

PROPOSAL FOR THE RESTRUCTURING OF THE  
STANDING COMMITTEE ON INFORMATION TECHNOLOGIES (SCIT)

SECOND DRAFT

Introduction

1. Following the circulation by the International Bureau of the first draft paper on the restructuring of the SCIT, comments were received from 24 Member States and one intergovernmental organization. This second proposal paper attempts to answer those questions and concerns that were raised and to outline a series of options that were suggested. Accordingly, this paper has been divided into four main sections covering guiding principles and the structure, mandates and working methods of the respective committees.

I. GUIDING PRINCIPLES

2. In reviewing the mandate and role of the SCIT, the following general principles should be taken into consideration:

- (a) avoid duplication between the SCIT and other WIPO organs;
- (b) the SCIT should be competent to give technical advice and policy guidance on the overall Information Technology (IT) strategy of WIPO, including matters related to the deployment of the required IT infrastructure both within and outside the Secretariat;
- (c) input from the SCIT should be taken into consideration by the Director General when formulating the WIPO Program and Budget; and
- (d) all standards, guidelines and other international cooperation of a technical nature in the area of industrial property information and documentation should be separate from the main SCIT mandate.

II. STRUCTURE

3. Three structures were proposed by Member States in addition to that suggested by the International Bureau in the first proposal paper. Two build on the concept of the replacement of the SCIT with two new bodies (the Advisory Group on Information Technology and the Standing Committee on Technical Standards and Documentation) and one supports the retention of the current structure. The proposals are shown diagrammatically in the Annex to this document.

4. If more than one option were carried forward to the SCIT, a decision paragraph, in the International Bureau paper, would request Delegations to select their preferred option. However, options may be deleted as a result of the next round of comments by Member States.

## III. MANDATES

5. The majority of comments by Member States focused on the need to more clearly define the mandates of the individual committees, their inter-linkages and their relationships with other WIPO organs.

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6. The original mandates of the SCIT and its three Working Groups, as contained in documents A/32/3, dated February 1998, and SCIT/1/7 dated February, 1999, are as follows:

The SCIT will "...serve as a forum to discuss issues, facilitate coordination and provide guidance concerning the implementation of the WIPO global information network and the provision of intellectual property information services on the network. It will formulate recommendations and policies regarding the proposed network and related matters, and will submit its recommendations and policies to the WIPO General Assembly for approval. It will address issues pertinent to the process of providing intellectual property information, including both industrial property and copyright information, in a digital networked environment."

The Information Infrastructure Working Group "...should review the progress made concerning the deployment of the WIPONET, formulate policies related to the network, make relevant recommendations, and propose projects concerning information systems useful to intellectual property offices."

The Standards and Documentation Working Group (SDWG) "...should address matters regarding the generation of intellectual property data suitable for inclusion in Intellectual Property Digital Libraries (IPDLs), as well as access to and dissemination of intellectual property information...WIPO standards covering provisions relevant to documentation aspects of intellectual property should be dealt with by the SDWG whenever a need arises for their updating or maintenance."

The Information Security Working Group "...should discuss technical issues in relation to the exchange of data, and to undertake pilot projects, associated with the IPDL program and using the WIPONET, in the areas of electronic filing, the exchange of priority documents and for the examination of patent applications, and other planned activities of electronic commerce."

7. A continuation of these mandates would mean that reporting to the SCIT should be restricted to the WIPONET and Intellectual Property Digital Library (IPDL) Projects. Under the current SCIT working methods, consideration of these two projects should be split into issues of infrastructure, standards and documentation and security, and considered by the three existing Working Groups. Problems associated with this approach are the lack of a holistic view of either project and that discussion of increasingly inter-related issues is fragmented. Also, as has been particularly the case with WIPONET, the project structure and approach no longer lends itself to a division of issues along these lines, for example, deployment of the network encompasses both infrastructure and security questions.

8. During the implementation of either project it is likely that the need for the creation of a new or amendment of an existing WIPO standard will arise. In the event of this happening the project manager concerned will delegate the task to the IT Standards and Documentation Service. If consultation with Member States were required this would be done through the appropriate committee. In the event of a Member State requesting the International Bureau to amend or create a WIPO standard that is not linked to either project, the task would be forwarded either to the Standards and Documentation Working Group or a working group or task force would be created.

9. The SCIT Plenary is a subsidiary body of the General Assembly and, as such, may make recommendations to it on policy issues concerning the WIPONET and related matters. With regard to budgetary matters the SCIT has the authority to prioritize activities within the approved financial envelope for the WIPONET and IPDL Projects. As the authority for the setting of budgets and the appropriation of funds rests solely with the Program and Budget Committee, Member States may wish to consider a mechanism whereby SCIT advice of a financial nature is given to the Director General. This advice would be taken into account when preparing the program and budget documents for subsequent biennia or drafting proposals for ad hoc projects.

