTS UNDER THE WIPO PERMANENT PROGRAM (1987-1996)

9. Discussions were based on documents AB/XXIX/2, AB/XXXI/4, AB/XXXI/5 and CP/DA/XII/3 Rev., which covered development cooperation activities in the field of copyright and neighboring rights in 1995, 1996, the first half of 1997 and a summary of the activities from 1987 to 1996 respectively.

10. Mr. Carlos Fernández Ballesteros, Assistant Director General of WIPO, explained at the outset that the session did not take place in 1996 as planned, largely due to the fact that the intended dates coincided with a number of other meetings on copyright and neighboring rights organized by the International Bureau at global and regional levels involving the participation of developing countries, in particular the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions convened by WIPO in December 1996 in Geneva and all the preparatory meetings leading to it.

11. Referring to document CP/DA/XII/3 Rev., he pointed out that the document did not contain a chapter on the future agenda of the Permanent Committee because the guidelines for future development cooperation activities, together with a program and budget, would be decided at the upcoming 31st Series of Meetings of the Governing Bodies of WIPO.

12. The Assistant Director General, referring to documents AB/XXIX/2, AB/XXXI/4, AB/XXXI/5 and CP/DA/XII/3 Rev., underlined the main objectives of the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights, which

concern activities in the field of development of human resources, improvement of national and regional legislation and its enforcement as well as institution building in developing countries.

13. He reported that the period since the last session of the Permanent Committee in 1994 had seen a remarkable increase in cooperation activities for developing countries in the field of copyright and neighboring rights, as demands from developing countries for legal and technical assistance from WIPO had grown tremendously. The International Bureau had responded appropriately to the large variety of requests for assistance in the areas of developing human resources, strengthening legal infrastructure and collective management and promoting awareness of copyright and neighboring rights in developing countries.

14. He drew special attention to the fact that during the period under review and particularly since 1994 following the adoption of the TRIPS Agreement, there was a significant increase in demand from developing countries for assistance in their efforts to enact and update national legislation to comply with the requirements of the TRIPS Agreement. He further recalled that the International Bureau had prepared 43 draft laws and comments at the requests of developing countries in the last three years.

15. He also noted that the budget allocated to development cooperation activities in the field of copyright and neighboring rights had been increased in recent years in order to meet the growing needs and requests from developing countries for technical assistance. Of the total budget of over 8,500,000 Swiss francs for 1996, about one third was used for activities related to copyright and neighboring rights and two thirds for other activities.

16. The Assistant Director General highlighted in particular the increase, during the period under review, in the number of States party to the Berne Convention, from 76 in 1986 to 126 in 1997, the increase in the number of countries benefiting from WIPO development cooperation program from 46 in 1987 to 99 in 1996, the increase in the number of contributing countries from 13 in 1987 to 63 in 1996, and the increase in the number of fellowships granted from 83 in 1987 to 232 in 1996.

17. He noted that as a result of the development cooperation program in the last decade, a number of developing countries in particular in Africa had established or strengthened their infrastructure for copyright administration, including government agencies and collective management societies.

18. Recalling the achievements of the development cooperation program, he underlined that they were only made possible with the continued and sustained support and assistance from a number of government authorities and organizations, and national and international non-governmental organizations, which had contributed in various ways to the organization and successful completion of the programs. Such contributions were made by ways of, *inter alia*, funds-in-trust, sponsoring participants from developing countries to seminars or other training courses, receiving trainees and study visits, making available the services of speakers and experts, etc.

19. On behalf of the International Bureau, the Assistant Director General expressed thanks and appreciation to the governments of, and copyright and neighboring rights organizations in, the following countries: Algeria, Belgium, Burkina Faso, Finland, France, Hungary, Japan, Mexico, Portugal, Spain, Sweden, Switzerland, United Kingdom, United States of America,

the Belgian Society of Authors, Composers and Publishers (SABAM), the British Copyright Council (BCC), the Chilean Authors Society (SCD), the Hungarian Bureau for the Protection of Authors' Rights (ARTISJUS), the General Authors and Publishers Society of Spain (SGAE), the Swiss Society for Authors' Rights in Musical Works (SUISA), the Uruguayan Authors Society (AGADU), the Islamic Educational, Scientific and Cultural Organization (ISESCO), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of the Phonographic Industry (IFPI), the Latin American Federation of Producers of Phonograms and Videograms (FLAPF) and the International Federation of the Reproduction Rights Organization (IFRRO).

20. Fifty delegations of States spoke under this agenda item, namely the delegations of Argentina, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Jamaica, Japan, Jordan, Kenya, Lesotho, Malawi, Mali, Mexico, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Republic of Korea, Senegal, Sri Lanka, Sudan, Sweden, Togo, Trinidad and Tobago, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela and Zambia. The representatives of the World Trade Organization (WTO), the International Federation of Reprographic Rights Organization (IFRRO), the International Confederation of Societies of Authors and Composers (CISAC) and the Ibero-Latin-American Federation of Performers (FILAIIE) also made statements.

21. Many delegations commended the International Bureau on the high quality of the documents prepared for the meeting, and the concise and useful information they contained. Nevertheless, some delegations said that they would like to see documents containing additional information on the resources allocated to each activity, which would make possible a more complete evaluation of the development cooperation activities. A number of Delegations suggested that the documents contain more analytic evaluation of the activities.

22. Virtually all the delegations that took the floor expressed their appreciation for, and indicated their full support of, WIPO cooperation activities in the field of copyright and neighboring rights in developing countries, covering development of human resources, development and enforcement of national and regional legislation, and institution building. They noted with satisfaction the increase of activities undertaken by the International Bureau under the leadership of its Director General in the last 10 years and praised the work done by the staff of the copyright development cooperation sector.

23. The Permanent Committee emphasized the need for WIPO to continue strengthening its cooperation with and assistance to developing countries, in particular to address the challenges to the protection of copyright and neighboring rights posed by digital technologies at the dawn of a new century, and the protection of folklore.

24. A number of delegations from developing countries underlined the importance of expanding activities in relation to the TRIPS Agreement, especially the preparations they have to make in the transitional period for the fulfillment of the obligations under the said agreement including the enforcement of copyright and neighboring rights.

25. A number of delegations expressed their thanks to the countries and organizations that had contributed to the WIPO development cooperation program by hosting training courses or

receiving trainees in the field of copyright and neighboring rights, and hoped that such contributions would continue in the years to come.

26. Several delegations confirmed their willingness to continue cooperating with WIPO in organizing training courses for and receiving trainees from developing countries, which would help the dissemination of information concerning copyright and neighboring rights.

27. Several delegations stressed the importance of continuing dialogue between developing countries and developed countries, and dialogue between receiving countries and donor countries, which would help in better designing the development cooperation program to meet the specific need of developing countries.

28. The Delegation of Sweden congratulated the International Bureau for its development cooperation activities. It recalled the long history of fruitful cooperation with WIPO in organizing training courses in Stockholm and expressed appreciation to the various Swedish organizations, both governmental and private, as well as to IFPI and IFRRO that contributed to the courses by sending speakers or organizing study visits. The Delegation commended the International Bureau for its fair geographical distribution and diversified varieties of activities. While stressing the importance of keeping all countries informed of the new development in the protection of copyright and neighboring rights, it thanked WIPO for organizing a symposium on the two new WIPO treaties during the meeting.

