

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

WTO SECRETARIAT TECHNICAL COOPERATION IN THE TRIPS AREA

Note by the Secretariat

This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

1. This document updates the information on the WTO Secretariat's technical cooperation activities in regard to TRIPS matters contained in document IP/C/W/406, dated 23 October 2004. It covers the period from 1 November 2003 to 17 September 2004. It deals both with the Secretariat's technical activities that specifically relate to intellectual property and with those of a broader character which have a significant intellectual property component.

Main Orientations

2. The Secretariat's technical cooperation activities in relation to TRIPS have continued to be directed towards assisting Members to understand the rights and obligations, including the available options, which flow from the TRIPS Agreement and relevant decisions of WTO bodies. This has been particularly the case for the least-developed country Members whose transition period has yet to expire. This activity includes helping Members to assess the amendments that may be needed to their national legislation, the adaptations in institutions that may be called for and other requirements for which they would need to plan. The Secretariat's technical cooperation activities in the TRIPS area have also been aimed at assisting Members to participate fully in the work of the TRIPS Council. This has included assisting Members to use the mechanisms under the TRIPS Agreement, such as in regard to notifications and reviews of national legislation. It has also been aimed at assisting Members to assess what is at stake for them in issues under negotiation, examination or review in the TRIPS Council and thus to participate in this work.

3. The technical cooperation made available has been essentially driven by demand from Members. The Secretariat has also provided assistance to countries seeking to join the WTO by helping them to prepare for the accession process and by training officials. Priority continues to be attached to assistance to least-developed countries. Importance has been attached to ensuring complementarity and cooperation with other intergovernmental organizations, in particular WIPO. The main modes of supply of technical cooperation specifically relating to the TRIPS Agreement have been information and advice given to Members in Geneva and study programmes, training courses, seminars and workshops for developing countries in Geneva and elsewhere. The extent to which requests for assistance could be responded to continued, in the course of the reporting period, to be constrained by personnel resources.

Information and Advice given to Members in Geneva

4. A significant part of the work of Secretariat officials dealing with intellectual property matters has been concerned with providing information in response to questions put to them by representatives of Member governments, e.g. notification and review procedures, the meaning of particular provisions of the TRIPS Agreement, the options available under these provisions and matters under discussion or negotiation in the TRIPS Council. Matters have been raised with the Secretariat not only by local delegations but also by visiting intellectual property officials and as a result of direct contacts from officials in capitals by telephone or in written form on issues such as domestic draft legislation or the ongoing work and negotiations in the TRIPS Council. Advice and information have also been given to officials from acceding countries.

Seminars, Workshops, Training Courses and other Technical Cooperation Activities

In Geneva

5. TRIPS issues have continued to figure prominently in the context of broader training courses, seminars and workshops held in Geneva. For example, the long WTO Trade Policy Courses, the Introduction Courses for LDCs, the "Geneva Weeks" for Non-Residents, and other events held in Geneva included presentations on the TRIPS Agreement and the ongoing work and negotiations in the TRIPS area. The four long Trade Policy Courses held in Geneva during the reporting period also included a day at WIPO, learning about that Organization, its conventions and activities. In addition, the Secretariat organized a number of special study programmes for individual countries or groups of countries in Geneva, and provided speakers or briefings for a number of seminars and training programmes organized in Geneva by others, for example WIPO, the EPO (European Patent Office) and CASIN (Centre for Applied Studies in International Negotiations).

6. Pursuant to the WTO Technical Assistance and Training Plan 2004 ("TA Plan 2004")¹, a WIPO-WTO Joint Workshop on Intellectual Property Rights and Transfer of Technology was held on 17 November 2004. The objective of the Workshop was to examine in depth, with a range of experts, evidence regarding the relation between intellectual property rights and the transfer of technology.²

7. An important component of the activities carried out in Geneva during the reporting period was the holding, from 28 June to 9 July 2004, of a WIPO-WTO Colloquium for Teachers of Intellectual Property Law from developing countries. This Colloquium was a new joint initiative of the two Organizations. For the WTO, this formed part of a wider approach in the WTO TA Plan 2004 towards cooperation with the academic community in developing countries aimed at local capacity-building on WTO matters. The main objectives of the Colloquium were to update university teachers of intellectual property law in developing countries on the activities and instruments of WIPO and the WTO, and to provide a forum for exchange of information and ideas among the participants and officials of the two Organizations. The emphasis was put on recent developments and on policy issues under debate in the two Organizations. The Colloquium also provided an opportunity for an exchange of views on teaching methodologies and on the outsourcing of technical cooperation. The Colloquium took place at the WIPO Worldwide Academy and at the WTO. University teachers from the following 19 developing countries participated in the event: Argentina, Barbados, Brazil, Cameroon, Chile, China, Egypt, Ghana, India, Jordan, Kenya, Malaysia, Mexico, Nigeria, the Philippines, Sudan, Thailand, Turkey and Zambia. In addition to speakers from the two Secretariats and from the Secretariat of the Union for the Protection of New Plant Varieties (UPOV), several capital or Geneva-based delegates were invited to share views on certain topical issues under

¹ WT/COMTD/W/119/Rev.3.

