

Advisory Committee on Enforcement

Sixth Session

Geneva, December 1 to 2, 2010

RECENT ACTIVITIES OF WIPO IN THE FIELD OF BUILDING RESPECT FOR INTELLECTUAL PROPERTY (IP)

Document prepared by the Secretariat

1. This document summarizes the activities in the field of building respect for IP which were undertaken or coordinated by WIPO Program 17 in the period from September 2009 to September 2010. It should be recalled that WIPO Strategic Goal VI “International Cooperation on Building Respect for IP” is a broad, cross-cutting goal which is supported by many different WIPO Programs.¹ As such, many of the activities set out below involved cooperation with other WIPO Sectors concerned, in particular: Program 1 (Patents); Program 2 (Trademarks, Industrial Designs and Geographical Indications); Program 3 (Copyright and Related Rights); Program 8 (Development Agenda Coordination); Program 9 (Africa, Arab, Asia and the Pacific, Latin America and the Caribbean, Least-Developed Countries); Program 10 (Cooperation with certain countries in Europe and Asia); Program 16 (Economic Studies, Statistics and Analysis); and Program 18 (IP and Global Challenges). This document does not aim to present an exhaustive report, as there are other areas of WIPO’s work that also have an impact on building respect for IP.
2. Guided by the objectives as defined in Program 17 of the WIPO Program and Budget for 2010/2011, as well as Development Agenda Recommendation No. 45, WIPO’s activities in the field of building respect for IP focused on responding to the growing demand from WIPO Member States for legal and technical assistance to address the issue of counterfeiting and piracy in all its complexities, including with a view to development-oriented concerns, and on enhancing cooperation with other international organizations and the private sector to ensure quality, balance and transparency, and to avoid duplication of work.

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WIPO Program and Budget 2010/2011; http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2010_2011.pdf

TRAINING; CAPACITY BUILDING; LEGISLATIVE, POLICY AND STRATEGIC ADVICE; AND AWARENESS-RAISING

3. At its fifth session, the Advisory Committee on Enforcement had taken note of the considerable number of WIPO enforcement-related training and awareness-raising activities. The Committee had encouraged the efforts of WIPO and recommended that the Secretariat should continue these activities in cooperation with other organizations and the private sector.² The Committee had further emphasized that the Secretariat should ensure that the inclusive approach of WIPO to building respect for intellectual property be fully reflected in all its activities.
4. In line with the above, Program 17 responded to the large number of requests by Member States for organizing, or participating in, seminars, study visits, strategy consultations, colloquia and workshops, designed to analyze and discuss specific issues relating to building respect for IP, and to assist in developing legal and practical solutions. Depending on the particular requests, these events were attended by policy-makers, judges and magistrates, representatives of customs, police and health administrations, officials of intellectual property offices, intellectual property attorneys, private sector representatives, consumer groups and civil society. The agendas were designed in close cooperation with the requesting Member State and with cooperation partners, including with a view to the analysis and discussion of socio-economic and development-oriented concerns. In that respect, development-oriented issues that had been discussed in the course of the fifth session of the Committee³ provided useful guidance for the inter-sessional work of Program 17.
5. A number of training activities were organized with the assistance of Member States, and/or in cooperation with other intergovernmental organizations and the private sector. A full list of the WIPO training and awareness-raising activities relating to building respect for IP in the period under review, as well as the respective cooperation partners, is reflected in the Annex to this document.
6. In the period under review, WIPO continued to provide legislative assistance in all areas of intellectual property law, upon request by Member States. This service included advice on IP enforcement-related legislation, where requested, for instance with a view to civil procedures and remedies, criminal sanctions and border measures. Where requested, the assistance focused on compatibility of the draft legislation with the enforcement-related obligations under the TRIPS Agreement, including with a view to flexibilities under that instrument, in line with the Agreement between WIPO and the World Trade Organization (1995).⁴ Member States wishing to explore such assistance, provided on a confidential basis, are invited to submit their request to the WIPO Secretariat.

INTERNATIONAL COORDINATION AND COOPERATION

7. In the period under review, WIPO continued to work towards assuming a leadership role in developing strategic international cooperation for building respect for IP. This translated into close cooperation with many international intergovernmental and non-governmental organizations that have related activities. Such cooperation enhanced transparency and the mutual understanding of common elements addressed in other forums. It provided a forum to present WIPO's inclusive and development-orientated

² Paragraph 5 of document WIPO/ACE/5/11.

³ Reflected in paragraphs 5-11 of document WIPO/ACE/5/11.

