

WIPO



IPC/CE/30/10

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**SPECIAL UNION FOR THE INTERNATIONAL PATENT CLASSIFICATION
(IPC UNION)****COMMITTEE OF EXPERTS****Thirtieth Session
Geneva, February 19 to 23, 2001****REQUEST TO GRANT OBSERVER STATUS IN MEETINGS
OF THE COMMITTEE AND ITS WORKING GROUPS***Document prepared by the International Bureau*

1. At its twenty-ninth session, in March 2000, the Committee of Experts considered a request to grant observer status submitted by the Publishers of the journal *World Patent Information*. This request is reproduced in Annex I to this document.
2. The Committee noted that a similar request by the Publishers of the journal *World Patent Information* was under consideration by the Standing Committee on Information Technologies (SCIT) and that the SCIT had requested the International Bureau to prepare a set of guidelines which could help to clarify the various possibilities for inviting organizations involved in the commercial provision of IP information services to attend or participate in the meetings as observers.
3. The Committee decided, awaiting the above-mentioned guidelines, to defer its decision as to whether the Publishers of the journal should be granted the observer status (see document IPC/CE/29/11, paragraphs 55 to 58).
4. At its fifth session, in July 2000, the SCIT plenary considered requests to grant observer status to the Publishers of the journal *World Patent Information* and to The *Copyright Group* on the basis of the guidelines referred to in paragraph 2, above, which were included in document SCIT/5/7. This document is reproduced in Annex II to this document.

5. The SCIT Plenary, taking into account the orientation of the views expressed by the majority of the Delegations that took the floor, did not consider it appropriate to grant the observer status to the corporations concerned (see document SCIT/5/10, paragraph 91).

6. Awaiting the decision by the Committee of Experts on the matter and taking into consideration the value of the international journal *World Patent Information* in disseminating information to the general public concerning the IPC, the International Bureau invited, on a provisional basis, the Publishers of the journal to participate in the observer capacity in the meetings of the ad hoc IPC Reform Working Group in 2001.

7. The Committee of Experts is invited to take a decision concerning the request to grant observer status in meetings of the Committee and its Working Groups.

[Annexes follow]

ANNEX I/ANNEXE I

26 April 1999

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Dear Dr Idris

World Patent Information

In 1980, Pergamon Press, now an imprint of Elsevier Science Ltd, started to publish the journal entitled *World Patent Information* (WPI), a joint publication of the World Intellectual Property Organization (WIPO) and the Commission of the European Communities (CEC). In early 1996, ownership of the title was transferred by WIPO and the CEC to Elsevier Science Ltd, which has continued to publish the journal as its own and as set forth in the transfer agreement.

The aims and scope of the journal, whose subtitle reads: "The International Journal for Industrial Property Documentation, Information, Classification and Statistics", is to provide a world-wide forum for the exchange of information between people working professionally in the field of industrial property information and documentation, and to promote the widest possible use of such information.

To enable the Editor of the journal to achieve these aims, the two sponsoring organisations, namely WIPO and the CEC, provided observer status to the publishers of the journal on their technical bodies dealing with matters of industrial property information and documentation - bodies such as the WIPO Permanent Committee on Patent Information (PCPI), its successor committee the PCIPI (Permanent Committee on Industrial Property Information) and the Committee of Experts of the International Patent Classification (IPC).

We are aware of the fact that the activities of the PCIPI and its technical committees were, in late 1997, taken over by a new WIPO body, namely the Standing Committee on Information Technologies (SCIT) with a broader mandate and a broader membership. However, for reasons unknown to us, the observer status of "the Publishers of the WPI Journal" in the PCLPI was not automatically transferred to the SCIT as was the case for e.g. the Patent Documentation Group as The former Editor-in-Chief, Mr Sibley, who regularly attended PCIPI meetings, as did his predecessors, died rather suddenly last year and was thus not able to pursue the matter.

My letter to you, Sir, is to request that observer status be again granted on the SCIT and IPC bodies of WIPO to the "Publishers of the WPI Journal", as it was for the years 1980 to 1997. The Editors of our journal need accurate and timely information on what is going on in the realms of the technical bodies of WIPO, so that the new trends in industrial property information and documentation dissemination and distribution, as spearheaded by WIPO, can adequately be covered in the journal. Participation of the Editor-in-Chief and the Associate Editor of the journal in meetings of these bodies would enable them not only to regularly take stock of the on-going themes discussed in the meetings but also to personally contact the prime movers in this are including those in WIPO itself, to elicit contributions and articles so that the journal becomes even more interesting and up-to-date.

I hope that this request for observer status will be viewed positively by the WIPO management and that you will pass it on to the IPC Committee of experts and to the Standing Committee on Information Technologies (SCIT), which according to Article 4 of its Special Rules of Procedure, has to accede to our request.

Please accept, Mr Director General, the expression of my highest consideration.