² See http://www.wto.org/english/tratop_e/trips_e/techtransfer_e.htm, which refers for full details to the WIPO site, http://www.wipo.int/documents/en/meetings/2003/wipo_wto/index.html.

discussion or negotiation. Participating university teachers also made presentations on selected topics.³

Outside Geneva

8. An important part of the WTO technical cooperation in the field of intellectual property has been the organization of, or participation in, international, regional and national seminars, workshops and other events outside Geneva. The Annex to this document lists the technical cooperation missions outside Geneva organized by, or involving, intellectual property staff.

9. The WTO TA Plan 2004 puts special focus on regional seminars devoted to specific WTO areas. The Plan foresees the holding in 2004 of seven regional workshops on certain topical issues under discussion, examination or negotiation in the TRIPS context, namely TRIPS and public health, biotechnology/traditional knowledge/biodiversity, and geographical indications, as well as on enforcement. The aim of the workshops is to provide information and an opportunity for an exchange of views among countries of the region that will facilitate their effective participation in the ongoing negotiations or discussions. With regard to the Decision on Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, the workshops have also as their objective to provide information that will assist the countries of the region in implementing and making effective use of the mechanism set out therein. The programmes for these workshops provide for presentations by WTO staff members and representatives of WIPO and WHO as well as by two external speakers that are participating or have participated in the discussions or negotiations on the topical issues mentioned. In the first part of 2004, three regional workshops were organized, in cooperation with the host country, in: Kuala Lumpur, Malaysia, from 27-29 April 2004; Sandton (Johannesburg), South Africa, from 2-4 June 2004; and in Yaoundé, Cameroon, from 20-22 July 2004 (see Annex). The remaining four workshops are scheduled to be held from 19-21 October in Moldova (jointly with WIPO), from 3-5 November in Saint Lucia, from 8-10 November in the Dominican Republic and from 6-8 December in the United Arab Emirates.

10. In addition, the WTO participated in 12 national seminars or workshops devoted to intellectual property matters as well as in six regional events on intellectual property organized by other intergovernmental organizations. Further, WTO staff members participated in a number of meetings among providers of technical assistance on TRIPS matters.

11. One of the features of activities during the reporting period has been the increasing number of broader WTO events outside Geneva which have included a significant TRIPS component. The intellectual property staff contributed to six events, e.g. the three-month WTO regional Trade Policy Courses (for the Caribbean, English-speaking Africa and Asia/Pacific) and WTO short Trade Policy Courses, organized by the WTO Secretariat, or co-organized with other intergovernmental organizations and/or universities.

Cooperation with WIPO and other Intergovernmental Organizations

12. As indicated in this note and earlier reports submitted to the Council for TRIPS, cooperation with WIPO has been a key feature of WTO Secretariat technical cooperation in the TRIPS area. This has been based on the Cooperation Agreement between the two Organizations, Article 4 of which deals with legal-technical assistance and technical cooperation.⁴ Since the Agreement was concluded,

³ For the programme, see http://www.wipo.int/academy/en/policy/academy_sessions/index_past.htm.

⁴ The Agreement Between the World Intellectual Property Organization and the World Trade Organization came into effect on 1 January 1996. Article 4 of the Agreement provides for the International Bureau of WIPO to make available to developing country WTO Members which are not Members of WIPO the same legal-technical assistance relating to the TRIPS Agreement as it makes available to Member States of

there has been intensive cooperation between the two Organizations on technical cooperation matters, which has been regularly reported to the Council.⁵

13. The WIPO-WTO Joint Initiative on Technical Cooperation for Least-Developed Countries, launched in June 2001, is aimed at helping least-developed country Members of the WTO comply with their obligations under the TRIPS Agreement and make best use of the intellectual property system for their economic, social and cultural development. It is also open to other least-developed countries. Under the Joint Initiative, the two Organizations, together with countries requesting assistance, and, where appropriate, donor countries, are endeavouring to ensure that technical cooperation activities are efficiently planned and coordinated and to maximize the use of available resources in carrying them out. During the period under review, the WTO participated in national seminars in Bangladesh, Benin, Djibouti, the Maldives, Myanmar and Senegal (see Annex).

14. The WTO Secretariat has also cooperated in the provision of technical cooperation in the area of TRIPS with other intergovernmental organizations (see Annex).

WIPO which are developing countries. The WTO Secretariat is required to reciprocate. The Agreement also provides for the International Bureau and the WTO Secretariat to enhance cooperation in their legal-technical assistance and technical cooperation activities relating to the TRIPS Agreement for developing countries, so as to maximize the usefulness of those activities and ensure their mutually supportive nature.

