

TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM
DEVELOPED COUNTRY MEMBERS

Switzerland

This addendum reproduces a communication which has been received from the delegation of Switzerland in response to the request by the Council for TRIPS to developed country Members, as agreed at its meeting of 24 May 1995 (IP/C/M/2, paragraph 53), for information on their technical and financial cooperation programmes in the area of intellectual property relevant to the implementation of the TRIPS Agreement.

I. PRELIMINARY REMARKS

- A. This note is limited to technical cooperation in the area of intellectual property¹, and does not discuss the cooperation financed by Switzerland in the broader context of GATT/WTO, such as the training programmes for developing countries and the countries of Central and Eastern Europe (administered by GATT/WTO). It should be pointed out that any general training programme within the framework of the WTO must henceforth include a section on the TRIPS Agreement.
- B. This note does not cover cooperation provided *exclusively* and *directly* by private Swiss organizations such as companies for the collective management of copyright and neighbouring rights, or by private enterprises. It does, however, cover cases where the Swiss business community has requested the cooperation of the Swiss authorities.
- C. Article 67 of the TRIPS Agreement refers only to "developing and least-developed country Members". However, in order to facilitate future discussions on technical cooperation and to provide an accurate overview of financial and human resources in Switzerland, it was felt that technical cooperation with the countries" in the process of transformation from a centrally-planned into a market economy" (chiefly the countries of Central and Eastern Europe) should also be described.

¹Situation up to July 1995.

II. SWISS TECHNICAL COOPERATION IN GENERAL

- A. The aims of Swiss technical cooperation are:
- (1) To develop human resources through theoretical and practical training conducted either in Switzerland or in the country that has requested technical cooperation, in all fields of intellectual property law (including enforcement of rights, registration procedures, technical aspects of legislating and international law);
 - (2) to assist third countries in creating and modernizing intellectual property offices;
 - (3) to facilitate in a general way the understanding, development, management and utilization of intellectual property systems;
 - (4) to facilitate the exchange of information in general, and patent information in particular;
 - (5) to provide, targeted assistance on an ad hoc basis to individual enterprises or inventors from the developing countries.
- B. The Swiss contribution to technical cooperation in the area of intellectual property is of two types:
- (1) Multilateral; and
 - (2) bilateral.
- C. Swiss technical cooperation covers not only the developing countries, but also the countries of Central and Eastern Europe (including the Commonwealth of Independent States).
- D. Swiss technical cooperation is geared to the personnel (management, senior staff) of intellectual property offices, officials from other government bodies, representatives of the legislative branch and political circles, representatives of economic circles, of promotion and development organizations and of individual enterprises, creators or inventors.
- E. As a rule, Swiss cooperation is financed:
- (a) Through the general budget of the Federal Intellectual Property Office² (which covers the cost of staff assigned to cooperation programmes as well as expenses connected with other miscellaneous activities);
 - (b) through credits granted by the Federal Department (Ministry) of Foreign Affairs, *inter alia* through the Directorate of Development Cooperation and Humanitarian Aid;
 - (c) through credits granted by the Federal Department of Justice and Police;

²The Federal Intellectual Property Office is under the responsibility of the Federal Department of Justice and Police.

- (d) on a less regular basis, through credits granted by the Federal Office of Foreign Economic Affairs.³
- F. Technical assistance through the provision of services (training of personnel, assignment of experts to specific projects, seminars, information exchange, etc.) is generally preferred to "direct" financing (direct granting of credits or supply of office computer equipment, for example).
- G. Apart from the exceptions mentioned below, Swiss cooperation is provided, in *substance*, principally by the Federal Intellectual Property Office with the active cooperation, in certain cases, of interested circles (industry, collective management companies) or of other federal offices. The organization and follow-up of planned activities in connection with projects financed by the Swiss authorities have, on occasion, been entrusted to private or semi-private institutions; however, such cases remain exceptional.
- H. Technical cooperation provided by the Federal Intellectual Property Office covers not only all aspects of industrial property (patents, trademarks, geographical indications, industrial designs, layouts (topographies) of integrated circuits), but also copyright and neighbouring rights.

