

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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WIPO CONFERENCE

Twenty-First (16th Ordinary) Session
Geneva, September 22 to October 1, 2003

REPORT

adopted by the Conference

1. The Conference was concerned with the following items of the Consolidated Agenda (document A/39/1): 1, 2, 3, 4, 5, 7, 9, 19, 21, 23, 25 and 26.
2. The report on the said items, with the exception of item 19, is contained in the General Report (document A/39/15).
3. The report on item 19 is contained in the present document.
4. Mr. Luiz Otávio Beaklini (Brazil) was elected Chair of the Conference; Mr. Sunil Sharma (Canada) and Mrs. Jelena Popović (Serbia and Montenegro) were elected Vice-Chairs.

ITEM 19 OF THE CONSOLIDATED AGENDA:

REPORT OF THE PERMANENT COMMITTEE ON COOPERATION FOR DEVELOPMENT RELATED TO INTELLECTUAL PROPERTY (PCIPD)

5. The discussion was based on document WO/CF/21/1.
6. The Secretariat in introducing the document recalled the innovative aspect of the last PCIPD meeting, which consisted of parallel discussions in the PCIPD itself and an additional Forum, debating elements to be injected in the future Program of Cooperation for Development. The Committee had reviewed and analyzed the past activities of cooperation undertaken since the former sessions of the PCIPD, in particular, with regard to strategic aspects of cooperation for development, and progress made in areas such as the WIPO Worldwide Academy (WWA), collective management of copyright and implementation of the WIPO Internet Treaties, as well as IP Office automation. As to the Forum, the Secretariat further recalled that it had, oriented to the future of the above-mentioned program activities, and identified items, such as technology transfer, intellectual property usage by SMEs, strategies for the WWA and cooperation opportunities to be exploited in information technology and collective management of copyright, as the focus for future work. The Forum's results had been duly reflected in the now approved program and budget for 2004-2005 biennium.
7. The Delegation of Costa Rica, speaking on behalf of the Group of Countries of Latin America and the Caribbean (GRULAC), highlighted the importance given by the Group to the work done by WIPO in the field of cooperation for development and thanked especially the Cooperation for Development Bureau for Latin America and the Caribbean (LAC Bureau) for the activities carried out this year. It stressed the need that WIPO be committed to the needs, the potential and capacities of developing countries and should integrate the development dimension in all its proposals for promoting intellectual property. The Delegation stated that the Cooperation for Development Program should be established in accordance with the specific requests of Member States and guided by the objectives and policies of the United Nations system, duly adapted to the specific conditions of developing countries. It called attention to the adoption of the Doha Declaration on the TRIPS Agreement and Public Health as well as on the recent implementation of paragraph 6 of the said Declaration within the World Trade Organization (WTO), which enabled countries with insufficient industrial capabilities in the pharmaceutical sector to fully use the compulsory license mechanism provided under the TRIPS Agreement. In the light of the Cooperation Agreement between WIPO and WTO, it was important that WIPO take into account the contents of this Declaration and of the Decision regarding its paragraph 6 for giving appropriate technical and legislative assistance so that developing countries would be able to fully benefit from all the flexibilities of the TRIPS Agreement for purposes of public policy, including public health. The Delegation stated that other priorities for the region in cooperation for development were traditional knowledge, genetic resources and folklore, SMEs, the strengthening and automation of Industrial Property Offices, the training of human resources, information technologies, electronic commerce, as well as developing adequate structures and institutions in the field of competition policy, as a means to prevent practices restricting competition. GRULAC welcomed the LAC Bureau's efforts to promote the intra-regional dialogue through exchange on national experiences in regional meetings, such as the recent meeting held in Lima on traditional knowledge, genetic resources and folklore. Another important area was