29. It stressed the importance of continuing dialogue between developed and developing countries as a useful channel through which donor countries could better understand the need of developing countries. In this context the Delegation welcomed the holding of the Permanent Committee meeting. It mentioned a number of items of particular importance which were raised by the participants from developing countries in a recent training course in Stockholm as issues for continued discussion: the TRIPS Agreement, folklore, reprography, digital technology, teaching of intellectual property and improvement of the awareness of copyright and neighboring rights. It emphasized the importance of organizing training courses which could also offer an opportunity for developing countries to come together and discuss issues of common concern. The Delegation expressed its full satisfaction with the cooperation with WIPO and stated that its Government intended to continue supporting WIPO's development cooperation program in the future.

30. The Delegation of Nigeria indicated that this meeting was taking place towards the conclusion of the term of office of the present Director General of WIPO, Dr. Arpad Bogsch, under whom the Development Cooperation Program for Copyright and Neighboring Rights had been initiated. The Delegation stated that all those present at the meeting could not pay enough tribute to Dr. Bogsch, who was to be congratulated and thanked for his initiative and support. The view was expressed that all developing countries should be pleased that an African, namely Mr. Kamil Idris, has been nominated to succeed Dr. Bogsch. Particular thanks were offered to Mr. Fernández Ballesteros for the role he has played as the coordinator and motivator of the Development Cooperation Sector and also to his team of professional and administrative assistants. The Delegation referred to the extensive cooperation that has taken place between its Government and the International Bureau, from which the Government has benefited immensely. In so far as the next decade of activities is concerned, the Delegation requested that WIPO's development cooperation activities in Nigeria should also address the publishing sector. Finally, the Delegation thanked the many donor countries, particularly

Sweden, Japan and the United Kingdom, which had contributed to the development cooperation program, and requested in general that richer nations also contribute to this program.

31. The Delegation of Bangladesh congratulated WIPO on the excellent presentation and exposition of the development cooperation activities related to the protection of copyright and neighboring rights over the last decade. It expressed the appreciation of its Government to WIPO for its program and activities. It stressed the need for appropriate legislation and modernization of legislation in the field of copyright and emphasized the importance of its meaningful and effective implementation as well as the effective translation of such laws and policies into reality.

32. The Delegation stated that there is a lack of effective collective management organizations and mechanisms for enforcement of legislation in least developed and developing countries like Bangladesh. It underlined the importance and benefits for right holders to safeguard their rights through collective management of copyright. It also underlined the lack of information and awareness among right holders such as writers, musicians, performers and composers regarding the economic value of their works and products. The Delegation emphasized the need for the creation of organizations and societies which will work for the effective protection of these rights and, if there is infringement of such rights, resort to effective measures to stop such infringement through lawful action. It requested cooperation and assistance from WIPO in this regard. It further requested enhanced WIPO assistance in terms of training programs for both government officials and the private sector representatives in order to strengthen and promote the objectives of WIPO. The Delegation expressed the desire that an effective future plan of action should be drawn up on copyright and neighboring rights with particular relevance to the least developed countries and the developing countries. The Delegation said that its country hoped to accede to the Berne Convention and to host a regional seminar on copyright and neighboring rights in 1998 with the cooperation and assistance of WIPO.

33. The Delegation of Pakistan expressed the hope for more analysis of the results achieved in the past and activities planned for the next decade. It stated that development cooperation activities should follow the principles of being demand-driven and nationally executed as far as possible. It emphasized the importance of making developing countries familiar with the new international treaties, in particular those relating to new technologies such as databases and domain names, as lack of full understanding would prevent them from joining these international instruments.

34. The Delegation of Japan highly valued WIPO's development cooperation activities such as training courses, seminars and symposia, which have contributed to the improvement of copyright protection in developing countries. It hoped that such activities would continue and further develop in the future. It believed that the constant implementation and expansion of such activities was crucial for the diffusion and promotion of copyright systems in a global perspective. The Delegation recalled with satisfaction the cooperation its Government has had with WIPO through a funds-in-trust program established in 1993, under the title of Asia-Pacific Copyright Systems Enhancement Programme (APACE) to support WIPO's development cooperation activities in the Asia-Pacific region. Through this program, a number of regional symposia and courses were organized and Japanese experts were sent to many national seminars in the field of copyright and neighboring rights. The Delegation stated

that its Government will continue contributing to the development cooperation programs of WIPO by all positive means. The Delegation further stated that although many Japanese contributions to international organizations are to be cut because of budget circumstances, it has succeeded in expanding the funds-in-trust of the APACE Programme for the fiscal year of 1996-97 by some 75%.

35. The Delegation of Ecuador, on behalf of the Group of Latin American and Caribbean Countries (GRULAC), expressed the view that the training and other activities relating to development of human resources carried out by the International Bureau in member countries of GRULAC through seminars, workshops, round tables, etc., have resulted in important advancement in the region with respect to enhancing understanding and improving the protection of copyright and neighboring rights. It was of the opinion that the development cooperation program related to copyright and neighboring rights should include as a matter of urgency and should maintain activities relating to computerization, the Internet, databases and the use of multimedia systems for communications and information, which unquestionably required efficient management and the effective participation of experts from the Region.

36. The Delegation emphasized the necessity of training professionals in this area. It also highlighted the increasing importance of regional legislation in the integration and harmonization process. It considered WIPO cooperation programs imperative for strengthening and consolidating national policies on copyright and neighboring rights in the region, and suggested that future cooperation activities be decided on the basis of consultations with the countries concerned, using short, medium and long term criteria in order that the results might be permanent in each of the countries, and encompassing centers of higher education and whatever public information media could be of assistance in the promotion of copyright and neighboring rights.

37. In addition, speaking on behalf of GRULAC, the Delegation pointed to the importance that the region attributed to integration processes, within which copyright and neighboring rights occupied an area of particular relevance, which meant that they deserved decisive and coordinated cooperation on the part of the International Bureau.

38. The Delegation of Argentina stated that cooperation activities with its country have been constant and consistent in producing beneficial results, and characterized by a cordial relationship among the International Bureau and the Copyright Office of Argentina, authors groups, and collective management societies under the WIPO development cooperation program. It maintained that two essential points should be included in future cooperation activities at the end of the century: digital technology, the Internet, multimedia, cultural interchange within the "global information market"; and the harmonization of legislation within the Southern Common Market (MERCOSUR).

39. The Delegation emphasized that WIPO cooperation with Governments in the region with respect to economic, juridical and cultural integration had been fundamental and hoped that it would continue in the same vein. It stressed the importance of expanding activities in relation to the TRIPS Agreement, especially concerning the enforcement of copyright and neighboring rights, including training of police and custom officers as important elements.

40. The Delegation also emphasized the importance of WIPO cooperation activities for universities and the media and encouraged the International Bureau to continue paying attention to their needs in this field.

41. The Delegation of the Republic of Korea expressed its thanks to the International Bureau for its successful endeavors in implementing the Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights. It praised the International Bureau for organizing a symposium on the two new WIPO treaties during the meeting which provided a fruitful opportunity to promote better understanding of the necessity and importance of the treaties. Concerning development of human resources, it recalled with satisfaction the increase of WIPO development cooperation activities in its country since its accession to the Berne Convention in 1996, in particular, the WIPO regional seminar on copyright and neighboring rights for Asian countries its country hosted in 1996, and a national seminar on digital technology and new treaties which would take place next month. The Delegation informed the Permanent Committee that its country had amended its national copyright law in 1995 to bring it in compliance with the Berne Convention and the TRIPS Agreement. It hoped that activities under the WIPO Permanent Committee could be further extended in the future decade.

42. The Delegation of Chile outlined the activities carried out in cooperation with WTO with regards to the implementation of the TRIPS Agreement, and in view of the importance that this Agreement holds for developing countries, insisted that WIPO should continue its efforts in that regard, which was why, at the meeting of the Budget Committee in May 1997, it had given its support to an increase in resources set aside for development cooperation. It recommended that the future cooperation program be designed to cover the following areas: legislation, enforcement, dissemination of copyright information throughout the world, strengthening of the existing institutions and automation of these institutions.

