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New "mile-stone" treaty to boost international registration of industrial designs

A landmark agreement that will enhance the present system for international registration of industrial designs was adopted on July 2 in Geneva. Consensus among the more than 70 participating countries was reached near the end of a three-week diplomatic conference, organized by WIPO from June 16 to July 6, to adopt a new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs. The new Act (to be called the Geneva Act) was heralded by many delegations as "a milestone in the history of industrial design protection."

Dr. Kamil Idris, Director General of WIPO, praised the "positive spirit of cooperation that prevailed throughout the talks" and said that the Organization was delighted with the outcome. It looked forward to the entry into force of the new Geneva Act, which would "help fulfill the tremendous potential of the Hague system" by offering companies and individuals across the globe an even more flexible, cost-effective, and user-friendly means of protecting their industrial designs.

The Geneva Act enhances the existing system for the international registration of industrial designs by making it more compatible with

the registration systems in countries such as the United States and Japan where protection of industrial designs is contingent on examination to determine the acceptability of an application.

The new Act requires contracting parties to process international registrations according to their own legislation within a period of six months, which may be extended by a further six months for those contracting parties whose law requires examination of the novelty of the registered design. It also introduces a modified fee system and the possibility of deferring publication of a design for up

to 30 months, as well as the ability to file samples of the design rather than photographs or other graphic reproductions (of particular interest to the textile and fashion industries).

During a special ceremony at WIPO headquarters on July 6 – the last day of the Conference – the following 23 countries signed the Geneva Act:

Algeria, Belgium, Bulgaria, Chad, Croatia, Cuba, Denmark, Estonia, France, Greece, Hungary, Italy, Latvia, Netherlands, Portugal, Republic of Moldova, Romania, Russian Federation, Slovenia,

Photo: Mercedes Martínez Dozal



One of 23 countries to sign the Geneva Act, the United States of America Delegation led by Mr. H. Dieter Hoinkes, (center) Deputy Administrator, Office of Legislative and International Affairs, Patent and Trademark Office (USPTO), United States Department of Commerce, Washington, D.C.

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Director General offers WIPO resources in fight against HIV/AIDS

Spain, Switzerland, United Kingdom, United States of America.

The treaty will remain open for signature by WIPO member States until July 2, 2000, after which any WIPO member State that did not sign within the one-year period will be able to accede to the Act. The new treaty will enter into force once six countries have deposited their instruments of ratification or accession.

The Hague system offers owners of an industrial design a simplified means of applying for protection of a design in several countries by submitting a single international application. Without the system an owner would have to file separate applications in each of the countries in which protection is sought.

One of the main advantages of using the Hague system is that it allows users to include up to 100 designs in each international application made.

In 1998, WIPO registered about 4,000 international deposits each covering an average of 11 countries (equivalent to about 45,000 national applications) which had the effect of protecting a total of 19,000 designs. This is a 40 percent increase over the figures from 1988.

WIPO Director General Dr. Kamil Idris has offered the Organization's cooperation and expertise to address and solve intellectual property issues that have arisen in the treatment of HIV/AIDS.

In a letter to Mr. Peter Piot, Executive Director of the Joint United Nations Program on HIV/AIDS (UNAIDS), Dr. Idris noted that clarifying and depoliticizing issues surrounding intellectual property protection is especially important in the field of AIDS treatment.

"The problem of AIDS is horrifying – especially in Sub-Saharan Africa – and expanding very rapidly," Dr. Idris noted. "Thus, every issue that arises, including intellectual property, must be dealt with appropriately, professionally and as rapidly as possible."

He suggested that WIPO could work with UNAIDS in various countries where pilot projects exist that provide pharmaceutical products for the treatment of HIV/AIDS in a cost-effective way. For example, WIPO could work with UNAIDS – as well as with the countries themselves and pharmaceutical companies involved in the pilot projects – in conducting research and making general presentations on intellectual property in those countries.

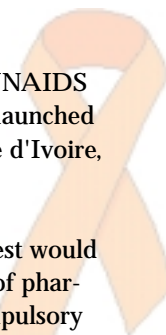
The countries in which UNAIDS pilot projects have been launched so far include Chile, Cote d'Ivoire, Uganda and Viet Nam.

Issues of particular interest would include parallel imports of pharmaceutical products, compulsory licensing of patents, and the use of trademarks to protect against counterfeiting of pharmaceutical products.

The goal of these efforts, Dr. Idris noted, would be to help develop strategies whereby countries could continue to import pharmaceutical products of high quality and at low cost while at the same time respecting intellectual property rights.

This latest effort complements other WIPO activities aimed at promoting a better understanding of the relationship between intellectual property protection and health care. WIPO has worked with the World Health Organization, for example, in discussions concerning that organization's Revised Drug Strategy.

