

WIPO



WIPO/ACE/1/2
ORIGINAL: English
DATE: April 11, 2003

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ADVISORY COMMITTEE ON ENFORCEMENT

First Session
Geneva, June 11 to 13, 2003

ADMINISTRATIVE AND PROCEDURAL MATTERS,
MANDATE AND SCOPE OF ACTIVITIES

Document prepared by the Secretariat

I. Introduction

1. The Joint Meeting of the Advisory Committee on Enforcement of Industrial Property Rights (ACE/IP) (Second Session) and the Advisory Committee on Management and Enforcement of Copyright and Related Rights in Global Information Networks (ACMEC) (Third Session) in December 2001, recommended that a committee or committees be established to continue discussion on issues related to the enforcement of intellectual property rights.
2. Pursuant to this recommendation, the WIPO General Assembly, at its session held from September 23 to October 1, 2002, approved the establishment of the Advisory Committee on Enforcement (ACE) (document WO/GA/28/7, paragraphs 114(i) and 120). The WIPO General Assembly also approved the rules of procedure and certain administrative matters concerning the ACE (document WO/GA/28/7, paragraphs 114(ii), (iii) and 120).
3. This document makes reference to the decision taken by the General Assembly, provides additional information concerning procedural and organizational matters and makes certain proposals regarding working arrangements.

II. Procedural and Organizational Matters

4. *Rules of Procedure*. At its first session, the ACE/IP adopted the same rules of procedure adopted for WIPO bodies, namely the “WIPO General Rules of Procedure” (Publication No. 399 (FE) Rev. 3). In addition, the ACE/IP exercised the option¹ to adopt two special rules of procedure which were, firstly, that membership in the ACE/IP be extended to Member States of the Paris Union that were not Member States of WIPO, and that observer status be extended to Member States of the United Nations that were not Member States of WIPO or the Paris Union and, secondly, that the Chair and the two Vice-Chair²s should serve a term of one year and would immediately be eligible for re-election to the offices that they had held at the expiration of that term.

5. The Joint Meeting of the ACE/IP and ACMEC decided to adopt the same rules of procedure which were adopted at the first session of the ACE/IP and to apply them *mutatis mutandis* to the ACMEC.

6. As stated in paragraphs 114 (iii) and 120 of document WO/GA/28/7, the WIPO General Assembly decided, for the purpose of consistency, that the rules of procedure described above be adopted *mutatis mutandis* for the ACE.

7. *Membership and observers*. Pursuant to Rules 7 and 8 of the WIPO General Rules of Procedure, and paragraph 114 (iii) of document WO/GA/28/7, the Director General has invited to the first session of the Committee, as members, all Member States of WIPO, the Paris Union and the Berne Union and, as observers, Member States of the United Nations that are not members of WIPO or the Paris Union or the Berne Union and certain intergovernmental organizations and non-governmental organizations accredited with observer status at WIPO. In addition, one intergovernmental organization and a number of non-governmental organizations were invited as *ad hoc* observers.

8. In order to make the work of the Committee more efficient and to facilitate communication and contact with the relevant stakeholders at the national and international levels, Member States of WIPO might find it advantageous to consult agencies which are responsible for the enforcement of industrial property rights and copyright and related rights and, if possible, to include representatives of those agencies in their respective delegations³

9. Funding for participation of government officials. As stated in paragraphs 114 (iii) and 120 of document WO/GA/28/7 and paragraph 14 of document WO/GA/28/4, the WIPO General Assembly decided that funding be made available to facilitate the participation of representatives of developing countries and of certain countries in Europe and Asia.

10. *Languages*. Simultaneous interpretation in sessions of the Committee will be provided from and into English, Arabic, Chinese, French, Spanish and Russian. The working documents for sessions of the Committee will be prepared in English, French and Spanish.

¹ Provided for in Rule 1 of the WIPO General Rules of Procedure.

² Document ACE/IP/1/2, paragraphs 4 and 5, and document ACE/IP/1/3, paragraph 2.

³ They could include, for example, one or more of the following: judiciary/judicial service; customs; police; prosecutors (in lower and higher courts); and ministries responsible for law/legal affairs.

11. *Sessions.* Subject to budgetary allocations, it is proposed that the Committee meet once a year. For each session of the Committee, the Chair would provide a summary of the conclusions of that session.

III. The Role of the Committee and the Scope of its Activities

12. *Mandate.* As provided in paragraphs 114(ii) and 120 of document WO/GA/28/7, the mandate of the Committee in the field of enforcement excludes norm setting and is limited to technical assistance and coordination. The Committee will focus on the following objectives: coordinating with certain organizations and the private sector to combat counterfeiting and piracy activities; public education; assistance; coordination undertaken at national and regional training programs for all relevant stakeholders and exchange of information on enforcement issues through the establishment of an Electronic Forum.

13. *Scope of Activities.* It is proposed that the Committee would continue and further develop the work carried out by the ACE/IP, ACMEC and the Consultation Meeting on Enforcement, which was held in Geneva from September 11 to 13, 2002, taking into account the objectives described in paragraph 12 of this document. For this purpose, it is proposed that the Committee identify themes of particular interest for further examination and discussion at future meetings. Such themes could, for example, include the role of the judicial authorities in the field of enforcement of intellectual property rights; the development of national strategies in order to render enforcement of intellectual property rights more effective; assistance by the private sector to enforcement agencies in the identification of counterfeit and pirated goods, training, and activities relating to education and awareness building; the socio-economic impact of counterfeiting and piracy; and the implementation of procedures and mechanisms for appropriate and effective border measures. A number of other themes, which could be considered for further discussion, may be derived from documents WIPO/ACE/1/3 and 4 and the annexes thereto. The discussions on these themes could be preceded by presentations made by stakeholders with a particular experience in the respective field of activity.

14. *The ACE is invited to:*

(i) *note the procedural and administrative matters described in paragraphs 4 to 11;*

(ii) *consider the proposal contained in paragraph 13 on the scope of the activities of the Committee.*

[End of document]