43. The Delegation also considered that WIPO cooperation activities should be made subject to an evaluation mechanism based on a costs and benefits analysis. It specifically asked for continued WIPO cooperation and assistance in the development of human resources, by way of organizing training courses, workshops and seminars. It expressed the hope that WIPO continue training Chilean officers and organizing courses, workshops and seminars in the field of copyright and neighboring rights in Chile. The Delegation expressed special interest in having a consultant from the International Bureau to assist in a program aiming at modernization in the Department of Copyright and Neighboring Rights.

44. The Delegation of Kenya expressed its gratitude to WIPO for the various forms of assistance that its Government has received in recent years, and particular mention was made of the assistance provided by WIPO in relation to the Kenyan Copyright Amendment Act of 1995. The Delegation requested further assistance with respect to the collective management of rights, particularly with a view to combating piracy in Kenya. It also expressed a need for training of the personnel in the office of the Attorney-General, as well as those from the Kenyan Music Copyright Society, which is the national collective management society for musicians, and the reprographic rights organization, KOPIKEN. The Delegation concluded by expressing the hope that the development cooperation activities of WIPO be continued and further strengthened.

45. The Delegation of Cuba stated that WIPO should insist on carrying out activities for not only the development of human resources in the area of copyright and neighboring rights, but

also for the automation of national copyright offices. Digital technology, multimedia and the Internet were considered by this Delegation as priority areas for future consideration. It noted the importance for its country to accede to the Berne Convention in February 1997. In particular, it mentioned that Cuba had benefited from the WIPO modernization project for the protection of copyright and neighboring rights in Cuba, which the Cuban Authors' Society (ACDAM) being one of the major beneficiaries.

46. It stated that WIPO's cooperation activities had contributed greatly to the development of copyright protection in Cuba, as evidenced by the following achievements: accession to the Berne Convention; organization of numerous national seminars; raising the level of expertise of Cuban officials in the field of copyright and neighboring rights; increased public awareness of copyright and neighboring rights; providing office equipment to CENDA; and assistance in the preparation of national legislation in conformity with international requirements.

47. The Delegation of Costa Rica expressed its appreciation for the cooperation it received from WIPO in the field of copyright and neighboring rights, which has greatly contributed to the improvement of the protection of the rights of owners of literary and artistic works. It also expressed the hope that WIPO would continue to organize training programs specially designed for registrars, judges and especially universities.

48. The Delegation of Bolivia asked WIPO to continue to provide technical assistance in the form of medium and large scale projects for the training of personnel, cooperation in the harmonization of legislation, the achievement of compatibility with the TRIPS Agreement and the organization of seminars for police and customs officers. It expressed thanks to WIPO for the cooperation and assistance in the training of personnel which had greatly contributed to the establishment and strengthening of institutions dealing with the protection and administration of copyright and neighboring rights in the country.

49. The Delegation recalled the Regional Course on Copyright and Neighboring Rights for Latin American Publishers, held in La Paz in November 1996, and the National Course on Collective Management of Copyright organized by the International Bureau in Santa Cruz in June 1997. It also underlined the usefulness of the medium term project that WIPO had approved for Bolivia in the field of copyright and neighboring rights.

50. The Delegation of Burkina Faso expressed its country's satisfaction with the quality and quantity of development cooperation activities WIPO had carried out relating to copyright and neighboring rights throughout the world. Referring to activities in Africa, it noted that many African countries still experience difficulties with respect to the establishment of collective management societies. Only approximately half of these countries have such societies. It is important not only that African countries have societies, but also that those societies function effectively. The Delegation observed that a great deal of work still must be done in Africa in the field of neighboring rights. With respect to the International Bureau, the Delegation advised that it should move out of its reserved position with respect to certain States. Support was also expressed by the Delegation for the WIPO Working Group on Information Technologies, but expressed the view that the International Bureau should also work through the traditional United Nations information channels such as the United Nations Information Center (UNIC). The Delegation also confirmed that the Copyright Office of Burkina Faso (BBDA) would continue cooperating with WIPO in organizing training activities.

51. The Delegation of Benin acknowledged with thanks the assistance it had received with respect to its legislation and with respect to the operations of the Copyright Office of Benin (BUBEDRA). The Delegation stated that due to the entry into force of the TRIPS Agreement, the Government would expect more assistance from the International Bureau of WIPO for the implementation of the obligations under the said Agreement. In this regard, the Delegation listed areas of assistance.

52. The Delegation of the United Kingdom congratulated WIPO for its activities in the development cooperation field and considered them to be an extremely important element of WIPO's work as a whole, particularly as regards assistance in the development of effective national laws on copyright and mechanisms for the enforcement of rights. It underlined the support its country had given to the many training initiatives undertaken by WIPO. The Delegation stated that its country would continue to do as much as it can in the future to assist in the work of this Program. The Delegation was pleased to note the cooperation with WIPO and the British Copyright Council (BCC) and other bodies in the United Kingdom in organizing a two-week training course in London on copyright and related rights. It further noted that this course had now been in existence for a number of years, and had been both useful and successful. For its own part, the Government of the United Kingdom has hosted a number of study visits by individual officials from different countries in recent months, and has also been involved in other training courses on copyright for foreign students from developing countries.

53. The Delegation expressed its strong support for the comments made by the Delegation of Sweden on the need for continuing dialogue between developing and donor countries. It indicated that such dialogue is even more important after the completion of Program activities, to ensure that training is evaluated and that needs and concerns of participating countries have been met. On the subject of evaluation, it supported the comments made by the Delegation of Pakistan and indicated that a list of activities completed, while useful, is no longer enough, especially in the current financial climate. It hoped that the document could provide more direction on the future of this essential program.

54. The Delegation of Egypt congratulated the International Bureau on convening this meeting. It pointed out that WIPO cooperation activities for copyright and neighboring rights over the past decade in Egypt have included the organization of national seminars and symposia. The Delegation emphasized that these activities were very useful, but added that Egypt also needed the development of infrastructure for copyright and neighboring rights. It noted that the participation of Egypt and some Arab countries in WIPO development cooperation activities was relatively low in the last decade, compared to other regions, especially as pertains to the training of staff through study visits and on-the-job-training, as well as in providing equipment. The Delegation expressed its hope that Egypt and other Arab countries would benefit more in the future from WIPO activities, especially in training for the enforcement of copyright and neighboring rights.

55. The Delegation of Haiti appreciated the assistance that its country has received from WIPO in amending its copyright legislation. It underscored the implementation of the WIPO country project for the modernization of the national system of copyright protection in the country. It pointed out that modern copyright legislation alone is not sufficient to meet new challenges. It is necessary to ensure that these regulations are implemented and observed. It acknowledged the regional policy on the protection of intellectual property proposed during

the WIPO Ministerial Level Meeting for Caribbean Countries held in Trinidad and Tobago in July 1997. The Delegation stressed the importance of including Haiti in the development of this initiative and requested WIPO's assistance in ensuring this. It encouraged WIPO to coordinate its activities with other organizations such as UNDP and UNESCO which also have programs on copyright. The Delegation made a special appeal for WIPO to continue with its assistance and support to the country to enable it to attain the level of development which the other countries in the region have in the field of copyright and neighboring rights.

56. The Delegation of Lesotho congratulated the International Bureau for the document it had prepared. The Delegation expressed its Government's appreciation for all the technical assistance that Lesotho has received from WIPO with respect to its legislation, the provision of equipment and training. It indicated that WIPO is currently undertaking a study of the compatibility of its national legislation on copyright and neighboring rights with the TRIPS Agreement, and reference was also made to other WIPO missions and activities that have taken place in Lesotho. It was observed that the assistance of WIPO has greatly helped developing countries to *inter alia* adopt modern laws, strengthen office structures and train personnel. The Delegation was pleased to note that the budget had been increased with respect to the implementation of the TRIPS Agreement. It also thanked those donors which had contributed to the development cooperation activities of WIPO.

