

**EXTRACT OF THE FIFTH SCIT PLENARY SESSION REPORT (SCIT/5/10)
RELATING TO DISCUSSION ON RESTRUCTURING**

“92. The SCIT Plenary considered the Tentative Schedule of Meetings contained in document SCIT/5/9 and agreed to postpone the third joint meeting of the SCIT Working Groups meeting (SCIT/WG/3) scheduled for November 2000, until after the sixth Plenary session, which will be held from January 22 to 26, 2001.

93. The Delegation of Australia introduced document SCIT/5/9 Add.1 ("SCIT Meetings in year 2000: Submission from Australia"). The Delegation had based the document on concerns arising from its experience at the last meeting of the SCIT Plenary and Working Groups, held in December 1999. Problems with the inefficiency of that meeting could be attributed to the current structure of the SCIT. The Delegation suggested lessons could be learned and not to take advantage of this opportunity would be to the detriment of everyone. The paper submitted by the Delegation was written in this context and was meant to be a vehicle to provoke discussions. The Delegation recalled that the SCIT had been set up some years ago and that provision had been made to review its structure at a future date. The Delegation felt that any mature organization should be able to reflect on its processes and that such reflection should not be seen as a criticism of the way that the meeting structure had been initially conceived. The SCIT should reflect upon its current structure, work program implementation and if it is achieving the goals that it was set. The Delegation believed that there should be a free and open discussion including suggestions for change, and suggested that the International Bureau could reflect at the views expressed and produce a common view on the desirable way forward. In expressing its own views, the Delegation noted that two of the three Working Groups did not meet, and that their composition was the same as that of the SCIT Plenary. The Delegation therefore wondered whether there was a need to make a distinction between a SCIT Plenary and SCIT Working Groups. The Delegation highlighted the method of working of other WIPO meetings, such as the Standing Committee of Patents, as a possible model for the SCIT to follow. A draft proposal is developed by the International Bureau, posted on a web site where Member States are invited to submit comments, the International Bureau absorbs those comments into the document and only then a final working paper produced for the relevant meeting.

94. The Delegation from the BBM referred to the frustration it experienced with the way the Committee dealt with the issue of trademarks. For example, there was a very important distinction to be drawn between the level of difficulty in implementing e-filing in patents and in trademarks, and that the needs of the users were quite different. The Delegation added that on the subject of marks, there were a great number of bodies that were trying to find solutions to e-filing and that the SCIT was not the only group working on the matter. The Delegation of the BBM supported the Australian document because it felt that the membership of the Working Groups did not correspond to their purpose, and it agreed that the SCIT should reexamine the way in which it worked, in particular the size of its meetings which were often too large to operate efficiently. The goals of the SCIT were now clear and at this stage what was needed were smaller and more active working groups that balanced different interests, particularly those between developed and developing countries. The Delegation would welcome a specific group for trademarks as they were not dealt with at all in SCIT meetings. Finally, the Delegation disagreed with the proposal of the Australian Delegation that a working group could work only in a virtual way; some allowance should be made for physical meetings, as e-mail did not deal with issues of translation.

95. The Delegation of Sweden welcomed the document from Australia, which fell into two parts: first an analysis of the problems, and then suggestions for further action. The Delegation completely agreed with the Australian views as regards the first part. When the SCIT had been created as a successor to the PCIPI, the Swedish Delegation had been apprehensive with respect to the proposed SCIT structure. The Delegation recognized that the SCIT track record has not been a success and was confused as to who did what in the current structure. Of particular concern was the question of the budgetary authority of the SCIT: projects are created, formulated and given a green light in the SCIT, whereas the funding and budgeting for the work lay with other WIPO Committees. With respect to the second part of the Australian paper, the Delegation stated that it was not in complete agreement with the suggestions it contained but agreed that it was important that all SCIT Members had the possibility to submit their views. It would be valuable if the SCIT were in a position to take a decision on an improved structure for its work at its next Plenary session, and the timetable for the production of a paper on this matter should take into account the need to solicit the views of all Member States. The Delegation was content to leave the production of such a document to the International Bureau.

96. The Delegation of Denmark supported the document from the Delegation of Australia and agreed with the need for change. However, it could not support the creation of a group dedicated to trademarks, as this would only increase the number of SCIT meetings.

97. The Delegation of the United States of America said that much had been accomplished in the SCIT but agreed that the last session had not gone well. The Delegation suggested that the relationship between the SCIT Plenary and its Working Groups should be defined to a far more detailed level than at present. It recalled that when the Working Groups were established, their roles, responsibilities and relationships had not been clearly defined. In the Delegation's view, the composition of the Working Groups should be dependant on the task at hand, and in general their membership should be far smaller than the SCIT Plenary. Electronic meetings should be encouraged to the maximum extent possible and physical meetings reduced to a minimum, and should only be held when the task at hand demands. The Delegation suggested that the SCIT meet once a year rather than twice, based on the work involved. SCIT responsibilities should be re-defined, and the process for the approved initiation and implementation of Information Technology projects and standards reviewed.

98. The Delegation of Egypt said that it was necessary to continuously revise procedures based upon experience. The work of the SCIT could be divided into two phases: preparation and acceptance/approval. Preparation work could be done with small groups that have focused and clearly defined tasks. The Delegation said that, in order to reconsider the structure of the SCIT, there was a need to define its functions, authority and internal working process. All the Working Groups should be examined, with particular attention paid to their structure, representational balance, objectives, the tasks assigned to them, and the participation of delegates with no access to the Internet. The Delegation supported the comment of the Delegation from Sweden that in preparing for change, there needed to be thorough discussion. Finally, the role of the SCIT to provide a forum for an exchange of views between Member States should not be overlooked.

