

WIPO



WIPO/ACE/1/4
ORIGINAL:English
DATE:April11,2003

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

ADVISORY COMMITTEE ON ENFORCEMENT

First Session
Geneva, June 11 to 13, 2003

COORDINATION, TRAINING AND DEVELOPMENT
OF ENFORCEMENT STRATEGIES

Document prepared by the Secretariat

I. Introduction

1. At the session of the WIPO General Assembly, held in Geneva from September 23 to October 1, 2002, the General Assembly decided to establish a single Advisory Committee on Enforcement, in charge of global enforcement issues, covering both industrial property and copyright and related rights. The mandate of the Committee, which excludes norm-setting activities, was limited to technical assistance and coordination. The Committee has the following objectives: coordinating with certain organizations and the private sector to combat counterfeiting and piracy; public education; assistance; coordination of undertaken national and regional training programs for all relevant stakeholders and exchange of information on enforcement issues through the establishment of an Electronic Forum.

2. It is recalled that during the first session of the Advisory Committee on the Enforcement of Industrial Property Rights (ACE/IP), held in Geneva on October 19 and 20, 2000, the ACE/IP proposed that the Secretariat of WIPO initiate four studies, as set forth in paragraph 8(a)(i) to (iv) of document ACE/IP/1/3 (*Summary by the Chair*). Pursuant to that

proposal, the Secretariat of WIPO submitted a questionnaire, entitled Request for Information,¹ to members and observers of the above Committee.

3. The Secretariat of WIPO received replies from 24 Member States, two intergovernmental and 11 non-governmental organizations in response to the said request. Document WIPO/CME/2Rev. “*Existing Needs for Training and for Development of Enforcement Strategies*” was established by the Secretariat of WIPO on the basis of these responses.

4. This document was presented for discussion to the Consultation Meeting on Enforcement (CME) in Geneva from September 11 to 13, 2002. The Meeting was attended by Member States, intergovernmental organizations and non-governmental organizations.

5. The Meeting unanimously agreed that the issue of enforcement of intellectual property rights was of great importance and that WIPO was in an eminently appropriate position to provide technical assistance and education and contribute to the creation of awareness in this field. It also encouraged WIPO to assist, and coordinate with relevant organizations, in the setting up of, or improving, adequate and effective enforcement mechanisms. The Meeting noted the concern expressed about the effects of counterfeiting and piracy on domestic industries and stressed that the fight against these phenomena was a global concern. It also took note of the activities of the International Bureau reflected in the tables attached to document WIPO/CME/2Rev. and expressed its great appreciation for the considerable and high-quality work already undertaken by the Regional Bureaus of Cooperation for Development and the WIPO World Wide Academy in the field of enforcement. It was, however, observed that there was room for improvement in determining the recipients of the WIPO technical assistance and the substance of such assistance.

II. Enforcement and Special Projects Division

6. Subsequent to the session of the General Assembly, the Director General established the Enforcement and Special Projects Division to serve as a focal point for enforcement activities in the International Bureau. The Division is actively cooperating with intergovernmental organizations in the area of enforcement and in contact with the competent authorities in Member States as well as with non-governmental organizations. It also plays a pivotal role in the coordination of enforcement activities within the International Bureau.

7. The Division has, *inter alia*, the following responsibilities: the convening and supporting the annual meeting of the Advisory Committee on Enforcement to consider intellectual property enforcement issues and strategies; giving effect to decisions taken by the former Advisory Committee on Enforcement of Industrial Property Rights, Advisory Committee on Enforcement of Copyright and Related Rights in Global Information Networks and the Consultation Meeting on Enforcement in the broader context of all intellectual property rights; preparation of additional working documents, studies and surveys on topical issues relating to the enforcement of intellectual property rights; administering the Electronic Forum on Intellectual Property Enforcement Issues and Strategies (IPEIS), as a forum where all relevant stakeholders can share information on national experiences pertaining to the enforcement of intellectual property rights; cooperation and coordination with multilateral

¹ WIPO Circular Letter No. 6562, dated July 17, 2001.

and regional organizations and with non-governmental organizations in order to share expertise and experiences in the field of the enforcement of intellectual property rights, including the attendance of seminars, workshops and other meetings; promoting the understanding of the international obligations and principles relating to the enforcement of intellectual property rights and addressing the needs of Member States in developing and strengthening their national and regional systems for the enforcement of intellectual property rights, including correspondence, human resource development, participating in seminars and workshops, advising national governments on the implementation of enforcement strategies, providing legislative advice and technical assistance; and developing projects and information material to enhance public awareness in the fight against counterfeiting and piracy.