#### Advisory Group on Information Technology

10. The proposed mandate of the Advisory Group on IT would be to:

“give technical advice and policy guidance to the Director General on the overall IT strategy of WIPO, including matters related to the deployment of the required IT infrastructure [both within and]<sup>1</sup> outside the Secretariat, and priority setting within WIPO’s IT Strategic Implementation Plan or other related IT activities.”

11. In providing the Advisory Group on IT with the documentation necessary to carry out its mandate the current IT Strategic Implementation Plan would be divided into:

(a) a work plan for the current biennium, including information on major activities, milestones, budgets and priorities; and

(b) a medium-term plan covering the next four years which would focus on the prioritization of the business needs of Member States, the International Bureau and other members of the intellectual property community.

12. Other documentation, such as project status reports, human resource plans and feasibility studies on new project initiatives, would be made available on an as needed basis. As the Group is being created to act in an advisory capacity, it is not expected that it will maintain its own activities and will not, therefore, require an independent Work Program of Group tasks. That being the case, the existing SCIT Work Program will be divided into those tasks that are to be taken up by the committee dealing with standards and documentation and those that can be incorporated into the scope of existing IT projects or activities.

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<sup>1</sup> The text within the square brackets may be deleted as some Member States have already expressed the position that the Advisory Group on IT should only consider IT issues external to the Secretariat’s own systems.

13. Membership of the Advisory Group on IT would be open to all WIPO Member States and any non-governmental or intergovernmental organization that expresses an interest in participating. The Group would meet once a year at such time as to allow its recommendations to be taken into consideration by the International Bureau during preparations for the Program and Budget Committee or the WIPO General Assembly.

14. Alternatively, the Advisory Group could consist of a small number of both large and small intellectual property Offices that can provide expert guidance on IT policy matters. Members would serve on a rotational basis.

#### Standing Committee on Technical Standards and Documentation

15. The proposed mandate of the Standing Committee on Technical Standards and Documentation would be to:

“adopt new or revised WIPO standards, policies, recommendations and statements of principle relating to intellectual property data, data dissemination and documentation, which may be promulgated on the authority of the Standing Committee, subject to subsequent ratification by the relevant committees and/or assemblies, or, in exceptional circumstances, be referred to the WIPO General Assembly for adoption.”

16. The retention of a permanent committee for standards work recognizes the fact that the intellectual property system is reliant on close cooperation between Member States and their adoption and use of internationally agreed standards. As an initial activity, the Standing Committee on Technical Standards and Documentation would review and retain those items that fell under its mandate, from the current SCIT Work Program. This list of tasks would then form the basis for a new Standing Committee on Technical Standards and Documentation Work Program, to which new tasks could be added or priorities re-allocated according to the working methods adopted by the Standing Committee (see section IV, below). Such working methods could also include the possibility of the creation of working groups or task forces necessary to expedite the work of the Standing Committee.

17. Membership of the Standing Committee would be open to all Member States, non-governmental and intergovernmental organizations. In conformity with the decision taken by Member States on the increased participation in Standing Committees (contained in documents WO/GA/23/2 and WO/GA/23/7) the International Bureau would offer financial assistance to 26 participants for each Committee meeting. They will comprise five for Africa, five for the Arab States, five for Asia and the Pacific plus one for China, five for Latin America and the Caribbean and five for former Commonwealth of Independent States countries.

18. However, to facilitate a more effective approach to the preparation and implementation of standards, emphasis would be placed on electronic working methods. If so desired, a formal calendar of the Standing Committee meetings could be discontinued and replaced with a commitment that the International Bureau must give a four-month notice of a meeting of the Standing Committee.

### Ad Hoc Technical Committees

19. Due to the fact that the technical committees would be ad hoc in nature it is not possible to determine their mandates in advance. However, as a subsidiary body of the SCIT or Advisory Group on IT, their working methods could be the same as that suggested for working groups in section IV, below.

20. As an ad hoc committee would not be necessarily representative of WIPO's Member States, adoption or promulgation of, for example, a WIPO standard would need to be put before a Standing Committee for decision or further recommendation to the WIPO General Assembly.

## IV. WORKING METHODS

21. Pending a decision by Member States on the committee structure, a series of general working methods may be considered.

### Working Groups

#### Issues for consideration

22. Working groups need to be task-based/focused, representative of the membership of the committee as a whole, and flexible enough in their creation and dissolution to cope with a dynamic IT environment.