III. DETAILED DESCRIPTION OF SWISS TECHNICAL COOPERATION

A. Geographical scope

Multilateral Swiss technical cooperation is geared towards the developing countries, in particular the least-developed countries. Since 1990, it has been extended to the countries of Central and Eastern Europe.

In order to provide the best possible training, teaching and information are preferably provided by the Federal Intellectual Property Office in French or in German (two of the official languages of Switzerland). As German is less commonly used worldwide, for many years the choice fell to the countries of French-speaking Africa. Over the past decade, it has been possible to provide instruction in English as well, a development which has resulted in an extension of the geographical scope of technical cooperation (Eastern and Central Europe, South-East Asia). As a rule, short training programmes are usually provided in English, while the longer programmes (one month, for example) tend to be provided in French. It has also been possible, in some cases, to provide technical cooperation in Russian and Spanish. Instruction has been provided in German, in exceptional cases for certain developing countries, and on several occasions for the countries of Central and Eastern Europe.

B. Multilateral cooperation

Two organizations have served as the principal fora for Swiss development assistance in the area of intellectual property: the World Intellectual Property Organization (WIPO) in Geneva, and the European Patent Office (EPO) in Munich.

³The Federal Office of Foreign Economic Affairs is under the responsibility of the Federal Department of the Public Economy.

1. Cooperation with WIPO

The WIPO cooperation programme is approved by its member States, including Switzerland. WIPO has a very wide range of cooperation activities, among which Switzerland participates in the following:

- (a) Regular WIPO training programme: This programme consists of training courses organized by WIPO. Certain countries or organizations agree to finance, in part or in full, travel and living expenses for the trainees. Thus, every year, Switzerland funds the training of two persons from the developing countries or the least-developed countries in general.

The courses last two months, generally organized as follows: one week in Geneva and at WIPO Headquarters, three weeks at the Centre for the International Study of Intellectual Property (CEIPI) in Strasbourg and four weeks at the Federal Intellectual Property Office in Berne. Travel and living expenses as well as the training expenses in Switzerland at the Federal Intellectual Property Office are financed in full by the Swiss authorities (Directorate of Development Cooperation and Humanitarian Aid). The teaching and instruction provided at the Federal Intellectual Property Office cover all areas of intellectual property, including international law. Over the past few years, at the request of certain trainees, emphasis has also been placed on the TRIPS Agreement.

Switzerland has participated in this annual training programme since 1964. Over the years, the following countries had been able to benefit from the programme, in some cases several times (the countries of French-speaking Africa in particular): Argentina, Benin, Burundi, Cameroon, Chile, Colombia, Congo, Côte d'Ivoire, Egypt, Iran, Madagascar, Mali, Morocco, Mauritania, Niger, Peru, Philippines, Rwanda, Senegal, Chad, Togo, Vietnam and Zaire. The African Intellectual Property Organization (AIPO) is also among the beneficiaries of the programme.

- (b) Ad hoc training courses: In addition to the programme described in Section (a) above, the Federal Intellectual Property Office has also organized training courses for experts lasting one to two weeks, at the request of the countries concerned and WIPO. These courses were financed by the Federal Department of the Justice and Police within the framework of assistance to the countries of Central and Eastern Europe.
- (c) Information and/or training visits: Every year, at the request of WIPO, Switzerland receives delegations of experts at all levels from the developing countries or the countries of Central and Eastern Europe. The visits last one or two days, and their purpose is to demonstrate the structure and operation of the Federal Intellectual Property Office, including mechanisms for the examination of applications for protection as well as administrative and financial matters typical of an intellectual property office. All areas of intellectual property are covered. Over the past few years, at the request of certain delegations, emphasis has also been put on the TRIPS Agreement and/or European intellectual property law as a whole.
- (d) Sending of experts to industrial property offices: Generally in response to requests for technical assistance in modernizing offices and improving the efficiency of registration, examination and search procedures, the Swiss authorities may, in exceptional circumstances, grant special credits to finance the sending of Swiss experts (for example, to reconstitute collections of patent documents destroyed as the result of a natural disaster).

