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WORLD INTELLECTUAL PROPERTY ORGANIZATION

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(As An Observer)

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

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

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

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

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

The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), adopted at the WIPO Diplomatic Convention on Certain Copyright and Neighbouring Rights Questions held from 2 to 20 December 1996, received 51 and 50 signatures, respectively, during the

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

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

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

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

The WIPO Standing Committee on the Law of Patents will, in June 1998, be the first of the newly-formatted Standing Committees within WIPO to hold session. This first meeting will examine the draft Patent Law Treaty (PLT). With one of its objectives being to address the increasing pace of new Industrial Property issues, the Standing Committee will seek to finalize this current PLT draft,

and will likely propose a Diplomatic Conference in the near future. It will also deal with other timely and vital Industrial Property issues, such as: central recording of changes in patents and patent applications, and the disclosure of technical information on the Internet and its impact on patentability, so as to ascertain the feasibility of harmonizing rules concerning patent-law implications of Internet disclosure of patent information, and whether such exposure creates any impact on patentability.

One of the most important initiatives currently in progress at WIPO is the creation and deployment of the WIPO Global Information Network. This Network will address the needs of Member States with fast and cost-effective communications, materials and services related to intellectual property rights, administration and enforcement, worldwide. It will be designed to connect approximately 300 intellectual property offices and administrations globally to WIPO, and to each other. The availability and convenience of information, Intellectual Property Digital Libraries, distance learning opportunities, WIPO services, and other benefits will be of particular importance to developing countries, countries in transition, and least-developed countries, as well as to all governmental personnel and other professionals involved in intellectual property. Through this project, WIPO will provide intellectual property offices with technical assistance in furtherance of the development of their information infrastructure and office automation, thereby, among other benefits, facilitating the streamlining and modernization of the administrative work connected with implementation of the TRIPS Agreement.

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

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

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

under multilateral environmental agreements; and, the need for and possible nature and scope of new or adapted forms of protection for "expressions of folklore".

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

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

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