Yours sincerely

Tony Seward
Senior Publishing Editor
Library and Information Science

[Annex II follows/
l'annexe II suit]

ANNEX II

WIPO



SCIT/5/7

ORIGINAL: English

DATE: May 15, 2000

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

PLENARY

Fifth Session

Geneva, July 10 to 14, 2000

**GRANTING OF OBSERVER STATUS
IN MEETINGS OF THE SCIT**

Document prepared by the International Bureau

1. At the fourth Plenary session of the Standing Committee on Information Technologies (SCIT), held in Geneva from December 6 to 10, 1999, the SCIT Plenary agreed “that the International Bureau would prepare, for consideration at the next Plenary session, a set of guidelines which could help clarify the various possibilities for inviting organizations involved in the commercial provision of IP information services to attend or participate in the meetings of the SCIT Plenary and/or the Working Groups, particularly with regard to a possible conflict of interest.” (Document SCIT/4/8, paragraph 21). The request for such

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guidelines arose in connection with the discussion of whether to grant observer status to certain publishing organizations in the private sector. The specific organizations that were the subject of discussion were the publishers of *World Patent Information (WPI)* and *The Copyright Group*. Views were divided as to whether observer status should be granted taking into account the commercial interests of the publishers of *WPI* and of *The Copyright Group*. The present paper includes the referenced guidelines.

2. Rule 1 of the WIPO General Rules of Procedure (Publication No. 399 Rev. 3) stipulates that those rules shall apply, *inter alia*, to the bodies of WIPO and to “subsidiary bodies” or “*ad hoc* committees.” The SCIT is such a subsidiary body. Rule 45 further stipulates that each body may adopt special rules of procedure that shall enter into force on being adopted by that body.

3. Rule 8 of the WIPO General Rules of Procedure allows each body to decide “in a general way or for any particular session or meeting which other States and organizations shall be invited to be represented by observers.”

4. Pursuant to the authority contained in Rules 8 and 45 of the WIPO General Rules of Procedure, the SCIT adopted a Special Rule of Procedure regarding observers, which reads as follows:

The Director General of WIPO may, and, if so requested by the SCIT Plenary, shall invite, as observers, interested intergovernmental organizations (other than member organizations mentioned above) and interested international and national non-governmental organizations, as well as organizations providing information services in the field of intellectual property information, which are not accredited with observer status at WIPO meetings. (document SCIT/1/7, Annex III, Appendix I, paragraph 4)

5. Thus, the SCIT Plenary may invite any organization to be represented by observers at its meetings, including “organizations providing information services in the field of intellectual property information.” The term “organization” is broad enough that such organizations could include organizations in the private sector – a conclusion clearly implied in the passage from the Special Rules of Procedure of the SCIT Plenary quoted in this paragraph. Such organizations could include the publishing organizations that were the subject of the discussion at the fourth Session of the SCIT Plenary referred to in paragraphs 1 and 2. It is thus within the power of the SCIT Plenary to invite such private-sector publishing organizations to participate in its meetings as observers.

6. The invitation to an organization to be represented as an observer in a given body in WIPO brings with it a limited ability to participate in the activities of that body. The nature of the participation by observers in sessions of bodies in WIPO, including the SCIT, is limited. In particular, observers may “take part in debates at the invitation of the Chairman [but] may not submit proposals, amendments or motions.” (WIPO General Rules of Procedure, Rule 24). Moreover, “observers shall not have the right to vote.” (WIPO General Rules of Procedure, Rule 39).

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7. The invitation to an organization to be represented as an observer in a given body of WIPO is not immutable. It is implicit in the power of a body, such as the SCIT Plenary, to rescind an invitation to an organization to be represented by observers. Moreover, the WIPO General Rules of Procedure make it clear that an invitation to an organization to be represented by observers may be general “or for any particular session or meeting.” (WIPO General Rules of Procedure, Rule 8(2)). The SCIT Plenary has the power to control or limit the participation by observers within a particular session or meeting. This power to control or limit is implicit in the power to rescind an invitation to an organization to send an observer and in the power to limit the participation of such an observer to particular sessions. Thus, the SCIT Plenary may decide, as a general matter or for any particular session, to limit the participation of observers of a given organization or class of organizations to be part of the session or meeting. Further, the SCIT Plenary may decide that the observers of a given organization or class of organizations may be excluded from a session or portions of a session that deals with a particular topic or class of topics.

8. The concern expressed by the SCIT Plenary – as identified in paragraph 1 – is that of a possible conflict of interest arising when organizations involved in the commercial provision of intellectual property information services attend or participate in the meetings of the SCIT Plenary and/or Working Groups established thereunder. Such conflicts of interest may be ameliorated or avoided in two ways. First, the SCIT Plenary may decide that such types of organizations shall not be invited to send observers to participate in its sessions. Second, the SCIT Plenary may decide to identify certain topics or classes of topics that may give rise to conflicts of interest if such organizations were to be present during discussions. The SCIT Plenary may, for such topics or classes of topics, specifically exclude the observers of such organizations from sessions or portions of sessions when the said topics are under discussion. Neither of the two ways to ameliorate or avoid conflicts of interest identified in this paragraph requires any change to the Special Rules of Procedure for the SCIT Plenary.

9. *The SCIT Plenary is invited to:*

(i) take note of the contents of this document;

(ii) resume discussions on the requests by WPI and The Copyright Group to be represented by observers in meetings of the SCIT Plenary and/or Working Groups; and

(iii) take appropriate action on the requests of WPI and The Copyright Group.

[End of Annex II and of document]