An article explaining WIPO's role in intellectual property protection and emerging issues such as accessible health care has also recently been posted on an HIV/AIDS public forum website, and can be read at www.hivnet.ch/fdp/HealthDev/healthdev.html. Select the "treatment access" discussion forum link, and see message 554.



International Harmonization of Patent Law

Mr. Shozo Uemura, Deputy Director General, WIPO

For more than 100 years, various initiatives have sought to harmonize national patent systems. With the development of modern technologies, electronic commerce and the Internet holding out the promise of easier access to, and exchange of information and goods, the need for further patent law harmonization has become vital.

Efforts to that end have increased in tempo in recent years, and further improvements can be expected as we enter the next millennium.

Early beginnings: The Paris Convention

The international harmonization of patent law began with the adoption of the Paris Convention for the Protection of Industrial Property in 1883. While stressing the independence of national patent systems, and the territorial limitation of rights granted under those national systems, the Paris Convention nevertheless contains some basic principles and common measures for the enforcement of industrial property rights by which all contracting states agree to abide.

The European Patent Convention

By the 1950s, the Council of Europe had also begun to discuss the creation of a European patent system, and the harmonization of patent laws within Europe. This led to the adoption of the European Patent Convention (EPC) in 1973, which came into force on October 7, 1977.

The EPC established a unified procedure for the grant, by the European Patent Office, of a European Patent, which can be obtained by a single application and is valid in as many of the 19 contracting states as the applicant designates - saving applicants both time and money.

However, as a European patent is subject to national law after it has been granted, it provides neither the unitary effect, nor the common jurisdiction, of a European patent as originally envisaged.

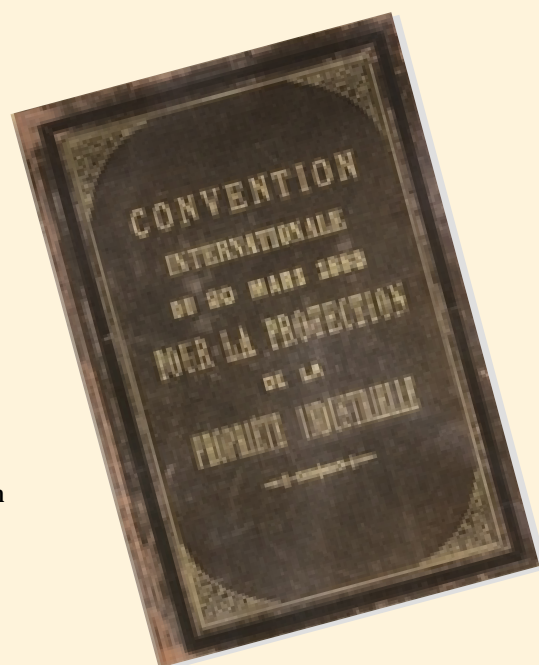
Consequently, in 1997, the European Commission launched a new initiative designed to introduce a new set of measures that would introduce a single patent with a unitary effect across the entire European Union.

Other regional initiatives

Other examples of regional agreements designed to achieve harmonization or unification of substantive and procedural patent law, or cooperation on patent granting procedures, can be found in Africa, Latin America, the region of the former Soviet Union and among Arab states.

In Africa, there are two regional organizations, the African Intellectual Property Organization (OAPI) and the African Regional Industrial Property Organization (ARIPO) which encompass 14 African nations.

In South America the Andean Group of countries, Bolivia, Colombia, Ecuador, Peru and Venezuela have uniform procedural patent provisions.



The Eurasian Patent Convention covers the nine former Soviet Republics, including Russia.

This year saw a similar organization for the Middle East with the establishment of the Cooperation Council for Arab States of the Gulf.

The role of WIPO

In an environment where the harmonization of patent systems is becoming increasingly important for world trade, WIPO clearly has a major role to play. After all, one of its primary tasks is to encourage the world-wide protection of intellectual property.

Consequently, WIPO currently administers a number of international treaties focused on the harmonization, or standardisation, of patents.

The Patent Cooperation Treaty (PCT)

The PCT came into force in 1978 and establishes the important principle that a single international patent application has the same effect as making separate applications in the national patent office of each of the contracting states in which the applicant wishes to seek patent protection.

The PCT procedure offers a number of significant advantages, both to the applicant as well as to the patent offices — not least its ability to streamline and simplify procedures, and to reduce costs. For the applicant in particular, it means being able to file a single application at a national receiving office, in one language and in accordance with one set of rules.

However, although the PCT has rationalised the patent application process so far as the filing, search, publication, and preliminary examination are concerned, it does not result in the granting of an “international patent”. Individual patents will subsequently need to be granted by each designated country.

The draft Patent Law Treaty (PLT)

In 1983, WIPO proposed a new initiative, the Patent Law Treaty. With the objective of further harmonizing international patent laws, the draft Treaty contained provisions relating to the substantive harmonization of patent application and examination procedures, to standards for obtaining a patent, and to rights and remedies under a patent.