99. The Delegation of Mexico said that it agreed in principle to some change to the SCIT working methods. However, it was too early to decide at this meeting how working groups might operate or whether the number of Plenary meetings should be reduced to one per year. With regard to the issue of virtual meetings, the Delegation said that the problems of time zones and access to the Internet would need to be considered. On the question of the budget authority of the SCIT, the Delegation reminded the Standing Committee that the meetings of the Program and Budget Committee are open to all Member States. It also manifested its opposition to giving the SCIT any budget responsibilities.

100. The Delegation of Finland took the floor to support the intervention of the Swedish Delegation and said that the rapid developments in Information Technology, and e-filing in particular, meant that the SCIT could not wait and that proposals for re-structuring should be considered at the next Plenary session.

101. The Delegation of Sweden cautioned the meeting about the lack of Information Technology expertise and knowledge in some Intellectual Property Offices. It recalled the outcome of the recent WIPO Diplomatic Conference on the Patent Law Treaty in which the Director General had outlined a plan of action to start to bridge this gap and suggested that the SCIT might benefit from this work.

102. The ARIPO Delegation supported the emphasis on small working groups provided that smaller Member States were represented. Whilst it welcomed the promotion of electronic working, care would need to be taken to insure the participation of Intellectual Property Offices with no Internet access.

103. The Delegation of France, in recognizing the two main aspects of SCIT work, i.e., standards and strategic Information Technology projects, emphasized that both were inter-linked and that any delay in standards setting could impact project delivery. Therefore, a small and focused structure for working groups was very important. Finally, the Delegation recognized that major offices such as the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM), and the Trilateral offices had a role to play, and urged them to better coordinate their activities.

104. The Delegation of the Netherlands said that it had compared the suggestions made in the document with the working methods of the Standing Committee which were agreed during the first meeting of the SCIT. Whilst the working methods allowed for regular sessions of the Working Groups, this had not happened in practice with only two meetings in two years. Therefore, the Delegation believed that the SCIT structure envisaged was not working as expected. The Delegation also referred to a section of the working methods dealing with task initiation which had never been fully adhered to. Of particular concern was the large number of tasks before the SCIT and the lack of progress in implementing them; priority tasks should be identified and the necessary resources allocated to them before any new work is undertaken. In this regard, the SCIT Members had an important role to play and needed to provide input to the International Bureau. Finally, the Delegation emphasized the need for a clear definition of responsibilities and for SCIT to have a degree of budgetary authority.

105. The Delegation of Portugal supported the view that the role of the working groups was vital to the success of the SCIT, as they are be mandated to produce tangible proposals for approval by the Plenary. The Delegation would also prefer a faster mechanism for the development of standards.

106. Having considered the information contained in the document, the Delegation of Uganda recommended that the International Bureau work to clarify two main issues: the composition of the working groups *vis-à-vis* that of the SCIT Plenary; and the different specific roles which must be played by each of these groups to avoid a duplication of work.

107. The Delegation of the United Kingdom said that the question of the availability of appropriate Information Technology specialists should be borne in mind when considering priorities for the Working Groups. Before a proposal comes before the SCIT Plenary, it should be sufficiently developed so that the Standing Committee can either reach a quick decision or return the item to the Working Group for further consideration. The resourcing within the International Bureau and the resourcing of the Working Groups was, therefore, the critical factor. The Delegation also supported the further exchange of information between offices and greater collaboration in areas such as e-filing, a proper assessment of priorities, clearly defined responsibilities and resourcing commitments, as necessary.

108. The Delegation of Austria took the floor to remind delegates of the role of task forces in the work of the SCIT and to suggest that they be included in the work on re-structuring.

109. The Delegation of Morocco said that the discussion was timely as it coincided with the reform of WIPO, the main objectives of which were efficiency and simplicity. It agreed with previous speakers on the need for small working groups which should be representative to prevent developing countries becoming marginalized.

110. The Delegation of Germany took the floor to support the comments already made by Sweden.

111. The Delegation of the Russian Federation supported the document as moving in the right direction. There should be an opportunity for Member States to study the matter and give written comments prior to the next Plenary session.

112. In concluding the debate, the Chairman said that comments had identified five main areas for study:

- (a) the need to define the mandate, objectives, and responsibilities of the SCIT Plenary, including its budget responsibility and the number and frequency of its meetings;
- (b) the need to define the mandate (task-based) and processes for the creation and use of working groups and task forces, including their relationship with the SCIT Plenary, their size and composition, the use of electronic communication methods, the frequency of meetings and a representative membership;
- (c) the need to define and accelerate the process for establishing standards, including their integration into projects;
- (d) the need to define the process for initiating new projects; and
- (e) the need to review and establish priorities, including their resourcing and a definition of where the responsibility for them lies.

113. The Secretariat undertook to post on the SCIT web site all comments received from Member States on this issue as they are received, and presented the following timetable for the work to be done prior to the next session of the SCIT Plenary:

September 1, 2000	Deadline for posting of first draft of restructuring document on SCIT web site by the International Bureau
September 29, 2000	Deadline for receipt of Member States' comments on first draft
October 13, 2000	Deadline for posting of second draft of restructuring document on SCIT web site by the International Bureau
November 9, 2000	Deadline for receipt of Member States' comments on second draft
November 27, 2000	Deadline for final draft by the International Bureau
January 22, 2001	Document for consideration by SCIT Plenary"

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