III. Coordination and Training: Activities from July 2002 to April 2003

8. In order for the Committee to review the subsequent activities of WIPO in the field of enforcement, the Secretariat prepared the following overview of activities from July 2002 to April 2003. The activities mentioned in sub-paragraphs 8.1 to 8.6 below, which were or will be undertaken by, or with the participation of, the International Bureau, also include activities with enforcement components which are not reflected in the titles of the respective activities.

8.1 WIPO Expert Missions:

- WIPO Mission for the promotion of intellectual property legislation, Antigua and Barbuda, November 13 to 15, 2002;
- Advisory Mission on copyright and related rights enforcement, Jakarta, January 30 and 31, 2003;
- Expert mission to advise on the setting up of a banderole system, Liberia, January 2003;
- Discussions on the introduction of enforcement in the curriculum with staff of the *École régionale supérieure de la Magistrature de l'Organisation pour l'harmonisation des droits des affaires (OHADA)*, Benin, March 18, 2003.

8.2 WIPO Training and Study Visits:

- WIPO Academy on the Enforcement of Intellectual Property Rights, in cooperation with the Ministry of Commerce and Industry, Government of India, New Delhi, July 9 to 12, 2002;
- Presentation in the WIPO Summer School held by the WIPO Academy on "Enforcement of Intellectual Property Rights: International Perspectives," Geneva, July 10, 2002;
- WIPO Asia Pacific Orientation and Study Program for Customs and IPO Official on the Enforcement of IPRs, Geneva, The Hague, Washington D.C., November 4 to 15, 2002;
- WIPO Asia Pacific Program for the Judiciary on the Enforcement of IPRs, Geneva, Washington D.C., July 9 to 18, 2003;
- Training Course on the Enforcement of Intellectual Property Rights, Tokyo, November 13 to 29, 2002;
- Special Training Course on the Enforcement of Copyright and Related Rights, Tokyo, November 18 to 29, 2002;

- Presentation in the WIPO Academy Intensive Seminar on Intellectual Property for Law Students on the “Enforcement of Intellectual Property Rights,” Geneva, March 10 to 14, 2003.

8.3 WIPO Seminars and Workshops:

- WIPO Seminar for Andean Countries on Border Measures for the Enforcement of Intellectual Property Rights, Bogota, July 10 and 11, 2002;
- WIPO Workshop for Andean Countries on Border Measures for the Enforcement of Intellectual Property Rights, Bogota, July 12, 2002;
- *Séminaire nationale sur la situation des atteintes aux droits de propriété intellectuelle*, Abidjan, Côte d’Ivoire, July 17 to 19, 2002;
- WIPO National Seminar on the Preservation, Promotion and Protection of Folklore and Traditional Knowledge, Florianopolis, Brazil, August 22 and 23, 2002;
- WIPO National Specialized Symposium on Intellectual Property for the Lebanese Judiciary, Beirut, July 31 to August 2, 2002;
- WIPO National Seminar on the Enforcement of Intellectual Property Rights for the Judiciary, Public Prosecutors, Police Officers and Customs Officials, Amman, September 2 and 3, 2002;
- VIth National WIPO Seminar on Intellectual Property Rights, Cordoba, Argentina, September 5 to 7, 2002;
- WIPO Seminar on Copyright and Related Rights and Their Protection Against the Reality of the Modern World, Mexico City, September 12 to 13, 2002;
- WIPO National Seminar on Intellectual Property for the Omani Judiciary, Muscat, October 22 and 23, 2002;
- WIPO Seminar on the Importance of Judicial and Administrative Precedents in Intellectual Property Practice, Guatemala City, November 6, 2002;
- National Seminar on Enforcement for Customs Officials, Tehran, November 4 to 6, 2002;
- WIPO Intellectual Property Symposium for the Judiciary, Barbados, November 16 to 18, 2002;
- Regional Seminar on Industrial Property for Judges and Tax Inspectors in Latin America, Madrid, November 18 to 22, 2002;
- WIPO Seminar on the Enforcement of Intellectual Property Rights for Police and Customs, Castries, St. Lucia, November 21 and 22, 2002;
- National Workshop for the State IP Inspectors, Kyiv, November 26, 2002;
- National Seminar on the Role of Customs, Police, Anti-monopoly and State IP Inspectors in Enforcement of Intellectual Property Rights, Kyiv, November 27 and 28, 2002;
- WIPO Asia-Pacific Regional Policy Forum on the Role of Intellectual Property Offices for Economic and Technological Development, Manila, December 3 to 5, 2002;
- Regional Seminar on a Concerted Strategic Approach to Certain Questions Related to Collective Management and the Fight Against Piracy in West Africa, Bamako, December 3 to 6, 2002;
- Asia Pacific Regional Symposium on the Protection and Enforcement of Copyright and Related Rights, Jakarta, January 27 to 29, 2003;
- WIPO National Seminar on Intellectual Property (co-organized with Cairo University), Cairo, February 17 to 19, 2003;