⁵ See documents IP/C/W/406, 375, 304, 201, 156, 110, 79 and 36.

ANNEX

Technical Cooperation Missions in the TRIPS Area from 1 November 2003 to 17 September 2004

Date	Place	Mission
24-28 November 2003	Bangkok, Thailand	ADB (Asian Development Bank) Intensive Course on the WTO TRIPS Agreement.
2 December 2003	Tunis, Tunisia	JITAP (Joint Integrated Technical Assistance Program) National Workshop on Investment and Trade-related Aspects of Intellectual Property Rights
6-7 December 2003	Bahrain	WTO Seminar on the TRIPS Agreement
8-11 December 2003	Amman, Jordan	WHO Regional Consultative Meeting on TRIPS and Public Health
15-17 December 2003	Kuala Lumpur, Malaysia	WTO Seminar on the TRIPS Agreement
29 January 2004	Libreville, Gabon	WTO Trade Policy Course for CEMAC Countries (Communauté Economique et Monétaire de l'Afrique Centrale), organized with CEMAC and the Agence Intergouvernementale de la Francophonie
9-10 February 2004	Djibouti	WIPO National Seminar on Copyright and Related Rights WIPO-WTO Joint National Seminar on the TRIPS Agreement
9-13 February 2004	Hanoi, Viet Nam	Expert evaluation mission of the Special Programme of Cooperation (SPC) in the Field of Intellectual Property between Viet Nam and Switzerland
23-25 February 2004	Male, Maldives	WTO Seminar on the TRIPS Agreement
3-5 March 2004	Concepción, Chile	UNIDO Forum on Biotechnology
17-19 March 2004	Senegal	WTO Seminar on Enforcement (Border Measures)
23-25 March 2004	Guadalajara, Mexico	WIPO Regional Meeting of Heads of Copyright Offices and of Industrial Property Offices of Latin America

Date	Place	Mission
5-7 April 2004	Kingston, Jamaica	WTO Regional Trade Policy Course, organized with the University of the West Indies, Mona Campus, Jamaica
7-8 April 2004	New Delhi, India	Second Conference on Biotechnology for Asian Development, Regional Co-operation for Ensuring Access and Capacity Building, organized by RIS (Research and Information System for the Non-Aligned and Other Developing Countries)
20-21 April 2004	Beijing, China	OECD High-level Workshop on Intellectual Property Rights and Economic Development in China: Meeting Challenges and Opportunities Following WTO Entry
22-23 April 2004	Beijing, China	APEC Seminar on Patent Protection and Drug Access
27-29 April 2004	Kuala Lumpur, Malaysia	WTO Regional Workshop on Certain Topical Issues in regard to Intellectual Property for Asia and the Pacific, organized with the cooperation of the Intellectual Property Corporation of Malaysia (IPCM), Ministry of Domestic Trade and Consumer Affairs
10-12 May 2004	Nairobi, Kenya	WTO Regional Trade Policy Course, organized with the cooperation of the University of Nairobi
11-14 May 2004	Hanoi, Viet Nam	APEC Training Program on the Enforcement of Intellectual Property Rights for APEC Developing Member Economies
27-28 May 2004	Washington, United States	Training Seminar for the World Bank's officials: "Impact of International Trade in Goods and Services on Public Health"
2-4 June 2004	Sandton (Johannesburg), South Africa	WTO Regional Workshop on Certain Topical Issues in regard to Intellectual Property for English-speaking African Countries, organized with the cooperation of the Companies and Intellectual Property Registration Office (CIPRO), Department of Trade and Industry
14 June 2004	Lausanne, Switzerland	WHO Training Course on the Public Health Implications of Multilateral Trade Agreements
28-29 June 2004	Yangon, Myanmar	WIPO Workshop on the Implementation of the TRIPS Agreement
6 July 2004	Cotonou, Benin	WTO Seminar on the TRIPS Agreement

Date	Place	Mission
8-9 July 2004	Cotonou, Benin	IDB (Islamic Development Bank) - WTO Short Trade Policy Course for Countries Members of the OIC (Organization of Islamic Conference)
20-22 July 2004	Yaoundé, Cameroon	WTO Regional Workshop on Certain Topical Issues in regard to Intellectual Property for French-speaking African Countries, organized with the cooperation of the Ministry of Industry and Commerce of Cameroon
26-28 July 2004	Hong Kong, China	WTO Regional Trade Policy Course, jointly organized with Hong Kong University
30 July-2 August 2004	Taipei, Chinese Taipei	WTO Seminar on the TRIPS Agreement
30-31 August 2004	Dacca, Bangladesh	WTO Seminar on the TRIPS Agreement
15-16 September 2004	Tunis, Tunisia	Third WTO/ADB/ECA Trade Policy Course for African Countries
15-17 September 2004	Burnham Beeches, United Kingdom	DFID (United Kingdom Department for International Development) Workshop: "Reflecting on IPR Technical Assistance for Developing Countries & Transition Economies"