⁴ http://www.wipo.int/treaties/en/agreement/trtdocs_wo030.html

approach and an opportunity to have it fully reflected in collaborative efforts, including in the framework of the Global Congress on Combating Counterfeiting and Piracy (see also paragraphs 9-11, below).

8. Cooperation partners included, *inter alia*: United Nations Economic Commission for Europe (UNECE) Team of Specialists on Intellectual Property (TOS-IP); United Nations Education, Scientific and Cultural Organization (UNESCO); United Nations Office on Drugs and Crime (UNODC); World Health Organization (WHO); African Intellectual Property Organization (OAPI); Asia-Pacific Economic Cooperation (APEC); Association of Southeast Asian Nations (ASEAN); East African Community (EAC); EU Observatory on Counterfeiting; International Criminal Police Organization (INTERPOL); Organization for Economic Cooperation and Development (OECD) Advisory Group on Counterfeiting and Piracy; Southern African Development Community (SADC); Universal Postal Union (UPU); World Customs Organization (WCO); World Trade Organization (WTO); Business Action to Stop Counterfeiting and Piracy (BASCAP); International Center for Trade and Sustainable Development (ICTSD); International Federation of Pharmaceutical Manufacturers and Associations (IPFMA); International Federation of the Phonographic Industry (IFPI); IPR Business Partnership Group; International Publishers Association (IPA); Knowledge Ecology International (KEI); *Les entreprises du médicament* (LEEM); Motion Pictures Association of America (MPAA); and *Union des Fabricants* (UNIFAB). Cooperation activities with these partners are also set out in the Annex to this document.
9. A major example of international cooperation against counterfeiting and piracy in public-private partnership is the “Global Congress on Combating Counterfeiting and Piracy”, hosted, on a rotating basis, by WIPO, Interpol and the WCO, in cooperation with BASCAP, the International Trademark Association (INTA) and the International Security Management Association (ISMA).⁵ Over the years, the Congress has become a prominent international forum for sharing proposals for reducing the impact of fake goods and identifying and building upon successful strategies.
10. The Fifth Global Congress, hosted by INTERPOL and the Mexican Institute of Industrial Property (IMPI), was held from December 1 to 3, 2009, and attended by more than 800 delegates from 80 countries, representing governments, law enforcement agencies, customs administrations and the private sector.⁶ The agenda was organized around seven themes that had emerged as key challenges in previous congresses: cooperation and coordination; legislation and enforcement; health and safety risks; capacity building; awareness raising; free-trade zones and transshipment countries; and counterfeiting and piracy over the Internet. WIPO underlined the critical importance of international cooperation in identifying practical, realistic and effective solutions, and reaffirmed its commitment to an inclusive, development-oriented and balanced approach to promoting greater respect for IP rights.⁷
11. WIPO is host Organization in the 2011 cycle of the Global Congress and Chair of the Global Congress Steering Group. In this capacity, it is the overall objective of WIPO that the discussions at the Sixth Congress reflect a balanced approach to combating counterfeiting and piracy which is guided by Strategic Goal VI and Development Agenda Recommendation 45. Under the overall title “Building Respect for IP: Sustainable Solutions to a Global Problem”, this will include a profound analysis of the elements that

⁵ <http://www.ccapcongress.net/>

⁶ <http://www.ccapcongress.net./Cancun.htm>

⁷ http://www.wipo.int/pressroom/en/articles/2009/article_0054.html

fuel the trade in illegitimate goods, while underscoring the link between building respect for IP and sustainable development. All interested stakeholders, including civil society, will be invited to participate in the deliberations.

PUBLICATIONS, EXCHANGE OF INFORMATION

12. Following on the success of the WIPO Intellectual Property Enforcement Case Books (WIPO publications No. 791E and No. 626F) as training and reference materials, Program 17 initiated the preparation of a third case book. Prepared by Professor Rangel-Ortíz from Mexico, in the Spanish language, the new case book will analyze and discuss selected case law from the Ibero-American region. The new publication is currently being edited and is expected to be available by the end of 2010.
13. Building on the theme of the fifth session of the Committee, WIPO issued, in February 2010, a special edition of the WIPO Magazine, entitled "IP Litigation Costs", in English,⁸ French⁹ and Spanish.¹⁰ The articles address various issues that had been raised during the fifth session of the Committee.
14. In the period under review, Program 17 further developed its service aimed at facilitating access to online databases of intellectual property case law.¹¹ The service now includes information on databases in some 60 WIPO Member States as well as various regional organizations and institutions. The Secretariat invites members and observers of the Committee to submit additional information, where available.
15. Program 17 also makes available an electronic enforcement newsletter, reflecting information on ongoing developments in the field of IP enforcement at the national and international levels.¹² Members and observers of the Committee are invited to submit to the Secretariat any relevant information to be included in these newsletters.

