

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO GENERAL ASSEMBLY

**Twenty-Seventh (15th Ordinary) Session
Geneva, September 24 to October 3, 2001**

COOPERATION WITH THE WORLD TRADE ORGANIZATION

Document prepared by the Secretariat

1. The General Assembly of WIPO expressed in its fifteenth session (4th extraordinary) in 1994, its desire to establish a mutually supportive relationship between the International Bureau of WIPO and the World Trade Organization (WTO) and reached a decision.* This decision led to, *inter alia*, the Agreement Between the World Intellectual Property Organization and the World Trade Organization of 1995 (hereinafter, “WIPO-WTO Agreement”), which came into force on January 1, 1996.
2. Pursuant to the above-mentioned decision and the WIPO-WTO Agreement, WIPO has provided necessary legal-technical advice and assistance to developing countries in respect of implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter, “TRIPS Agreement”) and has enhanced cooperation with WTO by undertaking joint operations such as joint symposia and workshops, as well as providing experts to the

* The decision, as stated in document WO/GA/XV/3, paragraph 74.3, is as follows:

“3. The WIPO General Assembly decides that the International Bureau should be at the disposal of any State that expressly asks for advice on questions of compatibility of its existing or planned national intellectual property legislation not only with treaties administered by WIPO, but also with other international norms and trends, including the Agreement on Trade-Related Aspects of Intellectual Property Rights, and that the International Bureau should prepare studies on the implications of the said Agreement on the treaties administered by WIPO.”

workshops and training courses organized by WTO and inviting experts from WTO to the WIPO symposia and workshops.

3. In addition, the General Assembly of WIPO at its twenty-fourth session (14th ordinary) in 1999 was informed by the International Bureau that a joint initiative was launched with WTO in July 1998 to assist developing country Members of WTO (document WO/GA/24/5, paragraph 5):

“...(T)he International Bureau launched a joint initiative with WTO in July 1998 to assist developing country Members of WTO meet the January 1, 2000, deadline for implementing the TRIPS Agreement. The joint initiative, which was in the form of a joint communication by the Directors General, Dr. Kamil Idris of WIPO and Mr. Renato Ruggiero of WTO, was sent to the Ministers responsible for matters dealt with by the two Organizations in each of the developing countries concerned.”

4. On June 14, 2001, the International Bureau of WIPO launched a new joint initiative with WTO to assist least-developed country Members of WTO in their efforts to meet the January 1, 2006, deadline for implementing the TRIPS Agreement. To mark the launch, a ceremony was held at the Headquarters of WIPO in the presence of representatives from least-developed countries. The two Directors General, Dr. Kamil Idris of WIPO and Mr. Mike Moore of WTO, signed at the ceremony a joint communication that was communicated to all 49 least-developed countries, of which 30 are Members of WTO and 41 are member States of WIPO. Similar to the joint initiative launched by the two Organizations in July 1998, the new initiative builds on the existing cooperation between WIPO and WTO and on each organization's own technical assistance programs. The joint communication signed by the two Directors General is annexed to this document.

5. The WIPO General Assembly is invited to note the information contained in this document and its Annex.

[Annex follows]

ANNEX



WORLD INTELLECTUAL PROPERTY ORGANIZATION
ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE
ORGANIZACIÓN MUNDIAL DE LA PROPIEDAD INTELECTUAL

WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO



June 14, 2001

**Joint Initiative on Technical Cooperation
For Least-Developed Countries
provided by the World Intellectual Property Organization (WIPO)
and the World Trade Organization (WTO)**

Madam,
Sir,

We have the honor to address you on an important and urgent matter. As you are aware, the obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) will come into force on January 1, 2006, in the case of least-developed country Members of the WTO. For these countries, fulfilling this commitment poses a considerable challenge; however, it also presents numerous opportunities to utilize intellectual property for accelerating their economic, social, and cultural development.

