

WORK ADVANCES ON NEW GLOBAL ISSUES



*Textiles
from Tunisia*

The second meeting of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), held in Geneva from December 10 to 14, approved further work within WIPO on the intellectual property aspects of the documentation of public domain traditional knowledge and its inclusion in the patent examination process as part of searchable prior art. This would make a useful contribution in addressing complaints relating to the grant of patents on traditional knowledge.

The Committee also approved further work on the establishment of model intellectual property clauses for contractual agreements regulating access to and benefit-sharing in genetic resources. This could involve the establishment of a database of model clauses submitted by states and other stakeholders to serve as a guide in the negotiation of contracts.

The IGC also discussed interim reports on traditional knowledge and folklore that used empirical information provided by states to describe the extent to which the traditional intellectual property system is sufficient in addressing these forms of knowledge. Final reports will be considered at the third meeting that is scheduled in June. In this regard, work will also continue to identify those components of traditional knowledge that might be protected by intellectual property rights.

The IGC reaffirmed that WIPO should continue to address these issues in collaboration, where appropriate, with the secretariat of the Convention on Biological Diversity (CBD) and the Food and Agriculture Organization (FAO) and its Commission on Genetic Resources, as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO).

100,000TH PCT APPLICATION FILED

The Patent Cooperation Treaty (PCT) set a new record last year when the 100,000th international patent application filed under the Treaty was received at WIPO in December. In the PCT's 23-year history, this is the largest number of applications filed in a single year. In 2000, the PCT received 90,948 international applications – representing a notional equivalent of just under 8.5 million national patent applications – which itself was a 22.9 percent increase on figures for 1999. Since the PCT came into force in 1978, more than 600,000 international applications have been filed.



EFFORTS TO HARMONIZE TRADEMARK LAW MOVE AHEAD

By filing a patent application under the PCT, an applicant may apply for patent protection in any or all of the 115 PCT member states. This significantly reduces the time and money invested in obtaining patent protection. The PCT does not grant patents, but it contributes significantly to the process of seeking patent protection in multiple countries.

Initial statistics also show a significant increase in use of the PCT by nationals from developing countries. Last year's largest number of users from developing countries came from the Republic of Korea, China, South Africa, and India.

A comprehensive effort at reform of the PCT has been underway during the last four years, including efforts towards automation, lowering of fees, and simplification of the treaty. Fee reductions have been implemented for five consecutive years, leading to a total 45 percent reduction in fees since 1998.



WIPO member States have agreed to move forward with a comprehensive program of harmonization of laws for the protection of marks. At a meeting of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) in Geneva in December, negotiators committed to a program of work that aims to further simplify and streamline the trademark procedures and to initiate harmonization of substantive trademark law.

The decision to move ahead with further harmonization efforts follows the adoption of the Joint Recommendation on the Protection of Well-Known Marks (1999), the Joint Recommendation on Trademark Licenses (2000) and the Joint Recommendation on the Protection of Marks on the Internet (2001).

Trademark formality requirements are currently governed by the WIPO Trademark Law Treaty (TLT), concluded in 1994, which serves to harmonize and simplify the formal requirements involved in trademark procedures. The SCT agreed to build on the TLT and to further simplify and expand the harmonization of formalities by introducing provisions for electronic filing, incorporating provisions contained in the WIPO Joint Recommendation on Trademark Licenses or offering relief in regard to various formal mistakes and time limits.

Photo: Mercedes Martínez Dosal



The SCT also decided to initiate work on harmonization of substantive trademark law, particularly concerning non-traditional marks (for instance, color marks, smell marks, three-dimensional marks) or conflicts with prior rights. The member States stressed the need for an evaluation of the interference between trademark law and industrial designs law or copyright law.

The SCT also engaged in a fruitful exchange of views on issues concerning the definition of geographical indications, systems of protection and the underlying policy considerations, the relationship between geographical indications and trademark rights and the economic impact of various systems of protection (see http://www.wipo.int/eng/document/sct/index_6.htm).



Ms. Debbie RØNNING (center), Chair of the SCT, and the two Vice-Chairs, Mrs. Graciela ROAD D'IMPERIO (at her right) and Mrs. María Teresa YESTE LÓPEZ (at her left)