57. The Delegation of Zambia thanked the International Bureau for the assistance provided to developing countries and to Zambia in particular. Reference was made to the assistance given in preparing recently enacted copyright and neighboring rights legislation, and in the establishment of the Zambia Music Copyright Protection Society (ZAMCOPS). The Delegation advised that, although Zambia has comprehensive legislation, problems are still experienced with respect to the enforcement of such legislation, particularly with respect to the importation of pirated goods from neighboring countries. The Delegation requested that WIPO consider assisting in implementation of a regional approach to fight against piracy within Southern Africa, through the Southern African Development Community (SADC) or through the Common Market for Eastern and Southern Africa (COMESA). It further suggested that WIPO set up a regional office in the Southern African region to combat piracy on a regional basis, as individual countries cannot tackle this problem alone. In addition, it made specific requests for office equipment for ZAMCOPS and the relevant Government offices, and further training of policy makers and relevant staff members of Government departments, such as the Treasury, the Judiciary and Members of Parliament in the field of copyright and neighboring rights, so that the relevant legislation can be properly enforced, and the role of the Copyright Office can be appreciated and sufficient funds allocated in order to carry out its tasks effectively and efficiently.

58. The Delegation of China expressed its satisfaction with the increase of membership of the Berne Convention in recent years. It underlined the important role the WIPO development cooperation program has played in the establishment of the copyright protection system in its country, in particular assistance in the drafting of a modern copyright law, the setting up of copyright administration organizations at central and provincial levels, the training of officials and the promotion of awareness of copyright and neighboring rights. It stated that developing countries still face difficulties in perfecting their system of copyright protection and hoped that they could be overcome with continued technical assistance from WIPO and other member countries. The Delegation suggested that more seminars be organized at regional level to provide more fora for countries of the same region to exchange information and experience in

the administration and enforcement of copyright and neighboring rights. It also supported the idea of having continued dialogue between developing and developed countries which would facilitate better mutual understanding and respect among these countries.

59. The Delegation of Brazil referred to the so-called post-TRIPS environment and the need for developing countries to bring their legislation into conformity with the TRIPS Agreement by the year 2000, as the transitional period comes to an end. It also supported the statement of the Delegation of Ecuador on behalf of the GRULAC.

60. The Delegation of Morocco expressed its appreciation for the support of WIPO in the field of development cooperation of copyright and neighboring rights. The Delegation thanked the International Bureau for the document it had prepared, but made the following observations: the document should have contained information on the themes, subjects and titles of the various seminars, symposia and workshops listed; the document should have indicated the categories of people who participated in these activities; and should have provided more information on persons conducting these activities and indicated plans for its future program.

61. The Delegation thanked the International Bureau for organizing the Symposium on the new WIPO treaties on copyright and neighboring rights. It suggested that similar symposia be organized in the future on the occasion of future meetings on copyright and neighboring rights. Information technology, audiovisual performances and databases were other new issues identified by the Delegation which WIPO ought to address as part of its future program. In these new areas, the Delegation expressed the view that the International Bureau should emphasize training programs for experts of developing countries since such programs would enhance the participation of developing countries in the negotiation of international norms on the above-mentioned subjects.

62. The Delegation of Venezuela expressed its appreciation for the activities undertaken by WIPO in recent years which resulted in the preparation of a new copyright law in 1993 in the country and the starting of the Postgraduate Course on Intellectual Property at the University of Los Andes, Mérida. It hoped that activities organized in the future would involve an extension of cooperation activities to the judiciary, enforcement, and border measures as outlined in the TRIPS Agreement. It stressed the importance of development of human resources, in particular the training of customs officers. It suggested that WIPO could collaborate with other organizations such as the WTO, the World Customs Organization (WCO), and the International Telecommunication Union (ITU) and obtain technical support required. It pointed out the importance of promoting the benefits emanating from the protection of intellectual property. The Delegation also thanked WIPO for providing cooperation and assistance to its country and expressed its willingness for further development in the future.

63. The Delegation of the United States of America noted that it has offered a broadly-based program of technical assistance to developing countries in the area of copyright and neighboring rights, involving the United States Patent and Trademark Office (USPTO), the United States Copyright Office, the Office of the United States Trade Representative, USAID, the United States Information Service and the United States Information Agency. Examples of such assistance included the USPTO's annual Visiting Scholars Program, national seminars organized by the USPTO and the United States Copyright Office. The Delegation also cited

the series of regional seminars on copyright and neighboring rights organized jointly over the past decade by WIPO and the International Copyright Institute of the United States Copyright Office, and referred to the most recent example of such cooperation, the Symposium on Copyright and Neighboring Rights for Asian and Pacific Countries held in Washington during July 1997. Such programs involved discussions of building and strengthening national copyright regimes, implementing legislation and the enforcing of those laws. The Delegation echoed the comments offered by the Delegations of Pakistan and the United Kingdom that a process of evaluation following each program sponsored by the International Bureau would be a valuable measure of the benefit the programs provide.

64. The Delegation affirmed its belief that technical assistance and cooperation are essential to strengthening and developing protection and enforcement of copyright in the global environment. It said that technical advances make the fight against piracy more important than ever, and welcomed continuing collaboration with WIPO in further strengthening the program of development cooperation in the field of copyright and neighboring rights.

65. The Delegation of Ghana associated itself with the general sentiments expressed by the Delegation of Nigeria, particularly concerning the role played by the Director General and the copyright development cooperation sector with respect to WIPO's development cooperation activities. The Delegation offered the hope that the development cooperation activities will intensify as a lasting memorial to Dr. Bogsch. Reference was made to the assistance provided to Ghana over recent years, such as the establishment of a Copyright Office, the Copyright Society of Ghana and the implementation of the "Banderole System." With the assistance of the International Bureau, it has been possible for officials of its Government to participate in national and regional seminars to share the Government's experiences with the "Banderole System." The Delegation expressed the wish that the proposed African Regional Seminar on the "Banderole System" which is scheduled to take place in Ghana in collaboration with WIPO be held as soon as possible. The Delegation also advised of new draft copyright and neighboring rights legislation, which is due to be discussed in a National Forum, at which the Delegation hoped that WIPO would be represented. The Delegation gave details of the various forms of assistance that the International Bureau has provided to its Government, and recalled particularly the visit made to Ghana by the Director General and an Assistant Director General in October 1996. The Delegation affirmed its view that the development cooperation activities need to be sustained and increased in the years ahead. As to the way forward, the Delegation suggested that WIPO should ensure that all beneficiary countries show evidence that the efforts of WIPO are bearing fruit, additional funds should be committed to long-term training, equipping needy copyright offices and encouraging the teaching of intellectual property in higher institutions of learning in developing countries. Finally, Ghana thanked and congratulated donor countries such as Japan, Sweden and the United Kingdom, the copyright development cooperation sector of WIPO and its consultants.

66. The Delegation of Malawi conveyed its gratitude to WIPO for the extensive development assistance that its Government has received over the last decade. Details were provided of the cooperation between WIPO and Malawi, including for example, the establishment of the Copyright Society of Malawi (COSOMA), the provision of equipment and training to COSOMA, and the participation of officials from COSOMA in international training courses. The Delegation also extended its thanks to the Governments of Sweden, Hungary and the United Kingdom for their assistance with training. With respect to proposals for the next decade, the Delegation stated that WIPO should not tire of assisting developing

countries, and that developing countries and Malawi in particular will continue to require WIPO's development cooperation assistance, particularly regarding the areas of training of the Judiciary; technical support in implementation of the TRIPS Agreement; combating piracy; training of Parliamentary draftspersons; and protection of expressions of folklore.

