

WIPO



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**GOVERNING BODIES OF WIPO
AND THE UNIONS ADMINISTERED BY WIPO**

**Twenty-Ninth Series of Meetings
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OVERVIEW OF ACTIVITIES AND DEVELOPMENTS
IN THE YEAR 1995, AND THE FIRST HALF OF THE YEAR 1996

Memorandum by the Director General

Introduction

1. The following Overview covers the year 1995 and the first six months of 1996.
2. It highlights the development cooperation, norm-setting, international registration, and certain other WIPO activities during this period.

Development Cooperation Activities

3. During the period under review, WIPO received many requests for assistance from developing countries. The capacity of WIPO to meet their needs could be sustained mainly because of the Organization's increased allocation from its own regular budget for such work.
4. In the field of development cooperation, an important new event took place during this period. With the approval of the Governing Bodies, the International Bureau began, in October 1995, an intensive program of assistance to developing countries in their preparations for the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). This program was intensified by the entry into force, on January 1, 1996, of the Agreement between WIPO and the WTO (see paragraph 30 below). The development cooperation activities relating to the TRIPS Agreement covered, in particular, legislative advice to ensure compatibility of national intellectual property legislation with the provisions of the TRIPS Agreement, and cooperation between WIPO and the WTO in the area of legal-technical assistance for developing countries as well as the holding of special meetings to explain the implications of that Agreement to lawmakers, government officials and private sector circles. A highlight of this new activity was the holding, between December 1995 and May 1996, of five WIPO Regional ("Mega Symposiums") Symposiums entirely devoted to examining the implications of the TRIPS Agreement, respectively in Cairo, Pretoria, Abidjan, Jakarta and Caracas. Panel discussions were led by the Director General of WIPO, a Deputy Director General or an Assistant Director General, with the participation of international experts, including officials of the WTO.
5. A total of 117 developing countries, two territories and seven intergovernmental organizations of developing countries benefited from WIPO's development cooperation program in the fields of industrial property and copyright and neighboring rights. One hundred and seventy courses, seminars or other meetings were held at the global, regional or national levels, giving training or information to some 13,000 men and women coming from the government and private sectors. The travel and living expenses of some 1,570 men and women were borne by WIPO, donor member States of WIPO and intergovernmental organizations. Study visits were organized for and long-term fellowships were granted to 152 persons.
6. As for WIPO's advisory missions relating to legislation and institution-building, 272 such missions were undertaken to 85 developing countries. The enactment of laws or the revision of existing ones remained one of the prime objectives of such missions. In most instances, those missions took place after the International Bureau had prepared and sent to the interested national authorities draft laws or regulations, often with accompanying

commentaries. In every case, the draft law and comments provided by WIPO took full account of the relevant provisions of the TRIPS Agreement. As a follow-up to several of such missions, government officials were subsequently invited to Geneva to finalize those drafts. In August 1995 and May 1996, the International Bureau issued, respectively, a preliminary and a final study on the implications of the TRIPS Agreement for WIPO-administered treaties. The aim of the study was to elucidate, for the information of developing countries, the changes in obligations of States that were party to the said Agreement and to the treaties administered by WIPO.

7. As for institution-building, the missions focused mainly on the streamlining and computerization of administrative procedures in industrial property offices and on the use of CD-ROM technology in disseminating and accessing industrial property information. A number of such advisory missions also gave on-the-job training to government officials or supervised the installation of computer equipment and software. Eighty-two countries in the four developing regions received CD-ROM workstations, personal computers or other modern office equipment and CD-ROMs containing patent information.

8. Each WIPO mission was composed of WIPO officials and/or specially recruited WIPO consultants. In total, 560 consultants were engaged either for advisory missions or as speakers in courses and seminars, 45% of them coming from developing countries.

9. The WIPO Academy conducted four two-week sessions each for middle- and senior-level government officials coming from 35 countries of the four developing regions. The aim of each session of the Academy was to present, for reflection and discussion, current intellectual property issues in such a way as to highlight the policy considerations behind them and thereby enable the participants in the Academy, on their return to their countries, to better formulate appropriate policies for their governments.