promotion of innovation and transfer of technology in favor of SMEs, which played a key role in economic growth. GRULAC also recognized the work completed in IP office automation, implementation of WIPONET and related technical capacity building, which were so essential for proper functioning of the IP offices. With respect to human resource development, the Delegation noted that the WIPO Worldwide Academy must be a true tool of training. The Delegation called for more support and financing to be provided for the development of human resources and for more distance learning courses offered via the Internet. Increase in distance learning courses, however, should not affect face-to-face training at Geneva or in academic centers, linked to the Academy, on IP teaching. The Academy should extend its courses to judges, users, security agents, journalists, customs officers and academics. GRULAC also appreciated the work done in the areas of e-commerce and Internet domain names. Finally, the Delegation stressed the need for a better distribution of the resources available for the participation of more delegates from the region in the various meetings of the Organization and a broad geographical representation in WIPO staff. In making the above statement on behalf of the countries of Latin America and the Caribbean, it wished to stress the importance that was attached to equitable geographical distribution and adequate representation. In GRULAC's opinion, what was desirable was better representation of the region, and especially of Central America and the Caribbean, with its highly trained officials in the Organization, which it was sure would inure to the latter's benefit. The Group also wished to pay a final tribute to Mr. Roberto Castelo for all the support given during the years in which he was responsible for the cooperation sector, and to wish him every success in his professional and personal endeavors.

8. The Delegation of Angola took note of all the activities carried out within Cooperation for Development, such as those of the Academy, WIPONET, and the office automation program. The Delegation recommended that more resources be made available for the Africa Bureau in order to enable it to carry out its outreach and demystification programs in the African countries. The Delegation made special note and wished to compliment the assistance of the outgoing Deputy Director General in facilitating the insertion of the Portuguese language into the cooperation activities. The provision of distance learning courses of the Academy in Portuguese had made the courses accessible in this language to a wider audience. The Delegation requested further assistance from WIPO to resolve the public health issues related to intellectual property and invited WIPO to consider the possibility of introducing a training program for judges and magistrates in all areas of intellectual property.

9. The Delegation of Cuba supported the statement made by the Delegation of Costa Rica on behalf of GRULAC and thanked the Cooperation for Development Sector and the LAC Bureau for the support given to the different training activities which had taken place in its country, specially those related to the PCT, and the automation program for its Industrial Property Office. It highlighted the importance and need of strengthening and broadening the courses given by the Academy and the assistance for the participation of national officers in the different Working Groups and Committees dealing with the International Patent Agenda. Finally, the Delegation encouraged WIPO to allocate more budgetary resources for the Cooperation for Development Program.

10. The Delegation of Panama reaffirmed the statement made on behalf of GRULAC and highlighted the main features of the national development programs that were closely connected with the Cooperation for Development Program. It referred first to the fact that the modernization of national programs was one of its Government's priority objectives; among them it mentioned the creation of the Interagency Intellectual Property Committee, on which were represented, in addition to national offices, the National Directorate of Customs and the

Directorate of the Colon Free Zone, the latter being a body with jurisdiction in one of the areas that saw the heaviest traffic in the region of merchandise embodying internationally registered intellectual property subject matter. It also pointed to the launch of new State learning programs addressed to SMEs in the agro-tourist field, in the field of traditional knowledge and folklore and in the exploitation of genetic resources. It referred to the improvement of services available to intellectual property users with the introduction of electronic filing of applications. With regard to enforcement, it pointed out that the State, acting through the department of the Prosecutor's Office responsible for intellectual property offenses, had strengthened the application of border measures by incorporating a trained legal-technical police unit, an experience that could be included in programs of South-South technical assistance offered to countries of the region. In the field of education, it mentioned the introduction of an intellectual property program in the Universities of Central America, which was taking place with WIPO support. It also announced that, together with the Inter-American Development Bank, the State had started a program for the use and development of the broad logistical infrastructure existing in the metropolitan area of Panama, pointing out that WIPO could, with a view to its future cooperation programs, consider the benefits that might be derived from future use of the infrastructure in the regional context. It announced that the subject of the WIPO treaties to which the country was not yet party would be included in the discussions of the State's deliberative bodies with a view to future accession. It claimed the achievements mentioned as a demonstration of its country's progress in the promotion of intellectual property, which was gathering momentum with the aid of the WIPO cooperation programs. It pressed for the allocation of more resources to those programs, in order that developing countries might respond better to the expectations of the social, economic and cultural sectors, which were driven by inventiveness and ultimately by intellectual property. It concluded by expressing its Government's satisfaction with the reelection of Dr. Kamil Idris as Director General, pointing out that it would vindicate his dynamic strategy of strengthening know-how and WIPO's responsibility for giving impetus to the development of intellectual property in the various countries.