67. The Delegation of Côte d'Ivoire expressed its appreciation for the extensive assistance its Government has received from WIPO in the field of copyright and neighboring rights, and stressed the importance of WIPO's development cooperation activities for its country. The Delegation suggested that WIPO, having achieved quantitative results, should move on to evaluate the qualitative effects of its cooperation activities.

68. The Delegation of Nepal expressed its appreciation to WIPO for the work it has done in bringing Nepal into the modern era of intellectual property including copyright and neighboring rights. It underlined the specific areas in which its country has benefited immensely from development cooperation activities of WIPO, in particular, introducing the legal concepts of copyright and neighboring rights, industrial property, the TRIPS Agreement, etc., to government officials, representatives of private sectors, teachers and lawyers. It also thanked WIPO for providing legal assistance in updating its Industrial Property Act and Copyright Act, for inviting its professionals to attend training courses and other activities at regional and global levels. The Delegation expressed its special thanks to WIPO for carrying out a country project in the country which has contributed greatly to the realization of the Government's objectives in the area of intellectual property. Looking at the future, the Delegation expected that WIPO could continue its assistance to Nepal and concentrate such assistance on the following areas: establishing and strengthening offices in charge of copyright and neighboring rights and industrial property; providing special legal services required in the post-TRIPS era; and providing automation of information systems for administration of copyright and neighboring rights. It hoped that WIPO's future activities in these areas could be even more beneficial to new member States of WIPO like Nepal.

69. The Delegation of the Philippines thanked WIPO for its continued support in intellectual property activities in its country and recalled, in particular, the seminars which WIPO had helped organize, which stimulated greater regard for intellectual property including copyright and neighboring rights. It also expressed appreciation to WIPO for the assistance in preparing legislation. In this regard, it informed the Permanent Committee that the Intellectual Property Code of the Philippines, formulated with technical assistance from WIPO, was signed on June 6, 1997, and would become effective on January 1, 1998. The Code has consolidated laws on patents, trademarks and copyright, which take into consideration the country's commitment under TRIPS. It would also put under one roof all intellectual property matters, i.e. patents, trademarks and copyright, and the Intellectual Property Office would be set up on January 1, 1998. While mentioning its new functions, the Delegation stated that the new office would take charge of dispute settlement relating to terms of licenses involving author's rights in public performance or other communication of works. It expressed the wish of the new Office to receive continued support and cooperation of WIPO in the area of copyright and neighboring rights, especially dispute settlement.

70. The Delegation of Uganda expressed its appreciation to WIPO and stated that its Government has greatly benefited from the Development Cooperation Program of WIPO and pledged its support for further activities. It requested that training be given to law enforcement agencies, such as the Customs Department, the police and the Judiciary. The

Delegation expressed the view that this could be done through the East African Cooperation (EAC). The Delegation referred to the current draft copyright and neighboring rights legislation of Uganda, which was prepared with the assistance of WIPO. The Delegation advised that the presentation of this draft legislation to Parliament had been delayed in order that it be updated to take into account the TRIPS Agreement and the Ugandan Constitution, and that WIPO's assistance in this regard would be requested. Further areas in which the assistance of WIPO would be requested would be in creating public awareness of this legislation once enacted, the development of structures to administer the legislation, and in developing a curriculum for the teaching of copyright law at university level. The Delegation advised that its Government hopes to accede to the Berne Convention, but such accession can only take place after adoption of a new law dealing generally with treaty accession. It stated the need for continued technical assistance from WIPO.

71. The Delegation of Guatemala expressed great satisfaction with the increasing number of WIPO cooperation activities at regional, national and international levels through courses, seminars and symposia. It noted that many Latin American countries, including Guatemala, have benefited extensively from WIPO activities in the field of copyright and neighboring rights. It emphasized that copyright and neighboring rights matters are extremely important to its country, and expressed the satisfaction of its Government which had deposited the instrument of accession to the Berne Convention in 1997.

72. The Delegation of Senegal expressed its Government's appreciation of the assistance it has received from WIPO development cooperation activities in the field of copyright and neighboring rights. It stated that developing countries should ensure that the current globalization process should not lead to the pillage of works of nationals of developing countries that did not establish appropriate collective management systems. It noted that there were still some collective management societies in African countries that did not collect royalties from broadcasters and other important users of protected works of their repertoires, and neighboring rights were still not protected in some developing countries. It advised that African countries should make use of their rich cultural assets. The Delegation recognized that WIPO has always responded and reacted promptly to the requests of member States. However, it suggested that WIPO should change in some manner its conventional work methods in order to make sure that, without violating the sovereignty of States, the principles and obligations under international treaties be respected and fulfilled by all its member countries.

73. The Delegation of Togo expressed its appreciation for the assistance that its Government has received from WIPO in the field of copyright and neighboring rights. The Delegation suggested that WIPO should ensure that its advice and assistance is comprehensively implemented. While the principle of national sovereignty stands, the Delegation expressed the view that WIPO should be more actively involved in the implementation of national laws as well as international conventions relating to intellectual property protection, as this subject concerns the rights of individuals and not politics. Finally, the Delegation suggested that the funds allocated for development cooperation should be increased considerably.

74. The Delegation of Sudan expressed its thanks to the International Bureau and praised the achievements of the WIPO Development Cooperation Program as well as the benefits it has brought to Sudan, such as national seminars and symposia. The Delegation pointed out that the government of Sudan has recently established a copyright board and several specialized

bodies for the administration and enforcement of copyright. The Delegation further stated that in 1996 Sudan has passed new legislation in the field of copyright. This legislation extends the term of protection from 25 to 50 years *pma* and extends protection to performers rights, rights of phonograms producers, computer software, databases and folklore. The Delegation of Sudan deposited a copy of this law with the International Bureau. It further stated that its country encourages the teaching of intellectual property in universities and hopes for the assistance of WIPO in the drafting of curricula for such courses. The Delegation announced that Sudan will soon accede to the Berne Convention, and will then have acceded to all major international intellectual property conventions. It expressed its hope that Sudan would continue benefiting in the future from WIPO development cooperation activities.

75. The Delegation of the United Republic of Tanzania underlined that its Government has received extensive assistance from WIPO under the leadership of the Director General and the Delegation gave certain details of the cooperation activities that have taken place concerning Tanzania, such as the regional symposium held in March 1997 for English speaking African countries. The Delegation recalled that its Government had bestowed on the Director General one of the most distinguished medals of honor given to non-nationals. The Delegation expressed appreciation to WIPO for the support and cooperation received. It advised that new copyright and neighboring rights legislation is being prepared and that the assistance and comments of WIPO would be sought. In addition, its Government intends to reorganize the Copyright Office and the collecting society in response to the Government's international obligations. Further practical and theoretical training of Government officials and personnel of collecting societies is required. The Delegation stated that it, too, in common with other Southern African Development Community (SADC) countries, is attempting to combat problems experienced with counterfeit and pirated goods.

76. The Delegation of Sri Lanka expressed its thanks to the International Bureau for preparing the document and hoped that it could contain more analytic input in addition to statistical data, in respect of certain areas of the development cooperation activities. It underscored the importance its country has attached to the objectives of the program for development cooperation related to copyright and neighboring rights which are assuming a greater importance than before in the context of fundamental changes that are taking place in the world economic and institutional structure. It noted with gratitude that development cooperation activities in this area have shown a very rapid growth over the last ten years. It also noted with satisfaction the increase of number of countries who benefited from such activities in the last 10 years, which underlined the direct correlation between the countries seeking such assistance and the obvious need to expand the activities to meet the demand. The Delegation believed that the steady increase in demand for the technical assistance is mainly due to the manner in which the development cooperation activities have been carried out by the International Bureau and the essential usefulness of these activities to the developing countries.