- WIPONationalSeminaronCopyrightandRelatedRights,Cairo, February22and23,2003;
- WIPOAsia-PacificRegionalWorkshopontheEnforcementofIPRs,Bangkok, February25to27,2003;
- WIPONationalSeminarontheEnforcementofCopyrightandRelatedRights, Kathmandu,February26and27,2003;
- WIPONationalSeminaronIntellectualProperty,Tripoli,April28to30,2003;
- NationalConferenceonEnforcementofIntellectualPropertyRights,Nigeria, April2003.

8.4. JointActivitieswithIntergovernmentalOrganizations,Non-GovernmentalOrganizations andNationalOffices:

- XXIIthWIPO/INPISeminaronIndustrialPropertyforLatinAmericanCountries, RiodeJaneiro,Brazil,September9to20,2002;
- RegionalWIPO/SGAEAcademicCourseonCopyrightandRelatedRights,Panama City, October10to17,2002;
- IVthIberoamericanCongressonCopyrightandRelatedRights,PanamaCity, October15to17,2002;
- AcademyonEnforcementofIntellectualPropertyRightsforJudgesofEastern EuropeanandCISCountries,organizedjointlywithINPI,Franceandwiththe assistanceofthe *École nationale delamagistrature delaFrance (ENM)*, Geneva, November21to22,andParis,November25to29,2002;
- PresentationintheWIPO-EPO-OHIMTrainingSeminaronAdministrativeIssuesin PatentandTrademarkProcedureonthe“EnforcementofIntellectualPropertyRights,” Geneva,February13and14,2003;
- PresentationintheCommonMarketforEasternandSouthernAfrica(COMESA)12th TradeandCustomsCommitteeMeetingonthe“EnforcementofIntellectualProperty Rights,”Lusaka,February17to19,2003;
- WIPO/AEPPInternationalSymposiumonIntellectualPropertyProtection,Cairo, April14and15,2003;
- *Communauté économique et monétaire del’Afrique centrale (CEMAC)*: Subregional SeminaronEnforcementofIntellectualPropertyRightsforCustomsOfficersand MagistratesfromCEMACMemberStates,organizedjointlywithWIPO,Republic ofCongo, April23and24,2003.

8.5 ContributionsbyWIPOtoActivitiesOrganizedbyNon-GovernmentalOrganizations:

- ParticipationinthefirstInterpolExpertGrouponIntellectualPropertyRights, Lyon,France,July23,2002;
- Presentationon“WIPO’sActivitiesintheAreaofEnforcement”inthefirst InterpolInternationalConferenceonFinancialCrime,Lyon,France, October2,2002;
- ParticipationinthesecondInterpolAdvisoryGrouponIntellectualPropertyRights, Lyon,France,October3,2002;
- Presentationon“WIPO’sActivitiesintheAreaofEnforcement”intheInternational Anti-CounterfeitingCoalition2002FallConference,Miami,October16to18,2002;

- Participation in the Workshop on Enforcement of Intellectual Property Rights organized by the International Law Institute of Italy in collaboration with the Economic and Social Action Research Foundation of Tanzania (ESRF) and the Business Registration and Licensing Agency (BRELA), Dares Salaam, December 2 to 6, 2002;
- Participation in the third Interpol IPCrime Action Group, Lyon, France, January 27 and 28, 2003;
- Meeting with Copyright Industries, International Federation of the Phonographic Industry (IFPI) Secretariat, London, March 11, 2003.