11. The Delegation of Italy congratulated WIPO for the significant outcomes of the third session of the PCIPD, which provided an opportunity for Member States to exchange views on issues of strategic importance for the future, such as enterprise development and the support given to information technology opportunities. Since the effective use of the intellectual property system was a prerequisite to harnessing the fruits of innovation and creativity, the Cooperation for Development Program laid the groundwork for future activities. Italy had already started a close cooperation with WIPO, focused mainly on training activities and SMEs. It had improved its own training commitments in IP to facilitate a better knowledge of the IP culture not only in the academic institutions but also in the public opinion in itself. Since 2000, Italy had been organizing together with the WIPO Worldwide Academy, post-graduate specialization courses on IP which take place in Turin in view of its long tradition in IP. Given the successful outcomes reached by these courses, the WIPO Worldwide Academy and the University of Turin had updated the program in 2003 and launched the first Master Program on IP involving a large part of professionals and academics coming from 18 developing countries from all over the world to share their knowledge with developed countries. The Delegation also highlighted the Master Program "INSPRINT," launched with the support of WIPO, aimed at developing entrepreneurial and managerial skills in exploitation of IP tools. Taking into account the need of awareness-building requested in implementing the intellectual property system by SMEs, Italy was launching a program with WIPO to improve IP cooperation especially with the countries of the Mediterranean area. This program, based on a new approach focusing this year on textile and fashion fields, would consist both in training activities and technical assistance, through the

clarification of the crucial link between intellectual property assets and the business needs of SMEs.

12. The Delegation of Canada expressed its support for WIPO's role in developing and delivering technical assistance programs, in cooperation with Member States, which aimed at encouraging innovation and creativity; stimulating world trade; and increasing modernization, effectiveness, efficiency and public knowledge of IP systems across the world, especially in developing countries. The Canadian IP office planned to organize, in partnership with WIPO, a one-week Executive Workshop in 2004 on the Application of Management Techniques in the Delivery of Intellectual Property Services aimed at senior officials from IP offices of developing countries.

13. The Delegation of the Democratic People's Republic of Korea commended the progress and achievements made during the period under review in Cooperation for Development. These achievements had contributed to strengthening the capacity of developing countries to fully utilize the intellectual property system for their economic, social and cultural development. The Delegation expressed special appreciation of certain activities, such as the provision of legislative advice, organizing seminars on new national legislation as well as on use of the international protection systems, human resources capacity building through the WIPO Worldwide Academy and provision of office equipment. It expressed its satisfaction at the work carried out by WIPO, in the 2002-2003 biennium, and expressed its gratitude, in particular, for the assistance it received from WIPO in the automatization of its national Patent Office. It urged the Secretariat to provide increased allocation of resources for Cooperation for Development in the next biennium, since several Member States had also requested this at the third session of the PCIPD.

14. The Delegation of Australia said that it strongly supported WIPO's technical cooperation activities, in many of which Australia was directly involved, in particular in the Asian and Pacific region. Australia was also supportive of the work undertaken by the PCIPD. The Delegation also associated itself with the request made by Uruguay and Morocco, mentioned in paragraphs 80 and 81 of the Report of the PCIPD, with regard to more information about the courses and the participants in the program of the WIPO Worldwide Academy.

15. The Delegation of Sri Lanka stated that Sri Lanka attached great importance to intellectual property in the development and poverty alleviation attempts and activities. It thanked the Director General and the Secretariat as well as the Asia and Pacific Bureau for the assistance and cooperation extended to Sri Lanka, which had enhanced its development in the area of intellectual property. The Delegation expressed its gratitude to Japan and the United States of America for their assistance given to Sri Lanka with regard to the development of intellectual property. Furthermore, it said that notwithstanding the well-acknowledged efforts that WIPO had made, further assistance in the region was needed to establish modern IP infrastructures. It urged the Secretariat to provide enhanced allocation of resources for the Asian region and its sub-regions such as SAARC under WIPO's Cooperation for Development Budget, particularly in human resource development, modernization and infrastructure development in the area of IP.