#### Suggested working method

23. It is suggested that there be no institutionalized working groups. However, if the need for a working group should arise, one could be constituted on the following basis:

(i) a request for the creation of a working group could be initiated either by the International Bureau or a Member State;

(ii) a clear mandate for the group must be agreed by the parent committee in advance of its first meeting; such a document would include an "expiry or review" clause covering the continued existence of the working group and an indication of the professional/technical competencies needed by delegates attending the working group meeting;

(iii) invitations to attend the working group meeting would include references to the target delegates (as indicated in paragraph (ii), above);

(iv) no working group meeting would be held in conjunction with a meeting of the parent committee;

(v) the International Bureau would give a minimum of four months' notice of a working group meeting;

(vi) the competence of the convening committee would be to endorse (with minor amendments, if necessary) the recommendations of a working group, if the committee is unable to approve a proposal it would be returned directly to the working group for further consideration; and

(vii) emphasis must be placed on working by electronic means<sup>2</sup>, the International Bureau would only send paper documentation to those Member States with no recognized Internet connectivity (see document SCIT/5/4, Annex 1, on WIPONET implementation).

### Task Forces

#### Issues for consideration

24. Task forces need to be task-based/focused, representative of the membership of the convening committee as a whole, and flexible enough in their creation and dissolution to cope with a dynamic IT environment.

25. The requirement for the creation of a task force will depend largely on the decision taken *vis-à-vis* the overall committee structure.

26. The suggested working method is that:

(i) a request for the creation of a task force could be initiated either by the International Bureau or a Member State;

(ii) a clear mandate for the task force must be agreed by the convening body (be it the parent committee or a working group) in advance of its first meeting; such a document would include an “expiry or review” clause covering the continued existence of the task force and an indication of the professional/technical competencies needed by delegates attending the task force meeting;

(iii) invitations to participate in the work of the task force would include references to the target delegates (as indicated in paragraph (ii), above);

(iv) the competence of the convening body will be only to endorse (with minor amendments, if necessary) the recommendations of a task force; if the convening body is unable to approve a proposal it would be returned directly to the task force for further consideration; and

(v) emphasis must be placed on working by electronic means; the International Bureau would only send paper documentation to those Member States with no recognized Internet connectivity (see document SCIT/5/4, Annex 1, on WIPONET implementation).

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<sup>2</sup> It should be noted that any Member State that receives its Internet connectivity via the WIPONET, and that participates in a WIPO meeting held by electronic means, will have the connection time paid by WIPO in addition to the yearly maximum of the WIPO-funded 360 hours.

Given the fact that task forces are often required to complete their work in short periods of time, Member States may wish to amend paragraph (v), above, to read:

- (v) task forces will conduct their business purely by electronic means.

27. In the short-term, the International Bureau recognizes that this guideline would restrict the ability of some Member States to participate in the work of a task force but as WIPONET is committed to be deployed in all States by the end of 2001, this would not be likely to impact the work of the committees nor disadvantage any delegate.

### Project Task initiation

Issues for consideration

28. It is suggested:

(a) that there be a formal mechanism whereby any Member State or the International Bureau can propose the creation of a new IT project or task;

(b) that such a mechanism allow for the provision of detailed proposals to the responsible committee to enable them to make informed decisions regarding the business benefits of the proposal, the costs and timetable involved and the priority of the activity within the existing IT Work Plan; and

(c) that the mechanism adhere to the policies and principles of Project Life Cycle.

29. IT management currently has three separate documents guiding its work; the Program and Budget, the SCIT Work Program and the IT Strategic Implementation Plan. Although not mutually exclusive they each present differing lists of activities and it is left to the International Bureau to determine their inter-relationships and priorities.

30. The suggested working method is:

(a) that the SCIT Work Program be discontinued and the IT Strategic Implementation Plan replaced with a more dynamic working tool relevant to the respective committee; and

(b) that the following draft takes as its basis the current Task Initiation process contained in document SCIT/1/7:

(i) Consideration of a subject may be initiated by any Member State or by the International Bureau by submission of a written project brief, to include:

- a clear indication of the problem or specific need to be addressed
- how the need was determined
- the objectives of the task
- options for solution
- expected benefits;

(ii) If the proposal receives support from the relevant committee the Secretariat will be asked to produce a feasibility report to include:

- cost estimates
- risks
- resource requirements
- the implications of the task on the existing IT Work Plan for the biennium;

(iii) The Secretariat will include the feasibility report in the draft agenda of the first available session of the relevant committee;

(iv) If the new project or task is accepted:

- and it falls within the scope of the existing IT Work Plan it will be allocated directly to the relevant area and, in the case of a committee-related project, the committee will be asked to indicate the priority of the task within the overall project scope;
- and it is not covered by the existing IT Work Plan, the committee will have two options: either to set the task a priority level above that of an existing committee-related project that would then be discontinued or reduced in scope, or to request the International Bureau to include the task in the Program and Budget for the following biennium.