77. Referring to the global spread of the new technologies, the Delegation emphasized that their importance for trade and competitiveness, and the ease with which they may be imitated, has given rise to a heightened concern, especially in the industrialized countries, to provide a more effective and adequate protection for intellectual property. It stated that continued advice, assistance and dissemination of knowledge in this field through a variety of development cooperation activities are essential means of helping the countries to build up their institutions and develop human resources to meet this situation.

78. The Delegation said that while retaining the conventional characteristics of the development cooperation activities, there is an urgent need to refocus and reshape such activities to meet the challenges in the next millennium taking into serious account the rapid economic, social and technological developments. It stated that keeping pace with these changes, and responding positively to them, is in the interest of all countries.

79. The Delegation believed that a productive dialogue to reorient the development cooperation activities in the field of copyright and neighboring rights to meet the challenges ahead should only take place in the context of a new strategy aimed at developing a program of international cooperation for development, modernization and utilization of intellectual property in the member States. Towards this end, it eagerly looked forward to the program and budget of WIPO for the next biennium.

80. It also expressed the satisfaction of its Government with the development cooperation activities of WIPO in the field of copyright and neighboring rights and congratulated the International Bureau for the efforts made in achieving the objectives of this Permanent Program. It also noted with satisfaction the contributions made in the past by an increasing number of countries and organizations for the development cooperation activities which encouraged development of developing countries. The Delegation appealed to all those concerned to continue to extend its support to the International Bureau of WIPO to achieve the desired objectives of WIPO's cooperation with developing countries.

81. The Delegation of Trinidad and Tobago commended the document prepared by the International Bureau. It advised that its Government has benefited greatly from the assistance of WIPO and recorded certain details of those activities. Special reference was made to the adoption of a new copyright law, and the recent WIPO Ministerial Level Meeting for Caribbean Countries organized in Trinidad and Tobago in July 1997. The Delegation recalled the main decisions taken at the Ministerial Meeting are as follows: as the Caribbean region is rich with folkloric materials, it was decided that the protection of such materials be dealt with, and that a regional meeting should be held in this regard as soon as possible; given the difficulties experienced by smaller States, a regional approach to collective management was mooted, and WIPO was requested to undertake a study regarding such an approach which it was felt would minimize operating costs at the national level by releasing duplicated systems to a regional unit which can provide services and system support to national collective organizations on a shared basis. It also requested to consider such an approach further and a group of experts be established in the Caribbean to consider questions on intellectual property law for the benefit of the whole region.

82. The Delegation mentioned that Caribbean Ministers had stressed the necessity for WIPO to develop closer and direct links with the Caribbean Community (CARICOM) Secretariat in order to facilitate a coordinated approach to development in copyright matters in the Caribbean region.

83. The Delegation of Mexico voiced its approval of the cooperation activities, the growth of which in recent years was the crowning feature of the second decade of the efforts made by WIPO to promote, in developing countries, respect for the intellectual property of owners of rights from all over the world, and expressed the wish that in future the same emphasis might be placed on promoting the development of creative activity in developing countries and its

protection on a world scale. It pointed out that WIPO's present dynamism and its new treaties should be paralleled by the extension and expansion of cooperation programs. It mentioned that Mexico had a new law which had created the Mexican Institute of Copyright, thereby upgrading the former Directorate General and giving greater institutional strength to the Mexican system for the protection of intellectual property. The Delegation hoped that WIPO would continue to support governmental efforts to consolidate national protection structures and also those designed to provide direct incentives for creative activity. It considered that, throughout the world, the high levels of protection that had been obtained in various sectors, including industrial property, had overall upset the true balance of intellectual property, which was now facing the challenge of extending protection to other categories of creators and/or creations. It stressed the need to continue to protect performers in relation to their audiovisual recordings, and also to protect expressions of popular culture and folklore, including the traditional knowledge of native peoples. It was of the opinion that cooperation should not only follow but also precede normative activity. It considered studies of potential impact to be fundamental to proper normative activity and also in the identification of challenges and opportunities. Achieving greater depth in development cooperation made it necessary to go beyond the range of traditional activities and embark on new tasks in order to support the efforts of interested governments to build up and consolidate a social culture characterized by the observance of rights and the efficient use of intellectual property systems, in such a way that, at the same time as commitments were met, full advantage might be taken of the opportunities that the development of intellectual property afforded. It proposed a significant increase in resources and also a broadening of the programming and operational structure within WIPO, such as would provide for and permit the financing of specific short, medium and long term national projects, and also the introduction of an efficient system of recognition and encouragement for creators of literary and artistic works in developing countries.

84. The Delegation of Indonesia commended the International Bureau for the excellent work and the comprehensive documents prepared for the meeting. It stated that its country has benefited greatly from the development cooperation activities related to copyright and neighboring rights, particularly in the development of human resources and enhancing awareness of copyright and neighboring rights. It expressed its thanks and appreciation to WIPO for the valuable assistance rendered to Indonesia. It stated that its Government continues to take steps to enhance the quality of protection of intellectual property rights, *inter alia* by enacting a new revised law on copyright and acceding to the Berne Convention last June.

85. The Delegation considered that holding seminars and training courses enhances public awareness and law enforcement. The Delegation stated the importance of WIPO's assistance in this endeavor. In respect of the Development Cooperation Program, the Delegation shared the view that assistance from WIPO to developing countries would be of crucial importance, particularly in the field of modernizing legislation, mainly to comply with existing international development, not only in the copyright field but also on neighboring rights; extending awareness, among relevant societies mainly through the organization of seminars, symposia or any other national and regional forum. The Delegation also thanked WIPO and other organizations and donor countries which have provided assistance to Indonesia in modernizing and strengthening its intellectual property rights system.

86. The Delegation of Colombia recalled the successful cooperation between the International Bureau and the Copyright Office of Colombia which began exactly 10 years ago.

The Delegation wished to stress, in particular, the intensive work completed this year by organizing two regional courses on reprography for Latin American and Caribbean countries, and on copyright and neighboring rights for journalists in Latin American countries, held during the International Book Fair in Santafé de Bogotá. During the past three years that the Fair has been held, workshops on copyright have taken place simultaneously. In 1997 WIPO was represented with a stand at the Fair, which was well received by the public. The recent successful Seminar on Copyright for Music Publishers which took place in Paipa, in September 1997, was also mentioned. This Seminar was conceived as a national event but was attended by representatives from Argentina, Chile, Costa Rica, Peru and Venezuela.

87. The Delegation expressed its hope that WIPO could organize in cooperation with the Government a seminar on copyright and neighboring rights on the occasion of the 50th anniversary of the Organization of American States (OAS), to be held in Santafé de Bogotá in 1998. It also hoped that WIPO would consider organizing a seminar on copyright and neighboring rights for Government officials in 1998.

88. The Delegation also credited the cooperation received from WIPO in setting up a Documentation Center in the Copyright Office, which was considered to be a model for the Region.

89. The Delegation of Honduras expressed appreciation for assistance provided by WIPO in the development of human resources and modernizing copyright legislation. It stated that it hoped that WIPO could assist the country in the areas of collective management and new technologies, including implementation of the copyright law and customs regulations. As Chairman of the Intellectual Property Working Group of the Free Trade Area of the Americas (FTAA), the Delegation expressed appreciation for whatever assistance WIPO might be able to give, according to their needs, to the 34 member countries that composed the Group.