In the wake of a Diplomatic Conference for the adoption of the draft Treaty in 1991, it was decided, in view of the divergent views on major issues, that the second part of the Diplomatic Conference be postponed until the time was considered ripe to continue.

In 1995, therefore, the member states of WIPO agreed on a different approach for promoting harmonization — namely, the harmonization of matters concerning the formality requirements of national and regional patent procedures. Accordingly, the draft Patent Law Treaty is currently under discussion in the Standing Committee on the Law of Patents.

One of the most important aspects of the present draft PLT concerns the national requirements which countries may impose before they will accord a filing date. Other provisions on representation, harmonization of the requirements for recordings by the patent offices, and conditions for extensions of time limits, are also expected to be of considerable help to applicants.

The Patent Law Treaty will also be useful for applicants from foreign countries, and in particular for applicants from developing countries, who will be able to rely on a harmonized set of formal requirements for filing applications abroad. Moreover, the Treaty will reduce patent costs for applicants who wish to protect their inventions in a number of countries.

It is intended that many provisions of the PCT concerning the form and content of an application will be incorporated into the PLT. This will simplify the provisions of the draft Treaty and avoid creating different international standards with respect to the formalities of patents.

A diplomatic conference for the adoption of the Patent Law Treaty is scheduled to take place in May and June of 2000.

Patent Harmonization in the Future

In view of past and current developments, it appears highly likely that further patent harmonization will continue. Only time will tell whether this will eventually lead to a unified single world patent. Clearly there is still a long way to go.

Other Treaties Administered by WIPO

A number of other treaties which set out internationally agreed rights and common standards for the protection of patents are also administered by WIPO. These include:

The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977)

The Strasbourg Agreement Concerning the International Patent Classification (1971)

Visit

Celebrating 100 years of Japanese Copyright Law - WIPO's Director General applauds positive steps

Photo: Wang Binying



Dr. Idris congratulates the Government of Japan and the Japanese Copyright Office, noting Japan has been "at the forefront of international cooperation in the protection of copyright"

The Director General of the World Intellectual Property Organization (WIPO), Dr. Kamil Idris, participated in celebrations marking the 100th anniversary of Japan's Copyright Law on July 22, 1999. This historic event was marked by a commemorative ceremony, which took place in the presence of Their Majesties Emperor Akihito and Empress Michiko of Japan.

Following a private audience with Their Majesties, Dr. Idris addressed some 1,000 participants, including the Prime Minister and other high-ranking government and senior intellectual property officials. In his speech, the Director General congratulated the Government of Japan and the Japan Copyright Office on their dedication and innovation, noting that Japan had been "at the forefront of international cooperation in the protection of copyright".

Dr. Idris stressed the continuing importance of copyright protection in today's world. The advent of the

Internet and the proliferation of digital technologies that enhance the capacity to create and use works and objects protected by intellectual property rights means that copyright protection is as critically important today as it was one hundred years ago. "Times have changed," he said, "however the importance of copyright protection is still as vital today". The Director General pointed out that the end of this millennium represented a "pivotal moment in the evolution of copyright and related rights" as there existed "untold opportunities for cultural, social and economic progress, but also major challenges for the enforcement of intellectual property rights".

The Director General also applauded the Government of Japan for its prominent role in promoting the development of international intellectual property standards, referring to its important contribution in the negotiation of the WIPO Copyright Treaty (WCT) and the WIPO

Performances and Phonograms Treaty (WPPT) in 1996. These so-called "Internet Treaties" set out minimum standards of copyright protection within the digital environment.

Japan "has also been an indispensable partner in the area of cooperation for development" Dr. Idris said, referring in particular to the Trust Fund established since 1993 by the Government of Japan to promote the development of copyright and related rights in Asian and Pacific countries. He underlined the importance of cooperation for development in building durable institutions and in promoting economic, social and cultural development. "Our objective is to inspire the intellectual property system to create a positive impact on the gross national products of developing countries and countries in transition," he said.

In a context of rapid technological development, increasing economic globalization and the emergence

Cooperation for development

of knowledge-based economies, "technological development and intellectual property will go hand in hand in the next millennium", he said. They will be "foreign to no culture and native to all nations". Emphasizing the key role of intellectual property, Dr. Idris pointed out that "in a society in which wealth creation is no longer based on bricks and mortar, but on the magnitude of bytes of digital and genetic information, intellectual property becomes a major source of wealth creation and economic growth".

Demystification of the intellectual property system or the creation of a broader understanding among leaders, policy makers, consumers and the general public of the importance of intellectual property as a tool for economic development and wealth creation, topped the list of challenges identified by the Director General. Transformation of work methods, simplification of procedures and the effective dissemination of intellectual property information to facilitate broad-based participation in the transfer and development of technology also featured high on the list of priorities.

