

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO COORDINATION COMMITTEE
Fifty-First (34th Ordinary) Session
Geneva, September 22 to October 1, 2003

**APPROVAL OF AGREEMENT
WITH AN INTERGOVERNMENTAL ORGANIZATION**

Memorandum of the Director General

I. INTRODUCTION

1. In accordance with Article 13(1) of the Convention Establishing the World Intellectual Property Organization, any agreement entered into with a view to establishing working relations and cooperation with other intergovernmental organizations shall be approved by the WIPO Coordination Committee.

**II. COOPERATION AGREEMENT BETWEEN THE WORLD INTELLECTUAL
PROPERTY ORGANIZATION AND THE COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

2. The Director General of the World Intellectual Property Organization (WIPO) and the Secretary General of the Common Market for Eastern and Southern Africa (COMESA) have prepared and signed a cooperation agreement to enhance cooperation between WIPO and COMESA and, in particular, to promote the economic, social and cultural development of the Member States of COMESA through better use by them of an effective intellectual property system. The text of the Cooperation Agreement is set forth in the Annex to the present document.

3. The Coordination Committee is invited to approve the Cooperation Agreement between WIPO and COMESA set forth in the Annex to the present document.

[Annex follows]

ANNEX

COOPERATION AGREEMENT

between the

WORLD INTELLECTUAL PROPERTY ORGANIZATION
an Intergovernmental Organization,
34 Chemin des Colombettes, 1211 Geneva 20, Switzerland

and the

COMMON MARKET
FOR EASTERN AND SOUTHERN AFRICA
an Intergovernmental Organization,
Ben Bella Road, P.O. Box 30051, Lusaka, Zambia

PREAMBLE

The World Intellectual Property Organization, hereinafter referred to as "WIPO," and the Common Market for Eastern and Southern Africa, hereinafter referred to as "COMESA," and alternatively both jointly referred to as "the Parties";

Considering the importance of trade, industry, science, technology and culture to the economic, social and cultural development of States;

Convinced of the importance of intellectual property as an instrument for the promotion of trade, industry, science and technology and also culture;

Conscious of the need to promote the protection and exploitation of genetic resources, traditional teachings and knowledge and folklore;

Desiring to cooperate in promoting the economic, social and cultural development of the member States of COMESA through better use by them of an effective intellectual property system;

Having regard to the Convention Establishing the World Intellectual Property Organization (signed at Stockholm, Sweden, on July 14, 1967) and to the Treaty establishing the Common Market for Eastern and Southern Africa (signed at Kampala, Uganda, on November 5, 1993);

Now, therefore, the Parties hereby agree as follows:

ARTICLE 1

Cooperation

1. The Parties shall work in close cooperation and consultation on matters of common interest in order to harmonize their efforts to contribute to the economic, social and cultural development of the COMESA Member States, due regard being given to their respective mandates.
2. Within the limits of the framework laid down in Article 2, the areas of cooperation shall be the following:
 - (a) The Parties shall work on the establishment of a legal environment commensurate with the international commitments of the COMESA Member States in such a way as to promote better use of intellectual property and thereby to contribute to the development of trade, industry, science and technology and also culture.
 - (b) Within their respective mandates, the Parties shall cooperate in taking appropriate action to promote invention and innovation in the member States.

- (c) The Parties shall cooperate in the implementation of a program of intellectual property training and awareness promotion consistent with the achievement of the aims of this Agreement.
- (d) The Parties shall promote free -of-charge access to the information available to them and to their respective databases of laws, regulations and technical information, subject to Article 3.
- (e) The Parties shall cooperate in implementing a program of awareness promotion on the protection and exploitation of genetic resources, traditional teachings and knowledge and folklore.
- (f) The Parties shall agree on any other area of cooperation within the framework of their work programs.

ARTICLE 2

Representation

1. COMESA shall be invited to take part, as an observer, in meetings convened by WIPO that deal with matters of particular interest to it.
2. Following COMESA Rules of Procedure for granting observer status to cooperating partners, WIPO shall be invited to take part, as an observer, in meetings convened by COMESA that deal with matters of particular interest to it.
3. The participation of representatives of COMESA or WIPO in the meetings of the other party shall be financed by their respective organizations.

ARTICLE 3

Exchange of Information and Documents

The Parties shall exchange relevant information and documents, free of charge, subject to any restrictions and conditions that either party may consider necessary in order to preserve the confidentiality of certain such information and documents.

ARTICLE 4

Financial Implications

1. Notwithstanding any other provision of this Agreement, nothing in this Agreement shall be taken as creating any financial obligation for either Party prior to such obligation being mutually and expressly agreed in writing.

2. Any expenditure arising from the implementation of this Agreement that is routine or of negligible amount shall be borne by the Party concerned.
3. Where cooperation proposed by one of the Parties to the other under this Agreement has greater financial implications than the expenditure referred to above, WIPO and COMESA shall consult each other with a view to determining the means of mobilizing the necessary funds, the most equitable way of defraying the expenditure and, where the necessary funds cannot be readily found, shall decide on the most suitable means of procuring them.

ARTICLE 5

Implementation

The Director General of WIPO and the Executive Secretary of COMESA shall take the necessary action to ensure the proper implementation of this Agreement.

ARTICLE 6

Amendment

This Agreement may be amended by mutual consent evidenced in writing.

ARTICLE 7

Termination

1. Any Party may terminate this Agreement by giving notice of its intention to the other Party.
2. Any termination of this Agreement shall come into effect on the expiry of a period of two months following the date of the above notice, except where the two organizations agree on another date. Terminations shall in no way affect obligations assumed in connection with projects already initiated under this Agreement.

ARTICLE 8

Entry into Force

This Agreement shall enter into force on the date on which it is signed by the Director General of WIPO and the Executive Secretary of COMESA, subject to approval by the WIPO Coordination Committee.

In witness whereof the undersigned, being duly authorized to that end, have affixed their signatures on two originals of this Agreement.

Done at Lusaka and Geneva on 2003.

For the World Intellectual Property
Organization (WIPO)

For the Common Market for Eastern and
Southern Africa (COMESA)

Kamil Idris
Director General

Erastus J. O. Mwencha
Secretary General

[End of Annex and of document]