### Priority setting

Issues for consideration

31. Priorities need to be determined in such a way that decisions taken to alter the scope of projects external to WIPO are not to the detriment of its internal systems.

32. The priority-setting mechanism must be dynamic enough to be responsive to a fast-changing technological environment.

33. New high-priority activities should be fed into the overall budget process.

Suggested working method

34. A clear, working division of budgets and activities between services and projects would “protect” the necessary resource investment needed for WIPO’s internal systems.

35. Priority setting should become an integral part of the process for creating new tasks or projects.

### Meeting documentation

Issues to be considered

36. Although not covered under the original restructuring mandate, the issue of the amount of documentation prepared and circulated by the International Bureau is also relevant. The SCIT fifth Plenary session, held in July 2000, is a case in point. For that particular meeting 1,359 documents were mailed to 811 separate addresses covering intellectual



property Offices, Ministries of Foreign Affairs, Permanent Missions, intergovernmental and non-governmental organizations.

Suggested working method

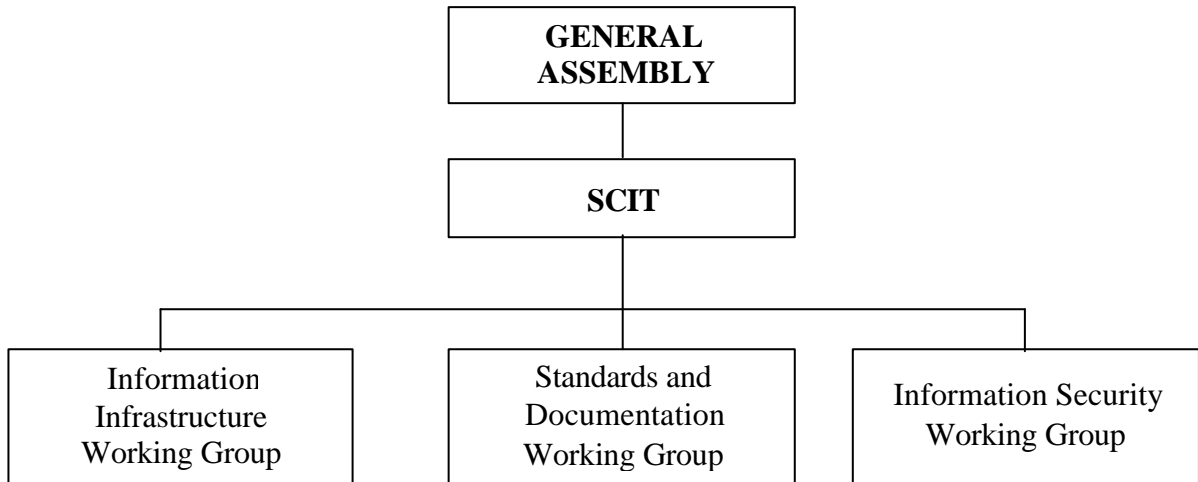
37. Prior to a committee meeting, the Secretariat would mail only the letter of invitation and the agenda. The invitation would also indicate the meeting documents available on the WIPO web site and an address to contact if paper copies are required to be sent (paper copies would only be sent on request).

[Annex follows]