16. The Delegation of Nicaragua expressed its recognition for the support received from WIPO in the development of various cooperation activities, which had contributed to the modernization of the intellectual property system in its country. This had permitted the strengthening and enforcement of industrial property and copyright in Nicaragua. The

Delegation requested WIPO to include the development dimension in its programs so that its country could reach its goals of economic and social development and trusted that the LAC Bureau would have the necessary resources to continue with these cooperation activities.

17. The Delegation of Ghana thanked WIPO and the Director General for their tireless efforts to meet challenges facing the Organization. It was pleased with the progress made in the enhancement of the ability of developing countries to make use of intellectual property as a factor of economic, social and cultural development. It commended the Secretariat for the variety, scope and coverage of the activities which had been specified in document WO/CF/21/1. The Delegation stated that it was pleased with the cooperation activities that WIPO had engaged in for Ghana and especially thanked the outgoing Deputy Director General and the African Bureau, in particular for strengthening the activities in the area of intellectual property.

18. The Delegation of Portugal said that development cooperation speeded up the development process, which was based on the sharing of experiences in management of intellectual property. Three important objectives were to be pursued: the extension of the territory protected by IP, the legislative harmonization and the capacity to intervene at institutional level and finally the extended use of IP not only by larger companies but also by SMEs and smaller countries. The Delegation congratulated WIPO on sponsoring, through its ever more ambitious program of cooperation, important initiatives, be it bilaterally or multilaterally. The Delegation wished to highlight the important role played in this respect by the Director General and the Secretariat in achieving the results. Since the mandate of Mr. Castelo was coming to an end, the Delegation expressed its particular gratitude for his dedication and experience, as well as for the efforts he had put, on a daily basis, into all the different initiatives undertaken by WIPO in this field. As one of the Portuguese speaking countries, Portugal was convinced that a lot had been achieved thanks to his particular understanding and his help.

19. The Delegation of Philippines thanked the Secretariat, especially the Cooperation for Development sector, for the support given to the country. Further strengthening cooperation activities should involve all stakeholders to create an IP culture and realize the potential of IP as a tool for national development. The Delegation looked forward to WIPO's continuing support and requested the Secretariat to support high-profile programs aimed at heightening sensitivity to creation, protection, utilization and enforcement of intellectual property.

20. The Delegation of Jamaica thanked WIPO for the work of the Permanent Committee. The Committee provided an important opportunity to take stock of cooperation activities and to set priorities for the future. The Delegation also expressed gratitude for the cooperation activities developed in the Caribbean Region. It specially supports the activities on collective management system and education and training of local personnel. It referred to the next Ministerial Level Meeting on IP to be held in November 2003 in Antigua and Barbuda and expressed its hope that a common approach on strengthening the role of intellectual property could be adopted. The Delegation concluded with its recognition and appreciation for the work done by the Cooperation for Development Sector.

21. The Delegation of Sudan commended WIPO for the variety, scope and coverage of the activities that had been specified in document WO/CF/21/1. The progress and achievements made during the period under review in the Cooperation for Development Sector were commendable. These achievements had contributed to strengthening the capacity of Sudan, to fully utilize the intellectual property system. The Delegation was pleased to note that the

assistance that its country was receiving from WIPO would contribute to establishing a collective copyright management system.