Japan became a member of WIPO in 1975 and is currently party to nine treaties administered by the Organization, including the Berne Convention for the Protection of Literary and Artistic Works, the Paris Convention for the Protection of Industrial Property and the Patent Cooperation Treaty.

Promoting IP and innovation in Syria

The first WIPO seminar organized in Syria since 1996 attracted some 200 enthusiastic participants eager to learn about the latest developments in the field of IP. This seminar was jointly organized with the Ministry of Supply and Home Trade and the Association of Syrian Inventors and took place in Aleppo from May 24-26.

During the opening ceremony, His Excellency Mr. Nadim Akkash, Minister for Supply and Home Trade and Dr. Mohammed Mustafa Miro, Governor of the city of Aleppo, addressed the participants.

The aim of the seminar was to present the contemporary framework for the protection of industrial property with reference to the TRIPS Agreement* and to evaluate the role of innovation in economic development.

The seminar commenced with a short introduction on intellectual property and the TRIPS Agreement. This was followed by a host of presentations to promote innovation including:



Mr. Nadim Akkash, Minister for Supply and Home Trade (right) underlining the importance of innovation in economic development.

- the function of an innovation center in a developing economy
- the legal framework for encouraging employed inventors to use and apply their creativity
- the commercialization of inventions and research results.

The presentations prompted many questions which themselves resulted in lively animated discussions. Significant interest was shown in the Patent Cooperation Treaty and many questions were asked on the workings of the Treaty.

* Agreement on the Trade-Related Aspects of Intellectual Property Rights

IP in the economic and social development of least developed countries

A thorough grounding of basic notions of intellectual property (IP) rights and how these can promote technology transfer, trade, and investment in least developed countries (LDCs) was delivered to participants at the second WIPO seminar on IP for LDCs, which took place in Vientiane from June 29 to July 1, 1999.

The seminar was attended by some 45 participants from 10 LDCs in the region. The objective of the seminar was to promote awareness of the basic principles involved in intellectual property and the implications of the TRIPS Agreement* for LDCs in particular. It also provided a forum to discuss what has been done, and work that remains, to modernize intellectual property systems at a national level in preparation for TRIPS implementation.

* Agreement on the Trade-Related Aspects of Intellectual Property Rights

Photo: Helga Tabuchi



The opening ceremony, chaired by Mr. Nheune Sisavad, (left) Director General, Department of Intellectual Property, Standardization and Metrology, Science, Technology and Environment Organization, Prime Minister's Office, Government of Laos.

The seminar was divided-up into four main areas:

- basic notions of IP and treaties administered by WIPO
- the role of intellectual property in socio-economic development
- economic and cultural benefits of copyright protection
- modernization of the administration and management of IP

The seminar concluded with a panel discussion on the role of IP in the economic and social development of LDCs, that the participants followed with great interest. Several participants requested WIPO assistance with the promotion of awareness of IP issues.

Participants came from Bangladesh, Bhutan, Cambodia, Kiribati, Maldives, Myanmar, Nepal, Samoa, Solomon Islands, and Tuvalu.

Critical issues on IP policy to meet the millennium challenges

Senior representatives from countries of Asia and the Pacific gathered in New Delhi, India from July 7 to 9, 1999 to discuss intellectual property development in developing countries and strategies for framing policies to meet the challenges of the next millennium.

During the opening ceremony, Mr. Shri Sikander Bakht, India's Minister of Industry expressed confidence that together with WIPO's assistance they will move to "spur human activity and push forward the boundaries of science and technology by providing a stable environment for the marketing of intellectual property products in a manner which is both equitable, balanced, and mutually advantageous."

In the first of two keynote speeches, Mr. Roberto Castelo, Deputy Director General of WIPO elabo-

rated on the initiatives already taken by WIPO to address IP protection as a global issue and stressed the need to develop human resources to effectively modernize established systems.

In a second keynote speech, Dr. S. Narayan, Secretary, Department of Industrial Development provided a developing country perspective on critical areas of IP in the next century and shared his vision that the next millennium would be characterized by the inventiveness of the individual.

The Regional Forum was organized with the cooperation of the Government of India and the Federation of Indian Chambers of Commerce and Industry (FICCI) and attended by some 150 officials from 19 countries of Asia and the Pacific.

The formal session of the Forum divided issues for consideration into themes presented by international experts in these fields:

- critical areas for intellectual property in the 21st Century

Update on India and the PCT

In the six months since its accession to the Patent Cooperation Treaty (PCT), India has been designated in some 12,971 international applications filed under the PCT. In the month of May alone some 2,892 applications, more than 50 percent of all applications, included India as a designated country in their international applications.

Furthermore there have already been 27 PCT applications from India and seeking protection in fellow PCT states.

Commenting on these figures, the Deputy Director of WIPO, Mr. Robert Castelo said that this was indicative of increasing importance attached to the Indian economy by international inventors.