10. WIPO also continued its Gold Medal Award scheme, mainly in the context of special exhibitions, for exceptional work done by inventors. In 1995, the WIPO/OAU Gold Medal was awarded, in the presence of the Heads of State or Government attending the Organization of African Unity Summit, to an inventor from Nigeria.

11. The WIPO Permanent Committee for Development Cooperation Related to Industrial Property (PC/IP) held its seventeenth session in June 1996. This meeting was an occasion for the countries members of this Committee to review in depth the development cooperation activities carried out by the International Bureau and to comment on plans in the 1996-97 biennium.

12. The trend of increasing resources from WIPO's regular budget for development cooperation activities was markedly reinforced for the 1996-97 biennium, with the October 1995 decision of the Governing Bodies to increase the amount budgeted for development cooperation activities by nine million Swiss francs, of which six million Swiss francs were related to the costs of development cooperation activities in connection with the TRIPS Agreement.

13. During the September 1995 sessions of the Governing Bodies and the 1996 meeting of the PC/IP, all the (some 100) delegations which spoke expressed their satisfaction with the

development cooperation activities that had been carried out and gave their support to the plan of activities for the 1996-97 biennium. Many developing countries expressed their wish for more activities, particularly in connection with the TRIPS Agreement, while the donor countries said that they would continue their contributions in cash or kind.

Norm-Setting Activities

14. In the norm-setting area, the milestones were (i) the entry into force of the Trademark Law Treaty, a treaty of great practical significance for trademark owners; (ii) the entry into force of and operations of the Eurasian Patent Convention; (iii) the entry into force and the commencement of the operations of the Protocol Relating to the Madrid Agreement Concerning the International Registrations of Marks ("the Madrid Protocol"); (iv) the preparatory meetings of a Diplomatic Conference (scheduled to meet in December 1996) for the adoption of new international instrument(s) in the area of copyright and certain neighboring rights; (v) progress in work for the planned Patent Law Treaty, and (vi) progress in the work of modernizing the Hague system (deposit of industrial designs). Work intensified also for the promotion of a more effective protection of well-known marks.

15. With the adherence of six States during the first six months of 1996, the Trademark Law Treaty entered into force on August 1, 1996. The Treaty considerably simplifies and harmonizes the national procedures for the protection of trademarks, including service marks. It thus saves time and expenses for trademark owners and their representatives, and will, thereby, have a markedly positive impact on a global trading environment in which trademarks are increasingly important.

16. Regarding copyright and neighboring rights, work advanced considerably, with the convocation for December 1996 of a Diplomatic Conference in Geneva for the adoption of new international instrument(s) of protection. This convocation was decided by an extraordinary session of the Governing Bodies in May 1996, which also adopted a draft agenda for the said Diplomatic Conference, and decided that it would be preceded by a series of regional or general consultation meetings in the months before the Conference. The Preparatory Committee of the Conference, which had met earlier in the same month, adopted draft final clauses for the treaty or treaties to be considered by the said Diplomatic Conference, on the three subject matter areas covered during the preparatory work, namely copyright, the rights of performers and producers of phonograms, as well as a possible *sui generis* protection for databases. During the period under review, the Committee of Experts on a Possible Protocol to the Berne Convention and the Committee of Experts on a Possible New Instrument for the Protection of the Rights of Performers and Producers of Phonograms met in September 1995, February 1996 and May 1996. The treaty preparation process also saw the holding of three regional consultation meetings for developing countries, covering the said issues as well as the legal protection of folklore, and held in late 1995 and early 1996.

17. As concerns general international discussions on the impact of digital technology on copyright, high-level, open, international forums for the exchange of ideas on this issue were

organized by WIPO during the period under review, at the *Worldwide Symposium on Copyright in the Global Information Infrastructure* held in May 1995 in Mexico City, in cooperation with Mexican authorities, and the *World Forum on the Protection of Intellectual Property Creations in the Information Society* held in October 1995 in Naples (Italy), in cooperation with Italian authorities. A *Consultative Forum for Non-Governmental Organizations on the Protection and Management of Copyright and Neighboring Rights in Digital Systems* was also organized in Geneva in June 1995 to give the non-governmental organizations involved in the international debate on the subject an opportunity to express their specific views.