- (e) Participation in the seminars and courses organized, including the WIPO Academy: this activity involves classes or lectures given by experts seconded by the Swiss Federal Administration. All areas of intellectual property are covered.
- (f) Free-of-charge searches in connection with patent applications filed by citizens of developing countries: requests for assistance are submitted by citizens of developing countries and transmitted by WIPO to the Federal Intellectual Property Office, which carries out, free of charge, a search on the state-of-the-art with respect to the invention for which a patent has been requested. This type of technical assistance is motivated by the fact that such searches are usually very costly. The Federal Intellectual Property Office conducts an average of 60 to 70 searches per year. Switzerland is one of the nine countries in the world to provide this special type of assistance (information for 1994).

(2) Cooperation with the EPO

In this case, technical cooperation activities concern patents only. The budget for the EPOs activities is approved by the member States, including Switzerland.

The EPO has its own programme, but also works within the framework of the programmes financed by the European Union (e.g. the ASEAN project and the Regional Industrial Property Programme (RIPP) in the framework of the PHARE programme).

- (a) Practical training at the Federal Intellectual Property Office as a supplement to the training provided by the EPO: living expenses are financed by the EPO, for a period ranging from a few days to several weeks. It is designed for participants both from the developing countries and from the countries of Central and Eastern Europe.
- (b) Sending of Swiss experts with precise mandates in the field of cooperation: such experts are sent in response to requests made within the framework of the RIPP programme or the ASEAN project.

C. Bilateral cooperation

Bilateral cooperation is an important aspect of Swiss technical cooperation in the field of intellectual property. For many countries, this cooperation is also conducted within the framework of bilateral agreements concluded with Switzerland. It has developed particularly rapidly over the last few years, especially with respect to the countries of Central and Eastern Europe.

- (1) Types of cooperation activities: As a rule, these activities are similar to those described within the framework of WIPO. Requests for information visits are numerous. In addition, experts are seconded for cooperation activities that are less frequent but just as important, such as chairing commissions for the examination of future patent engineers. Requests have also been made for assistance in the organization of events other than seminars with a view to increasing general public awareness (invention and other exhibitions).

Training courses last one to two weeks and cover all areas of intellectual property, including enforcement of rights and international law. Over the past few years, at the request of certain delegations, emphasis has been placed on the TRIPS Agreement and/or Switzerland's experience in the field of European law.

The courses are generally designed for officials from industrial property offices. The Swiss authorities have also financed training programmes geared to the private sector (industry, patent engineers, university professors), entrusting private or semi-private institutions with the organization of the programmes; however, such cases remain exceptional.

- (2) Financing: Bilateral cooperation for the benefit of the developing countries has been funded by the Directorate of Development Cooperation and Humanitarian Aid.

The financing of bilateral cooperation with the Central and Eastern European countries has been provided through special credits voted by the Swiss Parliament. The training courses organized by the Federal Intellectual Property Office, for example, were financed through credits allocated to the Federal Department of Justice and Police, the Federal Department of Foreign Affairs and the Federal Office of Foreign Economic Affairs.

IV. CONCLUDING REMARKS

Swiss technical cooperation has covered almost all regions of the world, a fact which is illustrated by the following list (not exhaustive) of the countries and regional organizations that participated in one or several of the activities described above:

Albania, Algeria, Argentina, Belarus, Benin, Brazil, Bulgaria, Burundi, Cameroon, Chad, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Egypt, Estonia, Georgia, Greece, Hungary, India, Indonesia, Iran, Kazakhstan, Laos, Latvia, Lithuania, Madagascar, Mali, Mauritania, Morocco, Niger, Peru, Philippines, Republic of Moldova, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Singapore, Slovakia, Slovenia, Sri Lanka, Thailand, Togo, Ukraine, United Arab Emirates, United Republic of Tanzania, Vietnam, Zaire and the African Intellectual Property Organisation (AIPO).

Swiss technical cooperation in the field of intellectual property is based on a long tradition of international cooperation. It focuses, in particular, on the transfer of know-how, the sharing of experience and information, the creation of synergies, and the improvement of the conditions for effective and full participation of countries in the world economy and the strengthening of the multilateral framework of intellectual property law.