

ANNEX III

Elements of a General Framework for Future Discussion in WIPO ACE:

To build respect for IP in a sustainable manner, all countries should have a direct economic stake in the IP system. For this reason, WIPO ACE should engage in:

- Discussions that examine infringement of IPRs in all of its complexity, identifying different types of infractions and the motivations for them, taking into account social, economic and technological variables;
- Discussions regarding the monitoring and assessing of progress in combating IPRs infringement, including cost-benefit analysis of mobilized resources.
- Discussion and analysis of national experiences, especially those deemed to be successful ones, with a view to improving systems that integrate the multiple dimensions of IPR infringement, and examining business models that have been used to combat counterfeiting and piracy.
- Discussions of establishing partnerships with organizations associated with enforcement using an integrated approach.
- Discussions of the design of capacity building and technical assistance projects, for example training for the judiciary, as well as those that go beyond the mere setting up and training of teams for operational law enforcement in developing countries. These projects could include, for example, campaigns to raise awareness in the citizenry, as well as programs to reincorporate into the formal economy those who are working in the informal economy trading in counterfeit and pirated products.
- Given resource constraints, discussions of strategies which evaluate enforcement efforts on the basis of a diagnosis of welfare impact. Welfare effects of different types of IP infringement impact differently on consumers, producers, and the economy at large. For instance, a case can be made for pursuing producers rather than small scale distributors of illicit goods, especially where the former are linked to organized crime syndicates.
- Discussions of mechanisms for small and medium sized enterprises (SMEs) to utilize and protect IPRs for their benefit.
- Discussions of the disposal of counterfeit and pirated goods and also the potential for the recycling or donation to charitable institutions of such goods.

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