18. With respect to patents, the WIPO Governing Bodies agreed at their September-October 1995 sessions to take a new approach, along the lines of the Trademark Law Treaty, in promoting the harmonization of patent laws, to the effect that future work should focus on matters concerning the formalities in respect of national and regional patent applications. In this context, a Committee of Experts on the Patent Law Treaty met twice, in December 1995 and in June 1996, and examined the draft proposals made by the International Bureau under this new approach which were presented in the form of a draft treaty.

19. With reference to the protection of industrial designs, the Governing Bodies decided in October 1995 that a session of a Committee of Experts on the preparation of a new treaty on this subject would meet in November 1996 and that, following that meeting, the competent WIPO Governing Bodies would decide whether or not a diplomatic conference for the adoption of a new treaty in that area would take place in 1997. Such a new treaty, it was decided, might take the form of a revision of the Hague Agreement Concerning the International Deposit of Industrial Designs.

20. As regards well-known marks, a new Committee of Experts was convened by WIPO in November 1995 to examine the results of a study prepared by the International Bureau on the subject and prospects for improving the protection of this category of marks. The Committee agreed that the question should be further studied, and that the results of such further study would be examined by a second session of the Committee of Experts in the second half of 1996.

Countries in Transition to a Market-Economy System

21. Since its entry into force, on January 1, 1996, the Eurasian Patent Convention allows any individual, irrespective of nationality or domicile, to obtain an Eurasian patent for invention, which will have effect in all the Contracting States, by filing a single application with, and making a single payment to the Eurasian Patent Office, which is located in Moscow. By June 30, 1996, nine States (Armenia, Azerbaijan, Belarus, Kazakstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan) had deposited with the Director General of WIPO, who is the depository authority of the Convention, their instruments of accession to, or ratification of, the Eurasian Patent Convention. The draft of the said Convention, as well as the Patent Regulations referring to it, had been prepared in 1995 with the assistance of the International Bureau of WIPO.

22. Technical cooperation with countries in transition to a market-economy system also quickened its pace. During the period under review, 14 national and regional seminars and other meetings in the fields of industrial property and copyright and neighboring rights were organized by WIPO in those countries for some 1,150 individuals from government and other interested circles. Government leaders and officials from most of those countries held consultations in Geneva with the Director General and other WIPO officials and studied the International Bureau's work, while WIPO officials and consultants undertook 38 missions to 20 of those countries to give advice, in particular, on the preparation of laws with one or more aspects of intellectual property (including the implications of the TRIPS Agreement on national legislation), the advantages of adherence to WIPO-administered treaties and the establishment or strengthening of national infrastructures for the administration of intellectual property rights, as well as to provide on-the-job training in various specialized fields of intellectual property. In several instances, following those missions, WIPO prepared and sent to the governments concerned draft laws and/or regulations, often with commentaries. Training of staff of the national offices of those countries was also undertaken through 16 study visits to industrial property offices in industrialized countries.

International Registration Activities

23. The period under review was marked by the continuing growth of the Patent Cooperation Treaty (PCT) and the entry into force and operation of the Madrid Protocol (see paragraph 28 below).

24. The number of international applications or registrations under the PCT and the Madrid Agreement continued to increase.

25. The growth under the PCT far exceeded expectations, resulting in growth rates of 14.08% in 1995 compared to 1994 and of 22.06% during the first six months of 1996 compared to the same period in 1995. Over the one-and-a-half year period, a total of 62,428 international (PCT) patent applications were received, representing the equivalent of over three million national patent applications.