90. The Delegation of Jamaica reviewed its cooperation activities with WIPO over the last decade and concluded that its Government has benefited greatly from such activities. With respect to the future, the Delegation considered that the following areas were of particular importance: the modernization, particularly regarding computer and other equipment, of the relevant Government Offices; short term training and fellowships, especially for the police and customs officials; training of the Judiciary; assistance with the teaching of intellectual property law; organizing seminars on the WCT, the WPPT and other new issues; and further cooperation in collective management of rights.

91. The Delegation referred with approval to the regional approach to intellectual property matters as reflected in the WIPO Ministerial Level Meeting for Caribbean Countries mentioned by the Delegation of Trinidad and Tobago.

92. The Delegation of the Central African Republic acknowledged with thanks the assistance received from WIPO in the last 10 years, which enabled the establishment of a national copyright office. It outlined the efforts being undertaken by the Government to strengthen the activities of the copyright office, and highlighted some difficulties experienced in that exercise. It suggested that the International Bureau of WIPO could organize public awareness campaigns with a special emphasis on the development of human resources. As regards WIPO's programs in implementing the TRIPS Agreement, the Delegation suggested that the International Bureau could organize a subregional meeting for the Central African countries in

1998. It also requested WIPO's assistance with the provision of office equipment for the Copyright Office of its country.

93. The Delegation of Mali expressed its satisfaction with the document prepared by the International Bureau of WIPO on the development cooperation activities in the field of copyright and neighboring rights over the last 10 years. It noted that training programs, seminars, colloquia and symposia organized in developing countries have enhanced the knowledge of intellectual property in African countries. It expressed the view that the International Bureau should play a more active role with respect to certain member States, to ensure effective implementation of copyright and neighboring rights legislation. The Delegation suggested that the funds allocated for development cooperation should be increased to strengthen national institutions in charge of collective management of rights. It also thanked the donor countries for their contribution to WIPO's development cooperation activities.

94. The Delegation of Niger acknowledged that its Government has benefited to a great extent from the activities of WIPO. With respect to the future, the Delegation expressed a need for training seminars for the judiciary and other law enforcement agencies, as well as a training workshop on mechanical rights. The Delegation noted that gaps existed in national laws concerning the rights of performers, and expressed the wish that a study be conducted by WIPO on the protection of performers' rights in West African countries. The Delegation noted the difficulties experienced in implementing existing legislation, and the resistance of users to the payment of copyright royalties. Finally, the Delegation stated that WIPO should organize public awareness campaigns, and that, while sensitive to national sovereignty concerns, WIPO should play a more active role regarding the payment of royalties.

95. The Delegation of India expressed its sincere appreciation of WIPO's efforts in the field of development cooperation. It stated that there is a genuine need to step up these efforts. The Delegation said that more than at any time in the past, there is a need to formulate programs for development cooperation so as to adequately equip developing countries to meet the challenges posed by modern technology and new copyright regimes. It hoped that this objective would characterize all of WIPO's future efforts in the field of development cooperation.

96. It mentioned that the growing awareness of copyright and its importance is indicated by the fact that developing countries are strongly pushing for new treaties in the field of folklore and performers' rights. It further stated that much still remains to be done in the field of awareness generation. It informed that in India, despite the growth in copyright industries many important groups are handicapped by inadequate knowledge of the basic concepts of copyright. The Delegation suggested the following projects in the field of development cooperation: training of the judiciary, in particular the lower courts; specialized training of the police and customs officials. The Government of India is engaged in the process of formulating courses on intellectual property rights studies in its major universities, law schools and institutions of excellence. It looks forward to inputs from WIPO in developing appropriate course material.

97. The Delegation also suggested that WIPO could prepare a list of resource persons who would be persons of eminence in their respective fields, whom individual countries could enlist in their regular training programs. The Delegation expressed its support for the idea of evaluating training programs to ensure that the standard is kept uniformly high. It further

identified the need to intensify efforts to set up collective management societies. It also suggested that WIPO could bring a number of multilateral funding agencies on the same platform in order to funnel substantial resources for development cooperation. It informed the Committee that UNESCO followed a similar approach and was able to enlist the assistance of the World Bank and UNDP for an ambitious program known as Education for All by 2000.

98. The Delegation of Chad stated that cooperation activities with the International Bureau in the field of copyright and neighboring rights have increased in recent years, citing the recent successful seminar organized in cooperation with WIPO, and the special project established by WIPO including drafting of a copyright legislation, training, establishment of a copyright office and procurement of office furniture, for developing the national infrastructure in the field of copyright and neighboring rights. The Delegation expressed the wish to intensify cooperation with the International Bureau in the years to come, particularly regarding involvement in international seminars and symposia; the Delegation expressed its satisfaction with, and appreciation for the document prepared by the International Bureau.

99. The Delegation of Jordan praised the development cooperation activities of WIPO that were carried out in the last decade. It stated that Jordan had benefited greatly from the activities of WIPO, but also hoped that the development cooperation activities of WIPO in the field of copyright and neighboring rights could reach the same scale as those in the field of industrial property. It expressed its opinion that such assistance could take numerous forms, such as seminars or training courses on new technological developments which have affected the protection of copyright and neighboring rights in particular. The Delegation pointed out that Jordan has offered to organize a regional, pan-Arab seminar on copyright and neighboring rights in the near future.

100. The Delegation of Bhutan expressed its deep appreciation for the assistance afforded by WIPO and all donor countries and organizations in setting up an intellectual property system in its country. It noted that Bhutan has greatly benefited from WIPO's development cooperation program since it joined WIPO in 1994. It requested assistance from WIPO in finalizing the country's copyright legislation and in the implementation of related regulations. It further requested assistance in establishing a collective management system in its country.

101. The Delegation of the World Trade Organization (WTO) stated that its organization has continued active and comprehensive cooperation with the International Bureau of WIPO in the area of development cooperation including that of copyright and related rights. It recalled that one of the areas covered by the Agreement between WIPO and the WTO which entered into force in 1996, was legal-technical assistance and technical cooperation. As provided in the Agreement, the cooperation in this area aimed at maximizing the usefulness of technical cooperation of both organizations and ensuring their mutually supportive nature. The two Secretariats have, e.g., provided speakers to numerous seminars and training courses organized by the other Organization. Another example of this cooperation, relevant for the protection of copyright and related rights, was the Workshop on Technical Cooperation Aimed at Improving Human Resources and Institutional Capacities Required to Implement the TRIPS Provisions on Domestic Enforcement, held on July 14, 1997, that was organized jointly by the International Bureau of WIPO and the WTO Secretariat. A similar joint workshop on border enforcement was held in October 1996. It noted also that other areas of cooperation benefit developing countries, notably cooperation that relates to notification, translation and availability of laws and regulations.

102. The Delegation expressed the appreciation of its organization for collaboration with WIPO, and the assistance made available by WIPO to developing countries and other Members of WTO in helping them to implement their obligations under the TRIPS Agreement, and added that WTO is ready to develop further this useful cooperation with WIPO. The Delegation also informed the Permanent Committee of the work of the Council for TRIPS in this area. It said that the meeting on September 19 would focus on technical cooperation aimed at implementation of the TRIPS obligations. Developed country Members of the WTO are submitting updated information on technical cooperation they make available to developing countries within the framework of Article 67 of the TRIPS Agreement. In order to obtain a comprehensive picture of available assistance, intergovernmental organization observers to the TRIPS Council, including WIPO, have kindly provided updated information on the assistance they make available in this area.