Mr. Sikander Bakht, Minister of Industry (left) expresses confidence that with WIPO assistance they will move to "spur human activity and push forward the boundaries of science and technology." Shown here at the opening ceremony with Mr. Roberto Castelo, Deputy Director General, WIPO.

- implementation of the TRIPS Agreement and the post TRIPS era
- WIPONET in the development and transfer of technology and its contribution to the modernization of IP services
- protection and management of IP in a digital environment
- policy considerations for establishing effective systems for the enforcement of IPRs
- the evolution of a legal framework for IP and selected global issues – indigenous knowledge, folklore, environment, biodiversity, biotechnology, etc.
- IP as a tool for development in the knowledge based economy

At the conclusion of the Forum, a statement was adopted by the participants that underlined the need to strengthen cooperation among countries in the region and for them to develop a common platform to voice concerns in various IP fora. The statement also recognised the valuable role played by WIPO in providing the necessary assistance to implement priorities identified in the Forum.

Caribbean countries confirm their commitment to improving IP systems in the region

WIPO in collaboration with the Ministry of Commerce and Technology of Jamaica, organized three senior level meetings to discuss the collective management of copyright and related rights, electronic commerce, and other critical intellectual property issues currently affecting countries of the Caribbean.

Roundtable

On June 7-9, 1999 the Roundtable on Collective Management of Copyright was held. The focal point was a discussion of a "Feasibility Study relating to Collective Management of Copyright in the Caribbean" prepared by WIPO. This feasibility study was prepared following a request by Ministers responsible

for intellectual property matters at the last Ministerial meeting held in Trinidad and Tobago in July 1997.

At the end of the Roundtable broad consensus was achieved on the establishment of a regional system for the collective management of copyright and related rights which was embodied in recommendations forwarded to the Ministerial meeting to be held from June 10-11, 1999.

Regional Consultations

On June 8 and 9, 1999 a Regional Consultation on Electronic Commerce and Intellectual Property was held in collaboration with WIPO. The Consultation included presentations by local, regional and international experts, including representatives from WIPO. Issues discussed included:

- challenges and opportunities of electronic commerce
- the impact of electronic commerce on the intellectual property system

- the protection of copyright and the role of the WIPO treaties in digital media

- the domain name system – intellectual property issues.

At the end of the consultations, Caribbean delegates submitted recommendations to the Ministerial Meeting to be held from June 10-11, 1999.

Ministerial Meeting

From June 10-11 the Meeting of Caribbean Ministers responsible for Intellectual Property took place. The Ministers examined the recommendations arising out of the Roundtable and Regional Consultations and discussed other intellectual property issues.

The Ministers passed seven resolutions which included an endorsement for a regional system for collective management, further collaboration with WIPO in the development of regional intellectual property offices, agreement on the convening of a regional meet-



Regional support for IP

Almost all countries of the Caribbean are now members of WIPO, party to the Berne Convention, the Paris Convention, and members of the WTO. In addition, five countries, Barbados, Dominica, Grenada, St. Lucia, and Trinidad and Tobago are contracting states of the Patent Cooperation Treaty.

Academy

ing next year on folklore, traditional knowledge and innovations and the development of curricula on intellectual property law and disciplines in institutions of higher learning in the Caribbean.

The Ministers resolved that the next Ministerial Meeting for Caribbean Countries will be held next year and hosted by Saint Lucia.

Delegates from the following countries and organizations actively participated in the meetings: Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago as well as CARICOM Secretariat, national collecting societies from Jamaica (JACAP and JAMCOPY), Grenada (COG), St. Lucia (Hewannora) and Trinidad and Tobago (COTT), the United Kingdom (PRS). Persons from the private sector locally, regionally and internationally also participated.



Newly elected officers and members of the Executive Committee at the 20th Annual Meeting of ATRIP held at WIPO, Geneva.

Photo: William T. Fryer

Further collaboration planned between WWA and ATRIP

Over 90 professors of intellectual property from all over the world met in Geneva from July 7 to 9, for the 20th Annual Meeting of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP).

The professors investigated new ways to strengthen the collaboration between ATRIP and the WIPO Worldwide Academy (WWA). Proposals included the establishment of partnerships for the development of research, distance learning and joint diploma-awarding programs with universities.

Emphasis was placed on the impact of new information and

communication technologies on intellectual property systems, and on the way in which intellectual property might be taught by computer-supported distance learning. These innovative approaches stemmed from the findings of the report of the WIPO/ATRIP Electronic Conference on Strategies for Intellectual Property Teaching in Faculties of Law, Business, and Engineering, in which members of ATRIP participated from November 6, 1998 to March 1, 1999.

ATRIP endorsed the proposal that the WWA organize, in the course of the year 2000, additional electronic conferences and suggested that these might be separately run in English, French and Spanish.