26. In order to render the PCT system even more attractive to users and to provide better and faster service to them, the PCT Regulations and forms were further perfected and the computerization of the International Bureau's operations under the PCT was further improved. In October 1995, revised schedules of fees were adopted by the PCT Assembly. The maximum number of designations for which fees are payable was increased from 10 to 11. Also, the PCT Assembly approved a 75% reduction in PCT fees for any applicant who is a natural person and a national of and resident in a country whose per capita yearly income is below US\$3,000. This has applied, on July 1, 1996, to 23 of the 87 States party to the PCT. The PCT Committee for Administrative and Legal matters met in late April and early May 1996, and discussed WIPO's proposal for a new supplementary international search system resulting in modifications in the time limits under the PCT and amendments to the PCT Regulations; it also examined amendments to the contents and presentation of the *PCT Gazette*, and a possible broader range of languages allowed in filing PCT applications. The International Bureau is conducting further studies on those issues. On July 1, 1996, the

following 87 countries were party to the PCT: Albania, Armenia, Australia, Austria, Azerbaijan, Barbados, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Niger, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Turkmenistan, Uganda, Ukraine, United Kingdom, United States of America, Uzbekistan, Viet Nam. Ten of those countries adhered during the 18 months under review.

27. In the Madrid system, the total number of international trademark registrations in 1995 was 18,852, representing an increase of 7.81% compared to 1994. During the first six months of 1996, the number of registrations was 9,482, an increase of 2.13%, compared to the same period in 1995. The total number of registrations was 28,334 in the one-and-a-half year period. As an average of 10.66 countries were designated per registration, those 28,334 international registrations during the one-and-a-half year period were equivalent to some 299,600 national registrations.

28. Having obtained the required number of ratifications, the Madrid Protocol entered into force on December 1, 1995. By June 30, 1996, the following 11 States had deposited their instrument of accession or ratification: China, Cuba, Czech Republic, Denmark, Finland, Germany, Monaco, Norway, Spain, Sweden, United Kingdom. Operations under the Protocol started on April 1, 1996. That was also the date of entry into force of the Common Regulations under the Madrid Agreement and Protocol, including the Schedule of Fees, which had been adopted by an extraordinary session of the Madrid Assembly in January 1996. The April 1, 1996 date, it is observed, coincided with the date of entry into operation of the Community Trade Mark system. In connection with the entry into force of the Madrid Protocol, WIPO undertook a considerable program of promotion of awareness which included seminars and training for its potential users as well as for national administration in different countries. A new *Guide to the International Registration of Marks under the Madrid Agreement and the Madrid Protocol* was published by WIPO in April 1996 for the benefit of the said users and administrations. Finally, WIPO started, in June 1996, to publish on a biweekly basis the bilingual publication *Gazette OMPI des marques internationales/WIPO Gazette of International Marks*, which covers the registrations, renewals and modifications received by the International Bureau under the new Madrid System.

29. In the Hague industrial design system, the combined total of industrial design deposits, renewals and prolongations was of 5,593 in 1995, and 2,870 during the first six months of 1996. In October 1995, a revised schedule of fees was adopted by the Hague Assembly, raising fees by 3%.

Cooperation with the World Trade Organization (WTO)

30. The period under review was marked by the entry into force, on January 1, 1996, of an Agreement between WIPO and the WTO. The Agreement had been approved by the WIPO Governing Bodies in December 1995, and signed in that same month. The Agreement establishes arrangements for cooperation between WIPO and the WTO in respect of the following three areas: (i) notification by WTO Members of the texts of their intellectual property laws and regulations in their original language and where that language is not English, French or Spanish, also in a translation in one of those three languages; assistance by WIPO in preparing such translations; collection of the said texts and translations by WIPO; furnishing of copies of the texts or translations; access to WIPO's computerized database of the said texts and translations; (ii) receipt by WIPO of communication of State emblems by a WTO Member and notification of the same to the other WTO Members; (iii) legal-technical assistance by WIPO to developing country WTO Members; cooperation between WIPO and the WTO in legal-technical assistance and technical cooperation activities.

31. Many of the development cooperation activities linked to the implementation of the TRIPS Agreement or under the new WIPO-WTO Agreement are highlighted in the earlier part of this Overview under Development Cooperation Activities (paragraphs 3 to 13, above).