We have the pleasure to inform you that the WIPO and the WTO are launching a joint initiative on technical cooperation to assist least-developed countries to meet this challenge. This joint initiative is being taken under the auspices of the Agreement Between the World Intellectual Property Organization and the World Trade Organization, which came into force on January 1, 1996. This Agreement provides, *inter alia*, that the two Organizations will cooperate in providing legal-technical assistance and technical cooperation related to the TRIPS Agreement for developing country Members of either of the two Organizations. The joint initiative is intended to build on the existing cooperation between the two Organizations and their existing programs in this connection.

In the first phase of the initiative, the two Organizations will organize two regional workshops in the year 2002, one for the least-developed sub-Saharan African countries and Haiti, and the other for the least-developed countries in the Asia-Pacific region. The objective of these workshops will be to ensure that officials from these countries are fully familiar with the basic concepts, principles and obligations laid down in the TRIPS Agreement, in particular with a view to facilitating its implementation and identifying critical implementation challenges. Invitations to these workshops will be extended also to those least-developed countries that are neither Members of the WTO nor Member States of the WIPO. These workshops, together with bilateral contacts, will also help to draw up a list of

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priority forms of assistance that should be provided under the joint initiative in the second phase, which will focus on country specific action plans.

Under this joint initiative, the two Organizations commit themselves to use available resources to provide, on request, assistance to enable least-developed country Members of the WTO to comply with obligations under the TRIPS Agreement within the applicable time limits. Our two Organizations will provide technical cooperation, both individually and jointly, using both in-house resources and outside experts, and, wherever appropriate, in conjunction with donor countries. The joint initiative aims to facilitate enhanced utilization of programs both in respect of the provision of substantive intellectual property rights and in respect of procedures and remedies for their enforcement, which is an integral part of the TRIPS Agreement.

./ Please find annexed to this letter a list of the forms of assistance and cooperation that are available on request from your Government. This is not an exhaustive list and we will give consideration to requests for other forms of assistance that you may require, within the limits of our resources.

We hope that this initiative will enable your Government to utilize the resources and expertise of the two Organizations in implementing the TRIPS Agreement and making use of it for your country's benefit. Requests for technical cooperation under this initiative can be sent to either Organization.

This letter is being sent to the Permanent Representatives of least-developed countries to the WIPO and to the WTO and copied to their industrial property offices and copyright offices.

Accept, Madam, Sir, the assurances of our highest consideration.

(Signed)

Kamil Idris
Director General
World Intellectual Property Organization

(Signed)

Mike Moore
Director-General
World Trade Organization

FORMS OF ASSISTANCE AVAILABLE

Assistance Regarding Legislation

- Advice on compatibility of existing legislation with the provisions of the TRIPS Agreement
- Advice on the preparation of new legislation including the preparation of draft legislation with commentaries or explanatory notes or the preparation of comments and suggestions on draft laws or legislative provisions prepared by Governments
- Preparation of draft implementing regulations including schedules of fees and forms

Notification Obligations under the TRIPS Agreement

- Assistance in meeting the notification obligations under the TRIPS Agreement

Human Resource Development

- International, regional, sub-regional and national meetings to explain and discuss the provisions and implications of the TRIPS Agreement
- Training courses, fellowships, study visits, advisory missions and on-the-job training
- Special meetings and courses for policy makers/advisors, officials, judiciary and enforcement agencies (customs/police), attorneys, scientific, research and academic institutions, inventors and inventors' associations, etc.
- Assistance regarding technology transfer and licensing arrangements
- Teaching of intellectual property law

Institution Building and Modernization of Intellectual Property System

- Establishing and modernizing intellectual property offices
- Assisting the setting up of collective administrations for copyright
- Preparation of work manuals and rationalization and simplification of work procedures
- Information technology, automation and computerization
- Patent information services
- Collaboration with regional and national training institutions
- Preparation and implementation of Nationally Focused Action Plans (NFAPs), *inter alia*, for the above.

Enforcement

- Training of trainers
- Networking of and coordination among the enforcement agencies
- Facilitating the creation of data bases
- Special fora for judiciary
- Training for enforcement agencies including customs and police officials
- Liaison with the private sector and rights holders associations.

Online

- Provision of information through the Internet websites of the two Organizations (www.wipo.int and www.wto.org).

[End of Annex and of document]