

WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM OTHER INTERGOVERNMENTAL ORGANIZATIONS

World Intellectual Property Organization

At its meeting of 24 May 1995, the Council for TRIPS agreed to request certain intergovernmental organizations to provide information on their technical and financial cooperation programmes in the area of intellectual property relevant to the implementation of the TRIPS Agreement (IP/C/M/2, paragraph 53).

The following communication, dated 18 July 1995, has been received in response from the Director General of the World Intellectual Property Organization. The annex to this letter, containing a description of the "Development Cooperation Program Of The World Intellectual Property Organization In Favour Of Developing Countries In The 1996-1997 Biennium", is reproduced as an annex to this document.

Communications from other intergovernmental organizations responding to the request of the Council for TRIPS will be circulated as addenda to this document.

I thank you for your letter of 19 June 1995, in which you requested a description of WIPO's technical and financial cooperation program in the area of intellectual property, for the benefit of developing countries, that would be relevant to the implementation of the TRIPS Agreement.

It is with pleasure that I send you that description in respect of the program that is proposed to be carried out in 1996 and 1997. It is contained in the annex to this letter.

The technical cooperation program of WIPO is known, in the context of our Organization, as the Development Cooperation Program. Most of the activities which are to be carried out under this program would be relevant to developing countries in their preparations for the implementation of the TRIPS Agreement.

ANNEX

THE DEVELOPMENT COOPERATION PROGRAMME OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION
IN FAVOUR OF DEVELOPING COUNTRIES
IN THE 1996-97 BIENNIUM

Objective

The objective is to cooperate with, and provide technical assistance to, developing countries in the establishment or modernization of intellectual property (industrial property and copyright) systems, based on national objectives and requirements, in various ways such as the following:

- (1) developing human resources;
- (2) facilitating the creation or improvement of national or regional legislation and its effective enforcement, and encouraging adherence to WIPO-administered treaties;
- (3) facilitating the creation or modernization, including automation, of governmental and other institutions for the administration of national or regional intellectual property systems (institution building);
- (4) developing capacities and infrastructure for the development, management and exploitation by industrial and other users of their intellectual property rights;
- (5) promoting public awareness concerning intellectual property.

Activities proposed for 1996 and 1997

(1) Human Resources

WIPO will provide demand-based and, whenever feasible, long-term training, and promote exchange of experience and information among different categories of right owners and users of the intellectual property system, such as the following:

- (i) management and staff of patent, trademark and copyright offices;
- (ii) senior officials of national governments, involved in intellectual property related policy-making, in the ministries/departments of the executive branch dealing with foreign affairs, law, economic affairs, planning, industry, trade, science and technology, environment, education and culture, etc.;
- (iii) legislators and members of the judiciary;
- (iv) intellectual property lawyers, agents and consultants;
- (v) police and customs officials concerned with enforcement of intellectual property rights;
- (vi) teachers of intellectual property in institutions teaching law, business, science, engineering and other technical disciplines;

- (vii) inventors, scientists, researchers, engineers, designers, trademark owners and officials of their respective associations;
- (viii) authors, composers, performers, producers of phonograms and officials of their respective organizations;
- (ix) management and staff of semi-governmental and non-governmental associations of industry, trade and commerce involved in promoting the use, management and exploitation of industrial property by industrial and business enterprises;
- (x) management and staff of semi-governmental and non-governmental organizations of copyright and neighbouring rights involved in the administration of such rights, particularly with the help of computerized systems;
- (xi) management and staff of small and medium enterprises creating, selling or buying industrial property rights or rights in protected works;
- (xii) institutions involved in research and studies concerning the rôle of intellectual property in the social, cultural, legal, technical and economic development of their countries or regions;
- (xiii) financial and other institutions concerned with encouraging commercialization of patented technologies, such as those providing venture capital, seed money, or other incentives for such projects in developing countries.

WIPO will continue training, individually or in groups (in long-term fellowships, seminars, workshops, symposiums, colloquiums, round table meetings, the WIPO Academy and study visits for senior officials), in order to provide basic or specialized knowledge of the law, administration, enforcement and exercise of intellectual property rights, as well as in the field of documentation and information.