22. The Delegation of Egypt expressed its appreciation for the work done by the Cooperation for Development sector. It underlined the valuable role played by the Bureau for Cooperation with Arab countries in enhancing cooperation for development with the Arab region. The Delegation stressed that the Director General had made cooperation for development at the very heart of WIPO's activities. This was of importance at a time when development concerns were becoming paramount in the entire intellectual property system. The Delegation was of the view that the overall framework for Cooperation for Development activities should be the integration of the development dimension in the IP system. The Delegation highlighted some important priorities for cooperation for development activities, taking into account that it had made a more comprehensive statement on the matter at the last meeting of the PCIPD. First, it emphasized the need for continued support of the modernization of national intellectual property offices in developing countries. The automation of IP offices was of particular importance to Egypt given its recent accession to the PCT. Second, it stressed the importance of directing cooperation for development towards assisting developing countries in making full use of the flexibilities in current IP norms, in particular those contained in the Doha Declaration on TRIPS and Public Health. Third, it pointed out to the need for continuing to include IP issues relating to genetic resources, traditional knowledge and folklore in cooperation for development activities with a view to assisting developing countries in strengthening their expertise on these issues thus enabling them to formulate effective measures for protection. Finally, the Delegation emphasized the importance of providing developing countries with qualified human resources in the field of IP. It thus highlighted the need to increase the programs and activities in the WIPO Worldwide Academy, particularly those in the Arabic language.

23. The Delegation of the United States of America said it supported and appreciated the efforts undertaken in providing technical assistance and training to developing countries, and stressed the need to allocate a greater portion of its program funding and activities to providing technical assistance and training on the practical issues related to the enforcement of intellectual property rights, including the provision of training to law enforcement and border authorities, the judiciary, and other appropriate and governmental entities involved in the enforcement of intellectual property rights.

24. The Delegation of the United Republic of Tanzania noted that the contents of the document WO/CF/21/1 and took it as another testimony of WIPO's commitment to bring about tangible deliverables to its Member States including developing and least developed countries. It emphasized the benefits for enterprises, in particular SMEs, in terms of assisting them to gain a competitive edge through the use of intellectual property. It noted the work of the WIPO Worldwide Academy in the field of human resource development. It informed that Tanzania, with the assistance of WIPO, had recently installed in its relevant office the collective management software AFRICOS, developed under WIPO's cooperation. The Delegation expressed its best wishes to the outgoing Deputy Director General.

25. The Delegation of China expressed its strong support for WIPO's Cooperation for Development Program. It thanked in particular the Cooperation for Development Sector, headed by the outgoing Deputy Director General, under which the program had been well implemented. With the support of WIPO, China intended to extend its cooperation with other Member States.

26. The Delegation of Zambia, speaking on behalf of the African Group, thanked WIPO, particularly the outgoing Deputy Director General for the tireless efforts, dedication and leadership in guiding WIPO's Cooperation for Development and expressed its best wishes to him. The Delegation also praised the quality of the work done by the Africa Bureau.

27. The Delegation of Guinea thanked the Director General for the strong and steady assistance rendered to its country, underlining activities completed in three main areas, namely, first, within a project on geographical indications: identifying key products; visiting groups of producers and their areas of production; evaluating primary needs and assets linked to traditional knowledge and to local ecological conditions; sensitizing the general public as well as decision makers; holding a regional workshop on geographical indications; second, in the field of sensitization and training: a sub-regional seminar on the PCT and on patent information, after which enterprises of certain neighboring countries had started to settle in Guinea; and a national seminar on patent documentation and the PCT held at Conakry university, upon which intellectual property law was taken into next year's curriculum of studies; third, the connection of Guinea to WIPONET, received with enthusiasm by entrepreneurs and researchers, an area, where more training and improved Internet connectivity was still needed. All these activities had had very positive training effects and responses, also from authorities and economic operators. The Delegation requested WIPO's assistance in establishing a documentation room in the IP office. In conclusion, the Delegation said that it supported WIPO's Program of Cooperation for Development and its further reinforcement.

28. The Delegation of Kenya supported the statement made by the Delegation of Zambia with regard to the remarks concerning the outgoing Deputy Director General. It also commended WIPO for its Cooperation for Development Program and expressed its thanks for assistance provided. It cited the benefits of such assistance to Kenya in particular in the field of collective management of copyright and related rights. It noted that the Industrial Property and Copyright Offices of Kenya had been equipped with the WIPONET kit, thanks to WIPO. The Delegation of Kenya requested WIPO to assist in training in the field of enforcement, in particular for the judiciary.

