

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
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## **WIPO GENERAL ASSEMBLY**

**Twenty-First Session (13th Ordinary)**  
**Geneva, September 22 to October 1, 1997**

**OBSERVATIONS ON THE DRAFT TREATY ON THE SETTLEMENT OF DISPUTES  
BETWEEN STATES IN THE FIELD OF INTELLECTUAL PROPERTY**

*Memorandum of the European Community and its Member States*

With a letter dated August 6, 1997, of the European Commission, the Director General of WIPO received the document annexed to this memorandum.

[Annex follows]

ANNEX

AN INTERNATIONAL TREATY ON  
THE SETTLEMENT OF DISPUTES BETWEEN STATES

1. Background

Since 1990 the WIPO Committee of Experts on the Settlement of Intellectual Property Disputes between States has held eight sessions to consider a proposed Treaty. A summary of activities to date is given in document WO/GA/XXI/2 dated April 30, 1997.

Following the last session of the Committee in July 1996, the question of whether a Diplomatic Conference should be held to conclude the proposed Treaty was submitted to the WIPO General Assembly in September/October 1996. The General Assembly decided that the question should be considered in the light of a revised draft of the Treaty, updated background documents, and experience of the WTO dispute settlement mechanism.

The Community and its Member States would like to explain in this submission our position on the timing of a Diplomatic Conference to conclude the Treaty.

2. Current state of play

A revised draft of the Treaty and the proposed Regulations has now been prepared by the International Bureau (see document WO/GA/XXI/2) and distributed to delegations. This draft takes into account to a certain extent the submissions made by the European Community and its Member States (see document SD/CE/VIII/4 and SD/CE/VIII/4 Rev.), among others, and the International Bureau is to be congratulated on the work it has done.

There remain however some issues of specific concern to the European Community and its Member States. Attempts should be made to prepare solutions to these outstanding issues before the Diplomatic Conference, taking account of solutions that have been found to similar issues in other multilateral treaties.

3. Further progress on the Treaty

The European Community and its Member States continue to support the establishment of a mechanism for the settlement of intellectual property disputes between States within the framework of WIPO, subject, however, to the satisfactory solution of some issues of crucial importance, in particular the relationship to the WTO dispute settlement mechanism, and, secondly, issues concerning the position of the European Community in the WIPO mechanism. Experience in the WTO has already indicated that it is to the benefit of all concerned that the European Community as well as its Member States play a full and active role in the dispute settlement procedures. The European Community and its Member States consequently believe that a further opportunity should be given for consultations, taking into account the explanations and proposals put forward in SD/CE/VIII/4 and SD/CE/VIII/4 Rev., with a view to a Diplomatic Conference being convened in the course of 1999.

4. Conclusion

The European Community and its Member States wish to reaffirm their commitment to an effective system for the settlement of intellectual property disputes between States within WIPO. We would like to emphasize, however, that our support for a decision on the timing of a Diplomatic Conference will have to take into account the need to hold further consultations on certain issues. We are of course ready to provide any further explanation that delegations or the International Bureau may require, and would hope to submit clarifying proposals before the end of this year.

[End of Annex and end of document]