WIPO has agreed to host the ATRIP website at "www.atrip.org", with direct links to the WIPO and WWA websites.

First IP and development session of the WWA held for developing countries

Participants from 12 developing countries gathered in Beijing and Shanghai for this, the first special session of the WIPO Worldwide Academy (WWA) on intellectual property and development, organized in cooperation with the State Intellectual Property Office of the People's Republic of China (SIPO).

The session commenced with welcome speeches by Mrs. Jiang Ying, Commissioner, SIPO and Mr.

Roberto Castelo, Deputy Director General of WIPO.

The teaching sessions followed a modern, varied format with presentations by leading international experts including Prof. William O. Hennessey of the Franklin Pierce Law Center, USA and Prof. François Dessemontet, President of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Switzerland as well as roundtables on chosen topics and field visits. These visits included trips to:

- Chinese Trademark Office in Beijing where participants visited the receiving office, examination departments, and computer center

- Gillette, Pudong, where the focus was upon how effective intellectual property systems facilitate foreign investment and technology transfer

- Participants also heard from the Chief Judge of the IP Branch of the People's Court of Pudong, New Development Zone, on fighting piracy and counterfeiting

At the close of the session in Shanghai, participants suggested that similar sessions providing both information and practical advice in formulating government policy be carried out in other developing countries, and expanded upon to include emerging IP issues.

Pilot training course with CIPO concludes on a positive note

The right mixture of international expertise, focused presentations, and workshops supplemented by video conferences, the latest Internet-based trademark databases plus distance-learning support assured the success of the third pilot trademarks training course organized by the WIPO Worldwide Academy (WWA) and the Canadian Intellectual Property Office (CIPO). The two week course ran from June 7 to 18, 1999 and was attended by trademark professionals from 12 Latin American countries.

Participants were welcomed to CIPO by Ms. Carol Cheffins, Director, Planning, International and Regulatory Affairs, Mr. Anthony McDonough, Acting Chief Executive Officer, and, from WIPO by Mr. Mpazi Sinjela, Acting Director of WWA. This year's course brought to an end the pilot training scheme, which will now be fully evaluated by both WIPO and CIPO. The aim of this course was to enhance the knowledge and skills of trademark professionals from Latin America and the Caribbean and assist them in adopting modern management tools and making use of modern information technology in their work.



Mr. Sinjela (left) and Prof. Dessemontet, President of ATRIP in the lobby of the China Intellectual Property Training Center.



At the beginning of the course, participants were requested to make presentations on the law and practice for trademark registrations in their respective countries before examining the highly automated processes and modern procedures used in Canada. Participants also had the opportunity to spend time with a trademark examiner and have first hand experience of the working tools of a modern trademark office.

The course went on to consider the international treaties relating to trademark registration, both those administered by WIPO as well as the TRIPS Agreement. At the end of their training, the participants had the opportunity to review areas of particular interest to them and meet with CIPO officers individually, before passing to the course evaluation and conclusion.

Laws and treaties downloadable from the WIPO website

As of September 15, 1999, the World Intellectual Property Organization will make available on the Internet its Collection of Laws for Electronic Access (CLEA).

The CLEA database contains:

- national legislative texts in the field of intellectual property
- texts of treaties administered by WIPO
- bibliographic data concerning each legislative text and treaty.

The legislative texts contained in CLEA:

- have been transmitted to WIPO by the competent authorities of the countries concerned, respectively, under Article 15(2) of the Paris Convention for the Protection of Industrial Property (Act of 1967) and Article 24(2) of the Berne Convention for the Protection of Literary and Artistic Works (Act of 1971) and/or
- have been notified by the country concerned, under Article 63(2) of the Agreement on Trade-Related Aspects of Intellectual Property Rights ("The TRIPS Agreement") to the Council for Trade-Related Aspects of Intellectual Property Rights ("the Council for TRIPS") of the World Trade Organization (WTO) and the relevant notifications have been communicated by WTO to WIPO under Article 2(4) of the Agreement between WIPO and WTO of December 22, 1995.

To access CLEA go to www.wipo.int/clea or clea.wipo.int.

Bringing the scientific and intellectual property communities closer together

“In the next century intellectual property, scientific development, creativity, information, and knowledge will be faces of the same coin”. Dr Kamil Idris.

The first steps by the Science and Conscience of Man Foundation towards creating new channels of communication between the scientific community and the rest of the world took place during a conference held at WIPO Headquarters from June 3 to 4. The theme of the conference was the effect of global business on scientific research, a topic that was addressed by some 20 participants from the fields of scientific research and intellectual property.

During the first day of the conference, discussions focused on the differences between industrialized and developing countries' approaches to scientific research in academia, industry, innovation and business competition as well as their differing traditions in intellectual property rights.

