

Advisory Committee on Enforcement

Sixth Session

Geneva, December 1 to 2, 2010

FUTURE WORK OF THE ADVISORY COMMITTEE ON ENFORCEMENT (ACE)

Document prepared by the Secretariat

1. In its first session, held in 2003, the Advisory Committee on Enforcement agreed with the principle of a thematic approach to its work, and the inclusion of expert presentations in the respective sessions.¹ Hence the Committee analyzed and discussed the following topics in its subsequent sessions: the role of the judiciary and quasi-judicial authorities, as well as of the prosecution, in enforcement activities (including related issues such as litigation costs);² education and awareness-raising, including training, concerning all factors relating to enforcement, primarily those that are indicated in requests for assistance by Member States;³ coordination and cooperation at the international, regional and national levels in the field of enforcement;⁴ contribution of, and cost to, right holders in enforcement, taking into account Recommendation No. 45 of the WIPO Development Agenda.⁵
2. The topic of the sixth session of the Committee is as follows:

‘Developing on the substantive study contained in WIPO/ACE/5/6, analyze and discuss IPRs infringements in all its complexities by asking the Secretariat to undertake:

 - (a) A literature review of methodologies and gaps in the existing studies;

¹ Paragraph 16 of document WIPO/ACE/1/7 Rev.

² Meeting documents at http://www.wipo.int/meetings/en/details.jsp?meeting_id=5662

³ Meeting documents at http://www.wipo.int/meetings/en/details.jsp?meeting_id=9964

⁴ Meeting documents at http://www.wipo.int/meetings/en/details.jsp?meeting_id=12802

⁵ Meeting documents at http://www.wipo.int/meetings/en/archive_docs.jsp

- (b) Identification of different types of infractions and motivations for IPR infringements, taking into account social, economic and technological variables and different levels of development;
 - (c) Targeted studies with an aim to developing analytical methodologies that measure the social, economic and commercial impact of counterfeiting and piracy on societies taking into account the diversity of economic and social realities, as well as different stages of development;
 - (d) Analysis of various efforts, alternate models and other possible options from a socio-economic welfare perspective to address the counterfeiting and piracy challenges⁶.
3. Delegations are invited to propose themes for discussion at the seventh session of the Committee, within the mandate of this body.⁷
 4. In this context, attention is drawn to the proposals suggested by Member States at the fifth session of the Committee for discussion at future sessions of the Committee, including those contained in the papers presented by the delegations of Pakistan, entitled 'Creating an enabling environment to build respect for IP' (WIPO/ACE/5/11, Annex I⁸); of Brazil, entitled 'Future work proposal by Brazil' (WIPO/ACE/5/11, Annex II⁹); and of Group B, entitled 'Elements of a general framework for future discussions in WIPO ACE' (WIPO/ACE/5/11, Annex III¹⁰), respectively. The Committee agreed that those proposals would serve as a basis for the selection of topics for discussion by the Committee at its future sessions, to be agreed by consensus among its Members, in line with the mandate of the Committee.
 5. In addition, the Committee may also wish to consider continuing its work on the theme referred to under paragraph 2, above, or on particular elements thereof. While the Secretariat has made every endeavor, within the available resources, to ensure substantive work on that theme at the sixth session, the variety and complexity of the substance included therein represent a work program that may call for additional work and budgetary resources at a future session of the Committee.

6. *The Advisory Committee is invited to take note of the information contained in this document and to consider proposals submitted under paragraph 3, above.*

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⁶ Paragraph 12 of document WIPO/ACE/5/11

⁷ Paragraph 114(ii) of document WO/GA/28/7 reads: "The mandate of the Committee in the field of enforcement, which excludes norm setting, was limited to technical assistance and coordination. The Committee should focus on the following objectives: coordinating with certain organizations and the private sector to combat counterfeiting and piracy activities; public education; assistance; coordination to undertake national and regional training programs for all relevant stakeholders and exchange of information on enforcement issues through the establishment of an Electronic Forum."

⁸ http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_5/wipo_ace_5_11-annex1.pdf

⁹ http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_5/wipo_ace_5_11-annex2.pdf

¹⁰ http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_5/wipo_ace_5_11-annex3.pdf