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## WIPO GENERAL ASSEMBLY

### Thirty-Third (16<sup>th</sup> Extraordinary) Session Geneva, September 25 to October 3, 2006

#### MATTERS CONCERNING THE ADVISORY COMMITTEE ON ENFORCEMENT

*Document prepared by the Secretariat*

1. At its Thirty-First (15<sup>th</sup> Extraordinary) Session held from September 27 to October 5, 2004, the General Assembly noted the Conclusions by the Chair of the Advisory Committee on Enforcement (ACE) on its second session, held from June 28 to 30, 2004, and encouraged the ACE to continue its work (WO/GA/31/15, paragraph 84).
2. This document contains information on the third session of the ACE, which was held in Geneva from May 15 to 17, 2006. The session was attended by some 140 representatives from 57 Member States, six intergovernmental and 18 international non-governmental organizations.
3. As agreed in the first session (WIPO/ACE/1/7 Rev., paragraphs 16 to 18), the discussions in the third session of the ACE followed the principle of a thematic approach, and focused on the issue of education and awareness building, including training, in all areas of intellectual property enforcement. The Committee heard a series of presentations, based on documents WIPO/ACE/3/3 to WIPO/ACE/3/16, from 14 government experts as well as two experts representing music and trademark industry associations. These presentations, made by representatives of Antigua and Barbuda, Australia, Brazil, China, Lebanon, Malaysia, Nigeria, Romania, Serbia and Montenegro, South Africa, Spain, Sri Lanka and Switzerland, illustrated the extent of the problems caused by counterfeiting and piracy in different countries and the national efforts in developing strategies to curb such activities and find

effective solutions. Issues of health and safety, strategic enforcement approaches, training and public outreach programs, national guidelines, foreign investment and institutional structures in the fight against counterfeiting and piracy were considered and discussed.

4. Following the discussions, the Committee adopted a number of conclusions stressing, *inter alia*, the importance of continued education and awareness raising, and the Committee's appreciation for the ACE as a forum of exchange on enforcement, with a particular emphasis on coordination with other organizations and the private sector in the combat against counterfeiting and piracy. The meeting ended with a number of proposals for the future work of the ACE, and it was agreed that its fourth session should consider an exchange of views on coordination and cooperation in enforcement matters at the international, regional and national levels.

5. The Chairman, Mr. Henry Olsson, Special Government Adviser, Ministry of Justice, Sweden, summarized the discussions of the Meeting in the Conclusions by the Chair (WIPO/ACE/3/17), which were adopted by the Committee. The said Conclusions are reproduced in the Annex to this document.

*6. The WIPO General Assembly is invited to take note of the information contained in this document and its Annex.*

[Annex follows]

ANNEX

CONCLUSIONS BY THE CHAIR

Introduction

1. The third session of the Advisory Committee on Enforcement (ACE) was opened by Mr. Wolfgang Starein, Director, Enforcement and Special Projects Division, who welcomed the participants on behalf of the Director General and also acted as Secretary.
2. The Committee unanimously elected, for one year, Mr. Henry Olsson, Special Government Adviser, Ministry of Justice, Sweden, as Chair.
3. The Draft Agenda (document WIPO/ACE/3/1) was adopted as amended to also consider the pending request by the European Communities to be admitted as a non-voting Member of the Committee.
4. The Committee dealt with the above-mentioned request for admission of the European Communities. No objections were raised and the European Communities were admitted as a non-voting Member of the Committee.
5. Following a request by The Consumer Project on Technology (“CPTech”), a non-governmental organization, to be admitted as an *ad hoc* Observer, it was decided to admit the CPTech as requested.
6. The Committee heard presentations, based on documents WIPO/ACE/3/3 to WIPO/ACE/3/16, as agreed on during the second session, namely on the issue of education and awareness-building, including training, concerning all factors relating to enforcement, primarily such that are indicated in requests for assistance in this area by Member States and in the proposal by Argentina submitted to the Secretariat at the session.

Conclusions by the Chair

7. In their interventions, the Members of the Committee agreed that the issue of enforcement of intellectual property rights was of great importance. Particular appreciation was expressed for the work of the Committee as a forum for exchange of views on enforcement matters. It was underlined that the mandate of the Committee excludes norm-setting and it was reiterated that the Committee will focus on 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 the exchange of information on enforcement issues through the establishment of an Electronic Forum.
8. Among the specific issues that were dealt with in the presentations were, *inter alia* and only by way of example, the extent of counterfeiting and piracy activities in different countries, the advisability of an officially adopted holistic strategic approach to enforcement matters, the problems related to products of health and safety in developing countries, the importance of “training the trainers”, the elaboration of efficient public outreach programs and of involving the collecting societies in the fight against piracy, the elaboration of comprehensive national guidelines for the fight against piracy, the

need to give foreign investors confidence in the rule of law, the need to ensure that institutional structures were in place before assistance was given to a country. One speaker referred to the importance of four main elements in the fights against counterfeiting and piracy, namely repressive, educational, economic and institutional actions.

9. In the discussion following the presentations a great number of observations were made and questions raised. Great appreciation was expressed for the presentations which were considered as a particularly valuable insight into the problems and solutions in different countries. The importance and positive effects of public outreach programs among young people was underlined.

10. The Committee took note of the considerable number of WIPO expert missions, training and study visits, seminars and workshops, as well as other activities mentioned in document WIPO/ACE/3/2. Some Delegations informed about such development cooperation activities in their countries that have a bearing also on enforcement of intellectual property rights.

11. As regards future work, a number of proposals were made and discussed. These proposals included, *inter alia*, issues concerning continued education and awareness raising; further discussion of some specific issues raised in the course of the discussion under agenda item 7, including border enforcement measures; the methodological evaluation of, and scientifically prepared statistics on, the economic impact of counterfeiting and piracy; the development dimension in relation to enforcement, including the need to take into account the broader context of society interests and obligations; cost/benefit aspects of enforcement, particularly in developing countries; cost-reduction as an enforcement strategy and its possible impact on foreign direct investment; and the sharing of national experiences on bio-piracy.

12. Following informal consultations, the Committee agreed that its fourth session should consider an exchange of views on coordination and cooperation at the international, regional and national levels in the field of enforcement.

*13. The Committee adopted the Conclusions by the Chair, set out in paragraphs 7 to 12, above.*

[End of Annex and of document]