In general, training will be organized to respond to the specific needs of the country of the trainee concerned, including the need for local trainers. Trainees will be encouraged to provide feedback on the training program to ascertain its usefulness. Most of the training will be organized in cooperation with governments, intergovernmental and semi-governmental organizations and, where appropriate, non-governmental organizations. To an increasing extent, training will be provided by WIPO consultants in developing countries, especially on-the-job training. Training and study attachments will also be organized in industrialized and developing countries and at WIPO Headquarters.

Teaching and training material, including, whenever possible, training manuals, will be prepared by WIPO staff or consultants, and will be provided to the trainees, together with other WIPO documents and publications. Appropriate manuals will be developed for different user groups and adapted to different levels of expertise.

Training and training material will also be provided in facilitating the automation and the application of information technology, including computer systems, in industrial property and copyright offices and authors' societies.

The training of the management and staff of intellectual property offices will focus on imparting knowledge and skills for better and faster processing of requests for grant/registration of intellectual property titles, and greater accuracy and correctness of search and examination work.

WIPO will assist, at the request of governments, in setting up or improving institutional mechanisms for training of intellectual property lawyers, agents or consultants. In addition to developing their traditional skills, the training of intellectual property lawyers and agents will also focus on the advantages offered by the WIPO-administered registration systems and by the WIPO Arbitration Center, as well as on their rôle as advisers and catalysts in the protection and commercial application of intellectual property rights.

The exchange of experience among policy-level government officials and among legislators will be continued to enable them to better formulate and implement appropriate policies for their respective countries in the field of intellectual property.

The activities with members of the judiciary will focus on interpretation and application of intellectual property laws, the international treaties in the field of intellectual property and on measures for enforcement of intellectual property rights. Special training will be organized for police and customs officials involved in the implementation of rules, regulations and procedures for investigating, or otherwise dealing with, complaints concerning violations of intellectual property rights.

Training with respect to the teaching of intellectual property will take various forms, such as:

- (i) preparation of curriculums;
- (ii) preparation or acquisition of teaching material, including guides and manuals;
- (iii) where resources permit, training in the form of study visits and academic course work at internationally reputed institutions for the study of, and research in, intellectual property;
- (iv) cooperating with the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) for training, or facilitating the participation in meetings, of professors and researchers in intellectual property law from developing countries, and in the development of curriculums and teaching materials for teaching intellectual property law in those countries.

A special effort will be given to extend the coverage and scope of the teaching of, or research in, the legal, technological, social, cultural, commercial, industrial and other economic aspects of intellectual property, in universities and other teaching and research institutions in developing countries. This activity will extend to students in law, science, engineering, and business departments in universities.

The training of inventors, scientists, researchers, authors, composers, performers and other neighbouring rights owners, and key officials of their respective associations, will focus on the nature of their respective rights, the effective exercise of those rights in licensing and other types of transfer of rights and on taking the necessary steps to secure adequate protection of their intellectual property rights.

The training of management and staff of associations of industry, trade and commerce will focus on their capability to disseminate intellectual property information to their members, and to encourage small and medium enterprises to use intellectual property rights as part of their corporate and marketing strategies.

The training of management and staff of research and development institutions and small and medium enterprises will focus on creating or enhancing awareness and use of the intellectual property

system to help solve their technological problems, to maintain or increase their market share and for the proper management of their intellectual property rights.

(2) National and Regional Legislation and WIPO-Administered Treaties

WIPO will cooperate, at the request of any government or group of governments of developing countries, in the formulation of new, or the improvement of existing, treaties, laws and regulations in relation to intellectual property. While doing so, WIPO will keep in view the provisions of international treaties concerned, including the TRIPS Agreement, as well as the emerging trends at the international level in the relevant fields of intellectual property and the adaptation of laws and regulations for the implementation of the Trademark Law Treaty.