16. *The Advisory Committee is invited to take note of the information contained in this document.*

[Annex follows]

⁸ WIPO Magazine 1/2010, http://www.wipo.int/wipo_magazine/en/2010/01/
⁹ http://www.wipo.int/wipo_magazine/fr/2010/01/;
¹⁰ http://www.wipo.int/wipo_magazine/es/2010/01/
¹¹ http://www.wipo.int/enforcement/en/case_law.html
¹² <http://www.wipo.int/enforcement/en/news/>

**ACTIVITIES OF PROGRAM 17 IN THE FIELD OF BUILDING RESPECT FOR IP
FROM SEPTEMBER 2009 TO SEPTEMBER 2010**

Training, capacity building, policy and strategic advice and awareness-raising

- National Workshop on the Enforcement of IPRs, organized by the U.S. Department of Commerce under the initiative “Strengthening Intellectual Property Protection in Africa” (SIPPA); in cooperation with the World Bank and the Ministry of Justice, Maputo, Mozambique, September 9–11, 2009;
- WIPO Inter-Regional Symposium on Enforcement of Intellectual Property Rights, organized by the State Office of IP, Skopje, Macedonia, October 5–6, 2009;
- WIPO Seminar for Judges on IPR Enforcement: Administrative, Civil and Criminal Means, in cooperation with the State Patent Bureau, Moletai, Lithuania, October 12-13, 2009;
- WIPO Workshop on the Enforcement of Intellectual Property Rights for Law Enforcement Agencies, Phnom Penh, Cambodia, October 14–15, 2009;
- WIPO Workshop on the Enforcement of Intellectual Property Rights for Law Enforcement Agencies, Kathmandu, Nepal, October 19–20, 2009;
- WIPO-USPTO Enforcement Workshop on Combating Counterfeiting Within the Southern African Development Community (SADC), in cooperation with the Department of Trade and Industry, Pretoria, South Africa, November 17–18, 2009;
- Workshop on Combating Counterfeit Medicines, organized by the Office of Company and IP Enforcement (OCIPE), Department of Trade and Industry, Pretoria, November 19, 2009;
- JPO-WIPO Regional Training Course on Enforcement of IPRs, Tokyo, Japan, December 7–18, 2009;
- Sub-regional Seminar on Enforcement of Intellectual Property Rights, in cooperation with the IP Office, Asunción, Paraguay, December 14–16, 2009;
- National Workshop for Customs and Police Officials on Enforcement of Intellectual Property Rights, in cooperation with the IP Office, Tehran, Islamic Republic of Iran, December 15–17, 2009;
- *Séminaire sous-régional sur l’impact économique et social des atteintes aux droits de la propriété intellectuelle à l’intention des administrations publiques et des opérateurs économiques*, Brazzaville, Republic of Congo, January 12–14, 2010;
- Workshop on IPR Enforcement: Combating Health and Safety Counterfeit Products in the East African Community, organized and funded by the US Government, Dar es Salaam, United Republic of Tanzania, March 10–12, 2010;
- Study Visit of High Level Officials for the Sultanate of Oman, Geneva, March 11, 2010;
- National Intellectual Property Rights Outreach Campaign, in cooperation with the USPTO, Asunción, Paraguay, March 29–30, 2010;
- *Journée de formation et d’échange sur la contrefaçon, organisée par le cabinet Aquereburu & Partners, mandataire auprès de l’OAPI*, Lomé, Togo, April 8, 2010;
- *Séminaire national de formation en matière de droit de PI à l’intention des magistrats et journée de formation des auxiliaires de justice*, Abidjan, Côte d’Ivoire, May 26–28, 2010;
- WIPO Study Visit from Chinese Delegation, Geneva, June 4, 2010;
- WIPO Study Visit of a Delegation from Tajikistan, Geneva, June 7, 2010;
- Regional Workshop on Enforcement of Industrial Property Rights, Baku, Azerbaijan, June 15–16, 2010;
- Workshop on the Enforcement of IPRs for Law Enforcement Officials; and Colloquium for Judges on the Enforcement of IPRs, organized under the EC-WIPO Project for the Modernization of the IP System in Bangladesh in cooperation with the Department of Patents, Designs and Trademarks; Dhaka, Bangladesh, June 20–22, 2010;