Discussions on the second day centered on:

- the global nature of scientific research



- the roles and responsibilities of

- enterprises in the principle of fairness
- states in providing funding and social development
- international organizations in providing legal protection

This was the first time that a conference organized by an independent foundation had been held at WIPO and it was agreed that this brought new actors to the intellectual property stage and helped both participants and WIPO develop a better understanding of each other's worlds.

In an address to the participants, Dr. Idris welcomed this initiative and pledged his full support of the objectives of the Foundation.

Science and Conscience of Man Foundation
This is an independent, non-profit foundation based in Geneva and dedicated to science and the public interest. The Foundation is associated with the World Conference on Science for the 21st century.

SCIT endorses Strategic Information Technology Plan

The WIPO Standing Committee on Information Technologies (SCIT) has approved a draft Strategic Information Technology Plan designed to narrow the information gap between developed and developing countries, improve the flow worldwide of information relating to intellectual property rights, and enhance the ability to retrieve and disseminate intellectual property information.

The plan was approved at the SCIT's third session, held from 14-15 June 1999. A main objective of the plan is to reduce costs and increase efficiency of a global information network specific to intellectual property.

In implementing the plan, the SCIT agreed to follow several strategies. Among these are the use of well-established project management and capital investment methodologies and a robust and scalable information technology architecture. In implementing the plan, WIPO will also use a proven systems development approach based on standards that

support emerging, evolving and commercial or "off-the-shelf" software. Critical to the success of the plan will be a reliable, secure network. Of equal importance is the concept of "change management" to prepare everyone for the transition from paper-based systems to those that reflect state-of-the-art data and information dissemination operations based on the latest information technology.

The Secretariat expects to present a comprehensive plan at the strategic and business operations levels, to the SCIT by September. Following receipt of comments during the period October-November, the Secretariat's proposed plan will be taken up at the next session of the SCIT plenary from December 6 to 10, 1999. That plan will guide the development and implementation of approximately 40 interrelated information technology projects, including IMPACT, the automated PCT system, and WIPONET, WIPO's Internet-based worldwide information system for the 21st century. WIPONET, the first global project to be undertaken by WIPO using information technology, will improve access to and exchange of intellectual property information by providing network services to intellectual property offices worldwide. Implementation of WIPONET is currently in the pilot phase.

SCIT

Registration and classification

Madrid Protocol celebrates 10th Anniversary

June 28, 1999, marked the tenth anniversary of the signature of the Madrid Protocol. The Madrid Protocol, together with the Madrid Agreement Concerning the International Registration of Marks, regulates the international registration system for the protection of trademarks, or the Madrid system.

The Madrid system offers the possibility of obtaining protection in each or all of the member states of the Agreement and/or Protocol through one single international trademark application. This provides a cost-effective and efficient solution to companies or individuals who are seeking protection of their trademark(s) in more than one country, since the alternative would be to file a separate application in each country. Protection under the Madrid system is effective for a period of ten years and may be renewed for a further ten year period.

Since the adoption of the Madrid Agreement in 1893, some 710,000 international trademark registrations have been recorded. Over 345,000 international registrations are currently in force. Since each extends, on average, to over 11 countries, this is equivalent to nearly 4 million individual national trademark registrations.

The Madrid Protocol, which came into operation on April 1, 1996, introduced changes to the international system of trademark protection, which have been successful in attracting wider use of the system. Figures for the first half of this year reflect a positive trend in the use of the Madrid Protocol, which has a membership of 37 countries.

WIPO's trademark registration system is a fully-automated paperless operation using state-of-the-art computer technology for the administration of its procedures. In January 1999, the first international trademark application resulting from purely electronic transmissions was inscribed in the International Register of Marks. It is foreseen that electronic registration and notification of trademark applications will become more widespread in future.

IPC Reform Working Group sets priorities

Work on reforming the IPC (International Patent Classification) to bring the classification into the electronic era of the new millennium commenced with the meeting of the IPC Reform Working Group from May 25-28.

This first session of the Working Group identified the priority tasks that the group would tackle including:

- the introduction of electronic data in the IPC

- the need to elaborate rules for multiple classification
- reviewing hybrid systems in the IPC
- improving cooperation between offices in the reclassification of patent files
- improvements in the training for use of the IPC

The Working Group also went on to identify long-term goals of IPC reform and in particular its more effective application for searching patent and technical documentation; using the electronic environment for facilitating IPC maintenance; developing effective, low-cost IPC training modules and adapting the IPC to co-exist with electronic search tools. The

Secretariat was requested to prepare a strategic plan of action in line with these long-term goals and to ensure that it complied with the SCIT strategic information technology plans (see article on p. 15).

The Working Group agreed that an optimal structure for the reformed IPC would be a two-level organization. There would be one level representing a knowledge-based classification system covering worldwide invention related information in patent and technical literature. This core level information would be used for general information.