Such cooperation will take various forms, in particular the following:

- (i) effecting consultations - by correspondence or by visiting the countries concerned and/or at WIPO Headquarters - between WIPO staff and/or consultants, on the one hand, and officials and/or legislators of the governments or regional intergovernmental institutions concerned, on the other hand, concerning contemplated legislative provisions;
- (ii) arranging study visits for senior government officials and policy makers;
- (iii) organizing regional, sub-regional and national seminars, workshops, symposiums, colloquiums or round table meetings for officials of government and regional intergovernmental institutions and experts;
- (iv) organizing on-the-job training in the industrial property offices concerned and at WIPO Headquarters in the use of the registration and classification treaties administered by WIPO;
- (v) organizing national roving workshops by WIPO staff and/or consultants on international filing procedures under the WIPO-administered registration treaties.

Furthermore, WIPO will inform government officials, legislators and other parties concerned in the private sector of developing countries of the advantages of adherence to WIPO-administered treaties. WIPO will provide, at the request of governments of developing countries, advice on the compatibility of national or regional laws with the treaties in question and the advantages of adherence to the treaties.

(3) Institution Building

WIPO will cooperate, at the request of individual governments, or groups of governments, of developing countries, in the creation or strengthening of national or regional industrial property and copyright offices and of other institutions, such as intellectual property institutes, teaching and research institutions, inventors' associations, authors' societies, professional organizations, etc.

WIPO will cooperate in institution building activities in various ways, such as the following:

- (i) consultations in the countries concerned and/or at WIPO Headquarters between WIPO staff and/or WIPO consultants, on the one hand, and officials of the offices or institutions concerned, on the other hand;

- (ii) provision, or the facilitation of the acquisition, of appropriate equipment, computer hardware, software, and machine-readable data carriers, such as CD-ROM products, of other industrial property offices;
- (iii) assistance in the recording of national industrial property data on various machine-readable data carriers, such as CD-ROMs;
- (iv) training in accessing and use of computerized industrial property data bases;
- (v) preparation and publication of administrative guidelines, guides or manuals;
- (vi) providing services of WIPO staff and/or consultants for improving the overall operational efficiency and effectiveness of offices, institutes, associations, societies and other organizations;
- (vii) training in the use of the IPC, Nice, Vienna and Locarno Classifications;
- (viii) arranging for free-of-charge patent information and documentation services (including the supply of search and examination reports on patent applications filed with national or regional industrial property offices in developing countries, reports on the state-of-the-art, copies of patent documents, preparation of monographic studies based on patent documents and their publication on CD-ROMs, and information on the legal status of patents) for the benefit of users in developing countries.

(a) *Industrial Property Offices*

Institution building in respect of industrial property offices will include technical assistance for the creation, or modernization, of industrial property offices. Modernization will focus on simplification and/or streamlining of procedures, and, wherever feasible, computerization of operations for granting of industrial property titles as well as for providing intellectual property information services to users.

In addition, such cooperation will include providing technical assistance to interested developing countries on:

- (i) the granting, when so desired by the governments concerned, of patents without substantive examination (with the possible exception of certain technical fields of particular interest to the country's economy) or by relying on search and examination reports provided under the Patent Cooperation Treaty (PCT), in order to make procedures cheaper and faster;
- (ii) the achieving of institutional and financial independence of the industrial property offices;
- (iii) the elimination of the accumulation of unprocessed or pending applications for industrial property titles;
- (iv) organizing national patent collections in classified and numerical arrangement and establishing in-house data bases of national patents;
- (v) modernizing the procedures of trademark registries for the implementation of the Madrid Protocol and the Trademark Law Treaty.

WIPO will examine the operational and financial feasibility of WIPO later undertaking in-house, or with the assistance of certain patents offices, patent search and examination at the request of national offices in developing countries.

(b) Copyright Offices and Organizations

Institution-building in respect of copyright offices and copyright management organizations will include technical assistance for their creation, modernization or improvement. Modernization will focus on the development of the Copyright Societies Information System's software (COSIS) including computerization of the operations of copyright offices and copyright management organizations.