32. As regards laws and regulations, during the period under review, WIPO gave to the WTO copies of almost 200 intellectual property laws, regulations and/or translations, which a WTO Member had stated to be available in the collection of WIPO in the context of a notification under Article 63.2 of the TRIPS Agreement, and received from the WTO the text of over 500 intellectual property laws and regulations which had been notified to the WTO under the said Article of the TRIPS Agreement by WTO Members, and integrated these into WIPO's collection. During the same period, WIPO designed and established a computerized bibliographic database of intellectual property laws and regulations notified by WTO Members under Article 63.2 of the TRIPS Agreement, and exchanged between the two Organizations under the Agreement. Also, work started in the International Bureau for the creation of a WIPO full-text computerized database of the said intellectual property laws and regulations. Numerous translations of intellectual property legal texts continued to be carried out by WIPO, mainly for the purpose of publication in paper and electronic format.

33. In addition, WIPO communicated to the WTO Members not party to the Paris Convention for the Protection of Industrial Property, the State emblems of the countries party to the Paris Convention as well as of international intergovernmental organizations that WIPO had so far communicated to the countries party to the Paris Convention in accordance with Article 6*ter* of that Convention.

34. In September 1995, the WIPO General Assembly agreed to allocate additional financing of three million Swiss francs per year to meet the costs of additional activities, other than for development cooperation, to be undertaken in connection with the TRIPS Agreement and the implementation of the Agreement between WIPO and WTO.

Program and Budget for 1996-97

35. The continuous expansion of WIPO's activities in the areas of development cooperation, norm-setting and international registration was reflected in the adoption, by the WIPO Governing Bodies in October 1995, of a program and budget for the 1996-97 biennium with an income and expenditure of about 300 million Swiss francs (compared to about 230 million Swiss francs for the 1994-95 biennium), with a projected ratio of the income of contribution-financed Unions to that of fee-financed Unions of about 15% to 85%.

Premises

36. Further to the Governing Bodies' approval in October 1995, of the International Bureau's proposal to remedy office space shortage by constructing a temporary extension of the BIRPI building, construction work started immediately. The extension is adjacent to the WIPO's headquarters building and will provide about 120 working places. It will be ready in September 1996. In addition, WIPO and the World Meteorological Organization (WMO) signed in March 1996 an agreement whereby WMO undertook to sell to WIPO its headquarters building, which is next to WIPO's headquarters. The actual transfer is expected to take place late in 1998, when the new headquarters building of WMO, now under construction, should be ready. Since the above measures would not be sufficient to remedy space shortage in the coming years, further solutions proposed by the International Bureau were examined by the Governing Bodies in October 1995, and reviewed by a joint session of the Budget Committee and the Premises Committee in May 1996. At the latter session, the Committees recommended that an independent expert give his opinion on the International Bureau's assessment of its needs for premises up to the year 2006, and that, in view of the urgency of the situation, the WIPO General Assembly take a decision on the construction of a building on the "Steiner lot" (a plot of land located next to the WIPO's headquarters building) at its September-October 1996 session.

New Adherences to Treaties

37. During the period under review, there was a continuing upward trend in the number of States adhering to treaties administered by WIPO, especially as regards the WIPO, Paris and Berne Conventions and the PCT. As of June 30, 1996, there were 157 WIPO member States, 139, 119 and 87 States party, respectively, to the Paris Convention, the Berne Convention and the PCT. The increase is evident when those four figures are compared to the corresponding figures, on January 1, 1995, of 151, 129, 111 and 77 respectively.

Appointments

38. In October 1995, the General Assembly appointed Dr. Arpad Bogsch unanimously and by acclamation Director General of WIPO for an additional period of two years, until December 1, 1997.

39. The WIPO Governing Bodies approved in October 1995 the extension of the appointment of Mr. François Curchod as Deputy Director General for a term of six years, that is, until November 30, 2001.

40. *The Governing Bodies of WIPO are invited, each as far as it is concerned, to note the content of this document.*

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