- Central American Countries: Sub-regional Workshop for High-Ranking Customs Officials on Enforcement of Intellectual Property Rights and Border Measures, San José, Costa Rica, June 22-24, 2010;
- WIPO Study Visit from a Delegation of High-Level Officials from the Lao People's Democratic Republic, Geneva, July 1, 2010;
- WIPO-WTO Colloquium for Teachers of Intellectual Property, Geneva, July 7, 2010;
- WIPO Regional Workshop on the Disposal of Goods, in cooperation with the Department of IP Rights, Ministry of Commerce of Cambodia, and with the collaboration of the USPTO, Siem Reap, Cambodia, July 12–14, 2010;
- WIPO Summer Course on Intellectual Property, Geneva, July 14, 2010;
- Study Visit of the Brazilian Members of the Judiciary, Geneva, July 20–21, 2010;
- Study Visit of Korean Delegation: discussions on enforcement matters, September 1, 2010;
- Study Visit of Legal Counselors of Brazilian Institutions Linked to the Ministry of Development, Industry and Foreign Trade, Geneva, September 15.

International cooperation and coordination with international intergovernmental and non-governmental organizations:

- Sixth Global Congress on Combating Counterfeiting and Piracy: Steering Group meeting, Paris, France, September 14–15, 2009;
- UNCTAD-ICTSD Dialogue: IP Offices and the Implementation of the WIPO Development Agenda, Geneva, September 18, 2009;
- OECD Advisory Group on Counterfeiting and Piracy, Paris, October 2, 2009
- Eighth IPR Business Partnership Meeting, Brussels, Belgium, October 9, 2009;
- European Enforcement Expert Group Meeting, organized by the Danish Patent and Trademark Office, Copenhagen, Denmark, October 20, 2009;
- Opinion Formers Conference on Counterfeit Medicines, organized by the Wellcome Trust and American Pharmaceutical Group, London, UK, October 26, 2009;
- First World Conference “Postal Freight & Counterfeit, a sensitive equation”, organized by the French Group *La Poste* in association with French Customs, the French Industrial Property Office (INPI) and UNIFAB, Paris, November 16–17, 2009;
- G8-Evaluation Meeting: Operation Pilot INFO–IPR, Berlin, Germany, October 26-27, 2009;
- Meeting of the WCO Counterfeiting and Piracy (CAP) Group, Brussels, October 28–29, 2009;
- Sixth Global Congress on Combating Counterfeiting and Piracy: strategy meeting with INPI, Paris, France, November 12, 2009;
- Legal IQ's Brand Protection: Cost Reduction, Results and ROI 2009 Conference, Amsterdam, Netherlands, November 19–20, 2009;
- Fifth Global Congress on Combating Counterfeiting and Piracy, Cancun, Mexico, December 1–3, 2009;
- IPR Business Partnership Meeting, Amsterdam, February 5, 2010;
- OECD Counterfeiting and Piracy Project Advisory Group Meeting, Paris, February 12, 2010;
- Global Congress Steering Group Meeting, Paris, March 1–2, 2010;
- 29th Session of the Enforcement Committee of the WCO, Brussels, March 2–5, 2010;
- Meeting with the EU Observatory on Counterfeiting, Geneva, March 17, 2010;
- WHO Open Forum on the International Medical Products Anti-Counterfeiting Taskforce (IMPACT), Geneva, March 26, 2010;
- Meeting with the International Publishers Association (IPA), Geneva, April 12, 2010;
- 15th European Forum on Intellectual Property, organized by *Union des Fabricants* (UNIFAB), Paris, April 13–14, 2010;
- 63rd Session of the World Health Assembly (WHA), Geneva, May 17–21, 2010;

- Second Meeting of the WCO Counterfeiting And Piracy (Cap) Group, Brussels, May 20–21, 2010;
- Global Congress Steering Group Meeting, Paris, May 25, 2010;
- Intergovernmental Copyright Committee of the Universal Copyright Convention organised by UNESCO, Paris, June 7–9, 2010;
- Meeting of the WTO TRIPS Council, Geneva, June 8–9, 2010;
- Knowledge Ecology International (KEI) Workshop on the Anti-Counterfeiting Trade Agreement (ACTA), Geneva, June 28, 2010;
- Global Congress Steering Group Meeting to prepare 6th session, Geneva, July 7–8, 2010;
- 10th IPR Business Partnership Meeting, Geneva, July 8, 2010;
- UN Economic Commission for Europe (UNECE) Team of Specialists on Intellectual Property (TOS-IP); fourth session, Geneva, July 8–9, 2010.

[End of Annex and of document]