In addition, such cooperation will include providing technical assistance to interested developing countries or organizations and offices on:

- (i) providing and installing computer equipment (hardware) including installation of relevant software (COSIS);
- (ii) providing technical assistance for the development of such computerized management systems;
- (iii) training on the use of computerized systems in copyright management organizations of developing countries;
- (iv) training of staff in copyright management organizations;
- (v) giving advice on various aspects of the management of rights and related matters, such as documentation process of works, licensing and establishment of tariffs with users and elaboration or implementation of distribution rules;
- (vi) training of officials responsible for enforcement of rights.

(c) Mechanisms to Access and Use Intellectual Property Information

WIPO staff and/or consultants will provide technical assistance to intellectual property offices, engineering and technical institutes, research and development organizations, industry and trade associations, inventors' associations, etc., for building institutional mechanisms for providing access to, and facilitating the use of, intellectual property information and its further dissemination. This will be done by providing technical assistance for (i) development of modern storage mechanisms for intellectual property information by using machine-readable data carriers, such as CD-ROMs, optical discs, magnetic tapes, etc.; (ii) development of, or access to, computerized data bases; and (iii) development and use of information technology for accessing and disseminating such information.

(d) Intellectual Property Information Exchange Systems

WIPO will cooperate with and provide technical assistance to developing countries for the creation or strengthening of sub-regional or regional cooperation structures and institutions for facilitating exchange of intellectual property information. Such structures or institutions will be linked through means provided by information technology to their intellectual property office concerned and/or to other institutions at the national level. Such cooperation will be based on developing national, sub-regional or regional data bases based on machine-readable data carriers, which may be interlinked through existing international communication systems.

WIPO will encourage and facilitate the development of such cooperative structures and institutions by facilitating (i) the pooling of resources for search and examination of applications on a sub-regional or regional basis; (ii) the development of sub-regional or regional intellectual property information products; (iii) the harmonization of procedures and standardization of application forms at the national level for grant of industrial property titles; (iv) the development of common hardware and software platforms for the computerization needs of intellectual property offices at the national, sub-regional or regional level.

(4) Development, Management and Exploitation of Intellectual Property Rights

(a) *Encouraging Local Inventive and Artistic Creative Activities*

WIPO will cooperate, at the request of individual governments, or groups of governments, of developing countries, in the planning and organizing of new institutional mechanisms, or in adapting existing ones, to encourage and support local inventive or innovative activities (including of women and youth) and the development and commercialization of inventions, by measures such as the following:

- (i) promoting public awareness of the work and achievements of inventors and other creators through, in particular, official recognition by awarding certificates of merit, medals, including the awarding of the WIPO gold medals, and by organizing competitions, exhibitions, etc., for inventors, innovators, designers, etc.;
- (ii) providing technical assistance for the creation or modernization of national institutions for facilitating the protection and commercialization of local inventions (including university-related institutions);
- (iii) providing technical assistance for formulating policies at the national level for devising fiscal and financial incentives and rewards for innovative and inventive activities and their commercialization;
- (iv) promoting contacts and exchange of experience between inventors, creators and their associations in different countries by organizing international workshops, seminars, etc., and providing assistance in the establishment of associations of inventors;
- (v) encouraging the local creation, publication and exploitation of literary and artistic works;
- (vi) supply of information, on request, on patent documents of other countries dealing with the same technological problem;
- (vii) preparation and publication of studies, surveys, guides, directories, or manuals concerning practices followed in different countries for encouraging the exploitation of inventions, including financial support measures;
- (viii) with respect to activities related to promotion of inventive and innovative activities, WIPO will cooperate with national, regional and international institutions, such as the International Federation of Inventors' Associations (IFIA).

(b) *Encouraging Use of the Industrial Property System by Small and Medium Enterprises*

WIPO will cooperate, at the request of individual governments, or groups of governments, of developing countries, in creating awareness among small and medium enterprises of the benefits

of having inventions patented and trademarks and industrial designs registered both locally and in other countries.

Such cooperation will take various forms, particularly the organization of national, sub-regional and regional seminars and workshops for representatives of small and medium enterprises, and the rendering of expert advice, undertaking of surveys of practices, and preparing case studies, guides and manuals for the establishment of industrial property departments in small and medium enterprises.