8.6 Others:

- Six Nationally Focused Action Plans for Cambodia, the Democratic People's Republic of Korea, India, Liberia, Mongolia, Philippines and a Regionally Focused Action Plan for the South Pacific Forum countries with enforcement related components through public awareness activities that aim to propagate respect for intellectual property;
- A publication entitled "Principles of Copyright: Cases and Materials," which included judicial decisions from common law, civil law and the legislative systems of Arab countries, was prepared and widely used as reference material in training activities in the field of enforcement.

IV. Needs for Further Training and for Development of Enforcement Strategies

9. It should be noted that at the Consultation Meeting on Enforcement held in 2002 concentrated predominantly on issues relating to the status and mandate of the future Advisory Committee on Enforcement, document WIPO/CME/2Rev. on "*Existing Needs for Training and for Development of Enforcement Strategies*" was not discussed in detail during that Meeting. There are several reasons for which it is considered to be important that the Committee, in addition to taking note of recent activities of the International Bureau in the field of the enforcement of intellectual property rights, examine in the issues referred to in document WIPO/CME/2Rev. in more detail. First, the Meeting had encouraged Member States and observers that had not yet done so to submit to the Secretariat of WIPO replies and information² concerning the subject matter of this document in order to have a broader basis for the envisaged discussion thereon. Second, the Meeting also agreed that it was important to ensure that the issues dealt with in the document, and during the discussion on the document, would be taken into account in formulating the development cooperation activities of WIPO. Third, it is one of the current tasks of the Committee to decide on its future work on the basis of all the information which has been provided.

10. Pursuant to the above proposal by the CME to encourage all members and observers to submit further information pertaining to the issues raised in document WIPO/CME/2Rev., the Secretariat of WIPO once again invited³ members and observers to respond to the said

² Paragraph 6 of document WIPO/CME/5 "*Summary by the Chair*" indicates that such information may be put on the IPEISE Electronic Forum, together with the replies already submitted, when so requested.

³ Circulars 6815 and 6816 dated December 17, 2002. The deadline for submissions was subsequently extended to February 21, 2003. The request for information was subsequently

questionnaire and to also provide, *inter alia*, information on their activities in the field of enforcement, such as planned seminars, workshops, on-the-job training and useful training material. The Secretariat of WIPO received 16 responses from 15 Member States⁴ and seven non-governmental organizations⁵ to its renewed and extended request for information. In view of the limited number of additional responses received at the time of preparation of this document, the information was not sufficient for a substantial revision of the working document prepared for the Consultation Meeting on Enforcement. Against this background, the Secretariat decided not to incorporate amendments into document WIPO/CME/2 Rev. and not to make an attempt to present an update thereof as a working document for this Meeting. Instead, the responses to the renewed request for information are being made available on the Intellectual Property Enforcement Issues and Strategies (IPEIS) Electronic Forum.

11. For the reasons set out above, and for the ease of reference, document WIPO/CME/2 Rev. "*Existing Needs for Training and for Development of Enforcement Strategies*"⁶ is attached as an annex to this document for consideration by the Committee.

12. *The Committee is invited to take note and comment on the contents of this document and its Annex.*

[Annex follows]

also made available on the Intellectual Property Issues and Strategies Electronic Forum and registered participants were informed that the deadline for submissions of information for inclusion in working documents was extended to February 21, 2003 and that submissions would be equally welcomed at a later stage and made available on the Electronic Forum.

⁴ Burundi, Colombia, France, Gabon, Honduras, Hungary, India, Kazakhstan, Nigeria, Portugal, Republic of Korea, Spain, Switzerland, the Russian Federation, and the United Kingdom.

⁵ International Federation of the Phonographic Industry (IFPI), also on behalf of the Business Software Alliance (BSA), International Federation of Film Producers' Associations (FIAPF), International Publishers Association (IPA), International Video Federation (IVF) and Motion Picture Association (MPA).

⁶ The tables attached to document WIPO/CME/2 Rev. also contain detail of the activities undertaken by the International Bureau from July 2000 to June 2002, with regard to training, technical assistance and awareness building in the field of enforcement.