The second level of the IPC would be based on internal, more detailed versions of the IPC elaborated by some offices such as the European Patent Office, and Japanese Patent Office and would be used for searching international collections such as the PCT minimum documentation.

Working Group sets up Task Force

To investigate how to increase the search power of the IPC by introducing rules for multiple classification, the Working Group created a Task Force. The Task Force was also requested to investigate the existing hybrid systems in the IPC that combine classification and indexing and establish their ability to search efficiently.

The Task Force will be coordinated by the JPO with the assistance of the EPO and will include the offices of France, Germany, Japan, Sweden, the United Kingdom, and the United States of America.

The Working Group further agreed to establish a master classification database encompassing the world's patent documents and technical literature with the cooperation of the IPC Committee of Experts and the SCIT.

The next session of the Working Group will take place from November 15-19.

The Working Group included delegations from Austria, France, Germany, Ireland, Japan, Norway, Portugal, Republic of Korea, Russian Federation, Spain, Sweden, Switzerland, United Kingdom, and USA.

Calendar of meetings

September 6 to 14 (Geneva)

Standing Committee on the Law of Patents (Third Session)

The Committee will continue its work based upon the results achieved at its second session, with regard to the draft Patent Law Treaty, and other issues.

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

September 13 (Geneva)

WIPO Industry Advisory Commission (Second Session)

The Industry Advisory Commission will meet in its second session to follow up on discussions began at its first session held on February 4 and 5, 1999. This session of the IAC will focus in particular on the intellectual property implications of electronic commerce in light of the WIPO Conference on Electronic Commerce and Intellectual Property that begins the following day.

Invitations: Members of the IAC. Eminent representatives of industry groups in the market sector compose the IAC.

September 14 to 16 (Geneva)

Conference on Electronic Commerce and Intellectual Property

The Conference will address the impact of electronic commerce on intellectual property and will include plenary sessions on general developments in electronic commerce and their implications for intellectual property, as well as workshops on the various areas of WIPO's work program associated with electronic commerce, such as Internet domain names, patents, the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), work on a protocol to the WPPT on audiovisual works, the use of trademarks on the Internet and the use of electronic commerce tools in the delivery of intellectual property services. The Conference will also examine the different levels of awareness and the resulting differential participation in electronic commerce.

Invitations: Member States of WIPO, other States members of the United Nations, international/regional organizations, non-governmental organizations and any interested members of the public, against payment of a registration fee.

September 20 to 29 (Geneva)

Assemblies of the Member States of WIPO (Thirty-fourth Series of Meetings)

All Bodies of the Assemblies of the Member States of WIPO will meet in their ordinary sessions.

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

November 1 and 2 (Geneva)

Roundtable on Intellectual Property and Traditional Knowledge

To facilitate an exchange of views among policymakers, holders of traditional knowledge and other interested parties concerning more effective application of, and possible improvements to the intellectual property system to protect traditional knowledge.

Invitations: Member States of WIPO; international and national governmental and non-governmental organizations concerned; representatives of holders of traditional knowledge, including indigenous groups and local communities, and members of the public.

November 8 to 10 (Geneva)

Working Group on Biotechnology

To develop an inventory of current issues in the field of biotechnology related to intellectual property to serve as a basis for information exchange and study by WIPO.

Invitations: Experts from various sectors and interest groups relevant to biotechnology.

November 16 to 20 (Geneva)

Standing Committee on Copyright and Related Rights (Third Session)

The Committee will continue its work based on the results of its second session (May 4 to 11, 1999).

Invitations: As members, the States members of WIPO and/or of the Berne Union, and the European Community; as observers, other States and certain organizations.

Products

The following new products were issued by WIPO:

What is Copyright ? (English) No. L450CR/E, Free

What is an Industrial Design ? (English) No. L450ID/E, Free

FAQs (English), No. L450FQ/E, Free

What is a Patent ? (English) No. L450PA/E, Free

What is a Trademark ? (English) No. L450TM/E, Free

General Information (1999 Edition) (Arabic) No. 400(A), Free

General Information (1999 Edition) (Russian) No. 400(R), Free

Symposium on the International Protection of Geographical Indications in the Worldwide Context, Eger, October 24 & 25, 1997 No. 760(E), 20 Swiss francs



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IPLEX CD-ROM No. 1/1999

As from September 1999, WIPO will resume publication of the IPLEX CD-ROM. The IPLEX CD-ROM is a full-text database containing the texts, in English and French, of national and regional laws and multilateral and bilateral treaties in the field of intellectual property, along with information relating to them. It will be updated once every quarter.

The IPLEX CD-ROM No. 1/1999, will update the database, as contained in the IPLEX CD-ROM No. 3/1997 (third quarter of 1997), with the texts published in Industrial Property Laws and Treaties/Lois et traités de propriété industrielle/Copyright and Neighboring Rights Laws and Treaties/Lois et traités de droit d'auteur et de droits voisins up to June 1999.

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