29. The Delegation of Algeria supported the statement made by the Delegation of Zambia. It expressed particular respect for the outgoing Deputy Director General's achievement and added that the success of the cooperation program for African Countries was also due to the efforts of the Bureau for Cooperation with Arab Countries.

30. The Delegation of the Islamic Republic of Iran commended WIPO for its endeavors and excellent work. WIPO's cooperation with its country had been diverse and most valuable. It especially appreciated the role played by the outgoing Deputy Director General and his team in the Cooperation for Development Sector and hoped that cooperation would maintain its current trend in the future.

31. The Delegation of Brazil expressed its recognition, appreciation and gratitude for the great work done by the outgoing Deputy Director General, Mr. Castelo, as head of the Cooperation for Development Sector and for the extremely important initiatives taken in favor of developing countries. The Delegation stressed Mr. Castelo's contribution to introducing Portuguese as a working language of the Organization and expressed its sincere wishes of success for his professional and personal future.

32. The Delegation of Antigua and Barbuda associated itself with the statements made on behalf of GRULAC, and that by the Delegation of Jamaica. It congratulated the Permanent Committee on Cooperation for Development on Intellectual Property for the quality of the work done. It also thanked the outgoing Deputy Director General for his dedication proven and the exemplary service rendered to WIPO and developing countries, as well as the entire Cooperation for Development Sector, including the LAC Bureau, for their outstanding work, as reflected in the programs implemented in the Caribbean region. It reiterated the need for more assistance from WIPO to ensure effective participation of the representatives of the Caribbean countries on a regular basis in working groups and standing committee meetings. Such representation would help the region to keep abreast with developments within WIPO and within the other Member States.

33. The Delegation of Mozambique associated itself with the statement of the Delegation of Zambia and paid special tribute and recognition to the outgoing Deputy Director General for all his efforts undertaken for African countries.

34. The Delegation of Saint Lucia supported the statement made on behalf of GRULAC and thanked WIPO, in particular the outgoing Deputy Director General of the Cooperation for Development Sector, Mr. Roberto Castelo, and his colleagues, for the assistance given to its country. It stressed the need to continue with this assistance especially in training local human resources for the benefit of the islands of the Organisation of Eastern Caribbean States and the Caribbean region as a whole.

35. The Delegation of Papua New Guinea thanked WIPO, particularly the Director General and the Secretariat, for their full support and cooperation to strengthen the area of intellectual property. It said that it was pleased with the cooperation activities that WIPO had engaged in for the Asia and the Pacific region and especially thanked the Asia and Pacific Bureau, for organizing activities at regional and sub-regional levels. The Delegation expressed its gratitude to Australia, the People's Republic of Korea and Japan for providing technical assistance in order to promote and develop the IP infrastructure in Papua New Guinea.

36. The Delegation of Trinidad and Tobago associated itself with the statement made on behalf of GRULAC and congratulated the Permanent Committee for the work done so far. Through cooperation for development the IP office of Trinidad and Tobago had been enabled to develop the country's industrial property system in particular through legislative reform, automation of the Intellectual Property Office and training of local staff. The Delegation expressed its hope that this assistance would not only continue during 2004 but increase in the years to come.

37. At the invitation of the Chair, Mr. Castelo, on behalf of the Secretariat, thanked the delegations for their comments, which helped to determine priorities for the cooperation program. The request from Australia regarding information on the Academy's courses was noted and would certainly be responded to, as any other requests concerning information about the Academy. He recalled that the success of the Cooperation for Development Program was also due to contributions from other intergovernmental organizations, non-governmental organizations and authorities from developing as well as from developed countries. He wished to particularly pay tribute to those countries that supported WIPO's Program activities through funds-in-trust. In responding to the numerous expressions of recognition addressed to him personally, he expressed his deep gratitude and underlined that the success of the Cooperation for Development Program had been made possible by the generosity of Member States, contributions from the staff in the Sector and from all sectors of

the Secretariat. The success would nevertheless have been impossible without the permanent and vigorous support from the Director General. The achievement reached in the use of the Portuguese language in WIPO was certainly mainly due to the Member States.

38. The Conference took note of the contents of document WO/CF/21/1.

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