103. The Delegation of the International Federation of Reproduction Rights Organizations (IFRRO) stated that cooperation between its organization and WIPO has developed well and increased over the past few years. It noted that such cooperation has extended to all continents and covers many different forms such as organizing national seminars, regional seminars on the administration of reproduction rights such as the one held in Colombia for Latin American and Caribbean countries, making presentations on the issue of reprography in conjunction with other important matters which were found to be beneficial. It stressed the need for practical training in this area.

104. The Delegation also mentioned some new possibilities for cooperation and made reference to a statement by the Delegation of Trinidad and Tobago and Jamaica regarding regional administration of rights as an alternative for small countries like those the Caribbean. While referring to the information society, it stated that digital information is being circulated on a worldwide basis, and that multimedia works are being created incorporating different categories of works. It stressed the need in the future for comprehensive co-existence of all different types of works and right holders, and stated that photocopying involved many of them. It believed that establishment of reprographic rights organizations could enhance a country's possibilities to tackle the digital future. The Delegation also underlined that knowledge of collective management of different rights, including reprography, is beneficial to right holders and governments in all countries. The Delegation expressed the readiness of IFRRO to continue cooperation with WIPO and extend it to digital uses, whenever appropriate.

105. The Delegation of the International Confederation of Societies of Authors and Composers (CISAC) joined other Delegations in stating that WIPO and CISAC are cooperating well in its development activities. The Delegation recalled, in particular, the cooperation of its Asia-Pacific Office in WIPO development cooperation activities in the region. It stated that its participation in WIPO-organized seminars and symposia as a speaker has increased from six events in 1996 to 11 in the first eight months of this year alone. It expressed satisfaction that all general managers of collective management organizations in the field of music in Asian countries have received training from WIPO in recent years. These managers indicated that they have all benefited greatly from the WIPO training. The Delegation pointed out that after laws have been passed, training courses held, many people trained, copyright societies formed and equipment provided – the stage is now set for WIPO to

ensure that all these efforts lead to tangible results for copyright owners – infringements reduced and royalties being paid to copyright owners.

106. The Delegation of the Ibero-Latin-American Federation of Performers (FILAIE) explained that the collaboration between FILAIE and WIPO during the period under review had concentrated on three events. First, AIE (Spain) and WIPO organized the Madrid Symposium, which was held with the participation of 22 artists' societies and focused mostly on performers' rights. Secondly, a symposium was held at the University of Alcalá de Henares with the participation of all Latin American artists' societies as well as some from Africa, Italy, France and Portugal. Finally, AIE and WIPO organized a symposium in Santiago de Compostela. The Delegation of FILAIE congratulated the work done by the International Bureau. It expressed the hope that the Permanent Committee will be established in the future and emphasized that this was much needed, since the rights of artists are very much neglected in many countries. It stressed the regret of FILAIE that audiovisual performances were not included in the recently concluded WIPO Performances and Phonograms Treaty (WPPT). Given that such important issues cannot be excluded from international treaties in the communication and information age of the 21st century, it expressed the hope that these problems would be solved at the forthcoming Committee of Experts on a Protocol Concerning Audiovisual performances, which would take place the following week. It proposed that WIPO continue to pursue with vigilance its work on neighboring rights within the global networked environment.

107. In addition, the Delegation emphasized the importance to artists of having a collective management society for their rights, as given the high number of users and forms of use, the impossibility of efficient individual action is obvious. In the WIPO International Forum on the Exercise and Management of Copyright and Neighboring Rights in the Face of the Challenge of Digital Technology which took place in May 1997 in Sevilla, some of the sectors presented stated their opinion that they felt that it would be best for artists to engage in individual action with regards to the protection of their rights. However, after much discussion amongst other sectors, it was agreed that in fact, the use of collective management societies would provide more beneficial results to the artists with regards to their rights, and in addition would also ensure judicial concurrence with State regulations. It stated that the best protection for artists rights will come through their respective collective management societies, which would maintain the application of their rights with the greatest efficiency possible.

108. In his summary speech, the Chairman recalled the tremendous changes that have taken place since the 80's in the field of copyright and neighboring rights and underlined the important role the Permanent Committee of WIPO has played in fostering and strengthening the copyright protection system in developing countries. He stated that the International Bureau of WIPO has reacted fully to the requests of developing countries and hoped that it will continue to do so in the future. He further stated that the meeting provided a forum for developing countries to express views on WIPO activities and exchange information of mutual concern. He congratulated the International Bureau on its achievements in organizing training courses and providing technical assistance on legislation in developing countries, and in the meantime, hoped that future emphasis will be placed on assessment and evaluation of activities, as requested by several Delegations.

109. The Chairman requested the International Bureau to take due note of the appeal of several Delegations that WIPO break from its conventional role of acting only upon request,

and try to intervene in countries where international obligations were not fulfilled and copyright were not properly respected. Referring to the TRIPS Agreement, he highlighted the commitment of developing countries to comply with its requirements and stressed the urgency of getting the necessary infrastructure in place for its implementation in developing countries by the year 2000. While referring to globalization and the emergence of the information society, he envisaged that more changes will take place in the area of copyright and neighboring rights, and was encouraged that the International Bureau is showing serious concern to these new issues.

110. At the end of the discussion, the Assistant Director General of WIPO thanked all the Delegations for their remarks and suggestions. He welcomed the support expressed by the Permanent Committee and said that suggestions and new ideas put forward by all Delegations would be considered carefully by the International Bureau in designing its future program of activities. He stated that the International Bureau was motivated by the positive comments made by the Delegations and would continue its development cooperation program for the benefit of developing countries.

111. He noted the ideas of several Delegations suggesting that more analytic evaluation be given to development cooperation activities and thanked them for the suggestions.

112. The Assistant Director General confirmed that WIPO attaches importance to the country projects which are designed to meet the specific needs of countries and on a mid-term basis. These country projects would facilitate more effective implementation and evaluation of development cooperation activities, as requested by several Delegations. He also explained that all activities were carried out at the request of and through consultation with governments.

113. He stressed that WIPO has noted the requests of a number of countries for training of the judiciary, police and judges and promotion of the teaching of intellectual property.

114. He also took note of the request for more activities in the Arab countries in the future and encouraged these countries to work more closely with the International Bureau in the field of copyright and neighboring rights in the improvement of their system for protection of copyright and neighboring rights at both national and international levels. He expressed the willingness and the readiness of the International Bureau to meet the increasing demands from Arab countries in all aspects of WIPO's development cooperation activities in the field of copyright and neighboring rights.

115. Finally, the Assistant Director General thanked, on behalf of the International Bureau, all the countries and organizations for their interest in and support of WIPO development cooperation activities in the field of copyright and neighboring rights.

SYMPOSIUM ON THE WIPO COPYRIGHT TREATY (WCT)(1996) AND THE WIPO PERFORMANCES AND PHONOGRAMS TREATY (WPPT) (1996)

116. As decided at its eleventh session (May, 1994), the Permanent Committee devoted part of its twelfth session (the second day) to a Symposium on the WIPO Copyright Treaty (WCT) (1996) and the WIPO Performances and Phonograms Treaty (WPPT) (1996). Presentations were made by Mr. Mihály Ficsor, Assistant Director General, WIPO, on Overview of the two

treaties, followed by Mr. Kurt Kemper, Director-Advisor, WIPO, on the WCT: Relations with the Berne Convention and the TRIPS Agreement and Mr. Richard Owens, Director, Development Cooperation (Copyright Law) Division, WIPO, on the WPPT: Relations with the Rome Convention and the TRIPS Agreement, respectively.

117. The presentations were followed by discussion and exchange of views among the participants and the speakers.

ADOPTION OF THE REPORT AND CLOSING OF THE SESSION

118. This report was unanimously adopted by the Permanent Committee on September 12, 1997, after which the Chairman declared the session closed.

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