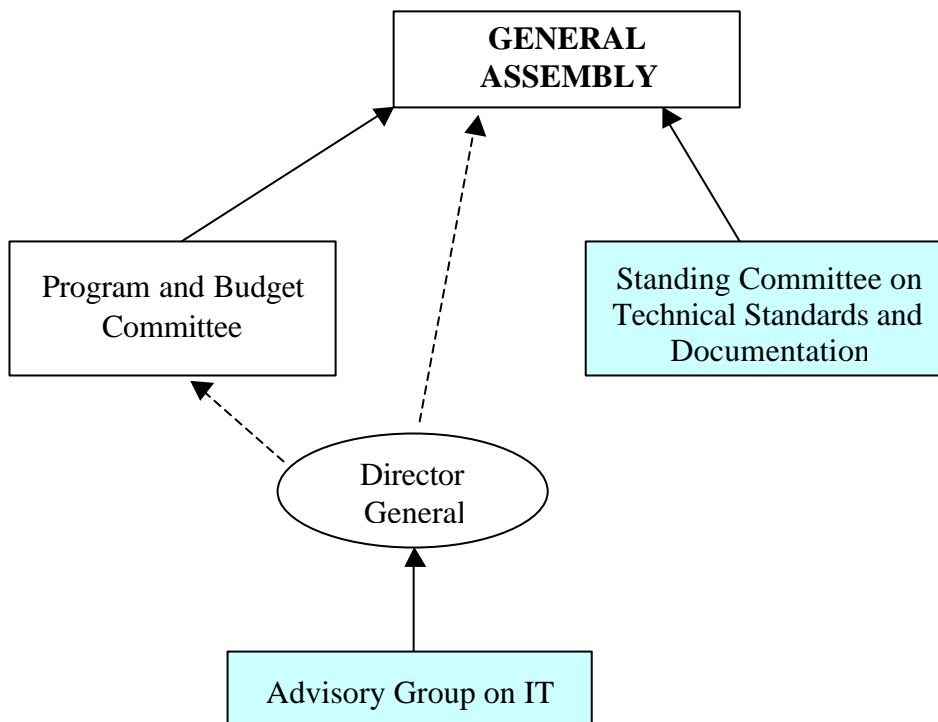
## ANNEX

## OPTIONS FOR STRUCTURE

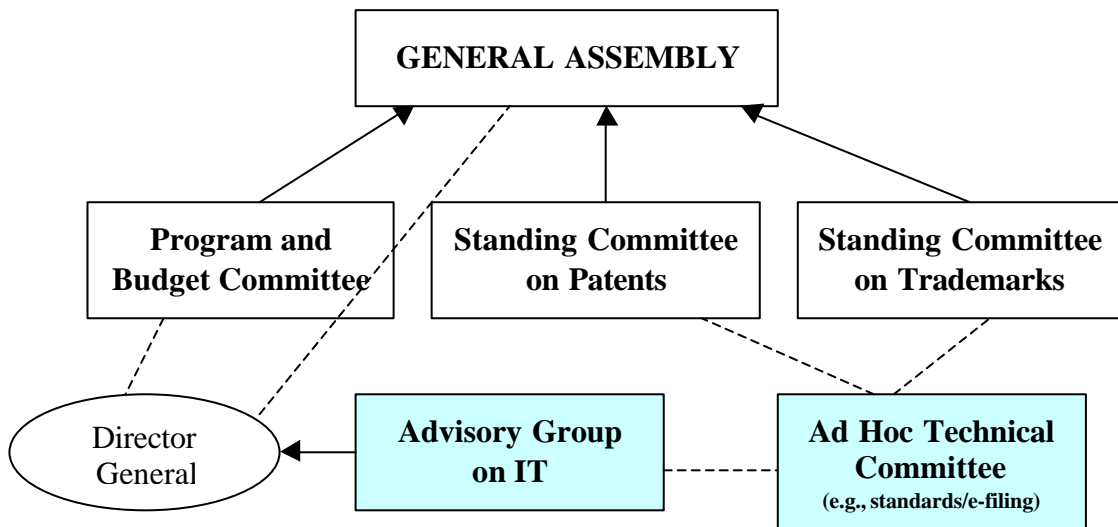
Option I: this option reflects the current committee structure, whereby the three permanent working groups report directly to the SCIT Plenary. In turn, the Plenary may make recommendations to the WIPO General Assembly on matters of information technology, although in practice this has never happened.



Option II: this option was contained in the International Bureau's first draft paper on SCIT restructuring. It replaces the SCIT with an Advisory Group (to the Director General) on Information Technology and a permanent Standing Committee for Standards and Documentation, thus recognizing the clear distinction between the two areas. A benefit of which would be the fact that the agendas of the respective committees could be more clearly focused and targeted to specific levels of Member State representation.



Option III: the main difference between this and Option II is the replacement of a permanent committee on standards and documentation with an ad hoc structure that would have an agenda driven by the Standing Committees on Patents and Trademarks and the Advisory Group on IT. A benefit of this would be that ad hoc technical committees could be convened to handle any information technology-related, cross-cutting issue such as electronic-filing, and would not necessarily be restricted to issues of standards and documentation. However, the question of responsibility for the administration of the ad hoc technical committees within the International Bureau would need to be resolved in advance to prevent duplication of effort and to ensure that financial provision is made in the budget process for the convening of meetings.



Option IV: if this Option were to be adopted, the SCIT would need to agree a formula for the membership of the Advisory Group on IT to prevent it becoming a replica of the SCIT. The relationship between the SCIT and other Member State organs is also unclear and would need further elaboration.