Upon specific request, WIPO will provide assistance to associations of enterprises on how to obtain industrial property protection in the most expeditious and inexpensive way, how to negotiate licensing contracts of protected technology and how to obtain cost-effective dispute resolution involving intellectual property rights, and the procedures offered by the WIPO Arbitration Center in this regard, and how to exploit their industrial property rights as part of their business strategy.

(c) *Providing Assistance for Acquiring Foreign, but Locally Protected, Technology*

WIPO will cooperate, at the request of individual governments, or groups of governments and institutions, or other entities in the private sector, of developing countries, in their efforts to increase knowledge and skills for negotiating contracts concerning the acquisition of technology of foreign origin, where such technology is the subject of intellectual property rights and is locally protected.

Special attention will be given to technologies which are environmentally sound and contribute to the country's social and economic development. The said cooperation will relate in particular to such questions as:

- (i) how to identify whether the invention, mark or industrial design concerned is protected and, if so, how to identify and locate its owner(s);
- (ii) how to obtain information on the status and coverage of the said intellectual property rights;
- (iii) how to negotiate licensing or franchising contracts for the use of such rights, or to conclude contracts for the transfer of such rights.

Such cooperation will take various forms, in particular the following: individual and group training; study visits abroad; national, sub-regional, regional or inter-regional seminars, workshops and meetings of experts; the preparation and publication of monographic surveys, guides and manuals for specific fields and/or different branches of industry.

(5) Promoting Public Awareness Concerning Intellectual Property

WIPO will cooperate with developing countries in their efforts to promote better understanding by the general public of the various aspects of intellectual property rights to ensure that all concerned appreciate their economic importance to the country, the benefits of intellectual property protection, and the mechanisms necessary to adequately protect intellectual property. The cooperation will focus on facilitating and encouraging the development of public information material, which will be targeted at: (i) secondary school students; (ii) higher educational institutions in management, engineering, science and technology; (iii) small and medium enterprises; and (iv) the general public.

The public information material on intellectual property could be in various media and in different forms, such as newspaper or magazine advertisements, booklets, brochures, posters, exhibits, slides, overhead transparencies, video films, radio and television programs, animated cartoons for telling stories.

WIPO will develop a periodic publication for dissemination of basic ideas about intellectual property and its management for the benefit of specific target groups, and provide inputs in relevant existing publications and journals in developing countries.

Such cooperation will take various forms, in particular governmental and non-governmental consultations, development of basic informational material, expert advisory missions and training.

A total of between 400 and 500 representatives of developing countries would, under this sub-item, benefit from WIPO bearing their travel costs and subsistence allowances.

Financing

- (a) The allocation from the regular budget of WIPO is sufficient to cover only part of the above-mentioned activities; the rest of those activities are expected to be financed with the help of extra-budgetary resources, particularly funds for development cooperation made available to WIPO by various countries and intergovernmental organizations or programs such as the United Nations Development Program (UNDP). The said funds are used according to the terms of the agreements concluded with the donor countries or intergovernmental organizations and programs; they are mainly used for expert services, training, documentation and equipment. Some of the activities are also expected to be carried out with contributions in kind (experts, fellowships, documentation, equipment, documentary searches, etc.) provided by various countries, including developing countries, or organizations.
- (b) WIPO will pay particular attention to requests for development cooperation received from the government of any country which is, or is treated in the same way as, a least-developed country, especially in relation to the need for equipment, training material and experts working long-term.

Expected Results

It is estimated that practically all developing countries will benefit from the activities proposed in this program during the biennium 1996-1997.

Some 20,000 nationals of developing countries are expected to benefit from training courses or study attachments, or will participate in other events, such as seminars and workshops, having a training or informational element. This figure includes some 2,500 whose travel and/or living expenses will be paid by WIPO or through WIPO by a donor government or organization. The remaining 17,500 will be local participants in the event concerned. Since many of the trainees/participants will be trainers or supervisors themselves, it is expected that the multiplier effect will lead to an eventual figure of beneficiaries much higher than 20,000.