

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 MEMBERS

AUSTRALIA

Addendum

The following communication, dated 24 October 2008, is being circulated at the request of the Delegation of Australia. It was circulated as an advance copy at the Council's October 2008 meeting.

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1. Pursuant to Article 67 of the TRIPS Agreement, the Council for TRIPS has requested an update from developed country Members regarding their technical and financial cooperation programmes, in the area of intellectual property rights (IPRs), and relevant to the implementation of the TRIPS Agreement. The present document updates the report provided by Australia in 2002 (IP/C/W/377/Add.2), 2003 (IP/C/W/408/Add.7), 2004 (IP/C/W/426/Add.6), 2005 (IP/C/W/455/Add.1), 2006 (IP/C/W/476/Add.4) and 2007 (IP/C/W/496/Add.7).
 2. Australia fulfils its Article 67 technical cooperation commitments at the bilateral, regional and multilateral levels. Its cooperation activities are focused on developing countries, particularly in the Asia-Pacific region. At the regional level, Australia works closely with the APEC Secretariat and APEC's Intellectual Property Rights Expert Group (APEC IPEG). In the South Pacific, Australia works with the Pacific Island Forum to develop regional intellectual property standards and systems.
 3. The following provides an update of these activities, divided into bilateral and regional/multilateral cooperation undertaken by the Australian Government. Government agencies chiefly involved are IP Australia, the Australian Agency for International Development (AusAID), the Attorney-General's Department (AGD), and the Department of Foreign Affairs and Trade (DFAT) and the Australian Federal Police (AFP).
 4. Key websites which contain extensive information on Australia's intellectual property (IP) regime and which may be considered a technical cooperation resource include: APEC IPEG (<http://www.apecipeg.org>) and the public education and awareness resource (<http://www.apecipeg-pear.org>), the IP Australia website covering patents, designs, trademarks and plant breeders' rights (<http://www.ipaustralia.gov.au>), AGD websites on copyright developments (<http://www.ag.gov.au/copyright>) and the DFAT website which covers international IP developments (www.dfat.gov.au/ip).

I. EXAMPLES OF BILATERAL ACTIVITIES

A. PAPUA NEW GUINEA

5. IP Australia provided training for four members of the IP Office of Papua New Guinea (PNG) from 20 August 2008. Three staff undertook a one-month trademark examiner training programme. Also, a legal officer from PNG's IP Office underwent a three-month placement with IP Australia, gaining experience in hearings, legislative and policy processes in most aspects of intellectual property.

B. SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU (CHINESE TAIPEI)

6. During the period 19-30 November 2007, IP Australia provided training for two trademark examiners from the Intellectual Property Office. The aim of the training placement was to provide a comparison of trademark practices and legislation.

II. REGIONAL/MULTILATERAL ACTIVITIES

7. In addition to activities under the World Trade Organization, the World Intellectual Property Organization and other multilateral fora, Australia has a strong focus on Asia Pacific technical and financial cooperation in the area of IPR.

A. WTO GLOBAL TRUST FUND

8. Since 2002, Australia has contributed almost \$A 4 million to the WTO's Global Trust Fund. In June this year, the Government announced that Australia would double its annual contribution to the fund to \$A 1 million, demonstrating our commitment to a successful conclusion to the Doha round. The Trust Fund provides trade-related technical assistance to developing country members of the WTO to participate in the Doha Round of multilateral trade negotiations.

B. ASEAN SEMINAR

9. IP Australia worked jointly with WIPO to host a workshop titled "*How to Enhance Intellectual Property Competitiveness in Select Industries in ASEAN*". The workshop was held in Cambodia from 5-6 November 2007. The focus of this activity was to enhance the ability of Chamber of Commerce organizations and IP offices within ASEAN to improve understanding of IPR issues among their members.

C. ASIA-PACIFIC ECONOMIC COOPERATION (APEC) - INTELLECTUAL PROPERTY EXPERTS GROUP (IPEG)

10. Australia continues to play an active role in the APEC IPEG and considers it an important forum to foster cooperation, share information and experiences and progress issues such as enforcement and cooperation. The most recent APEC IPEG meetings were held in Lima, Peru on 12-15 June 2008 and 13-16 August 2008 and were attended by officers of the AGD and IP Australia. Australian officials presented on the Copyright Tribunal of Australia, on a survey on strategic consideration of IPR capacity building requirements, being jointly delivered with China, and on the APEC IPEG public education and awareness online resource (<http://www.apecipeg-pear.org/>).

D. AUSTRALIAN LEADERSHIP AWARDS FELLOWSHIP

11. The Australian Leadership Awards Fellowship (ALA) programme was undertaken from 4 February to 25 April 2008 with six participants from the IP Offices of China, India, Indonesia, Philippines, Thailand, and Viet Nam taking part. The programme aimed to enhance management and leadership capabilities in the IP Offices through provision of training and mentoring to one Fellow from each office. Each Fellow was collocated within a section of IP Australia relevant to their skills, including International Cooperation, Trademarks, Finance, Patents and Designs.

E. PUBLIC EDUCATION AND AWARENESS PROGRAMMES IN THE ASIA-PACIFIC REGION

12. In 2006-07, IP Australia continued its involvement in delivering public education and awareness programmes for IP Offices in the region. The *APEC IPR Public Education and Awareness Platform* project aimed to equip developing Asia-Pacific Economic Cooperation (APEC) Member Economies with the skills, tools and resources to implement public education and awareness campaigns which promote the protection and enforcement of IPRs in the region. The partners for coordination and delivery of this project included Australia, Hong Kong, China, and Singapore.

13. Activities in 2007-08 include developing a guide for conducting market research, a model survey instrument to support the guide, and a workshop in Singapore during December 2007 on conducting and using market research for IPR campaigns.

14. In 2007-08 Australia collaborated again with Hong Kong and Singapore to deliver *APEC IPR Public Education and Awareness Market Research Best Practices* which aimed to increase the understanding of attitudes to IPR and the challenges posed by online piracy through supporting Member Economies to conduct market research. Australia assisted in developing guidelines and survey instruments. In addition, the workshop "Using Market Research to Develop Effective IPR Campaigns" was successfully held in Singapore from 12-14 December 2007.

15. The third project being implemented by Australia, Hong Kong and Singapore, this time in 2008-09, *APEC IPR Public Education and Awareness Campaigns for SMEs*, focuses on developing the capacity of APEC Member Economies to implement education and awareness campaigns which promote the effective use of the IPR system by small-medium enterprises.

F. STRATEGIC CONSIDERATION OF IPR CAPACITY BUILDING REQUIREMENTS IN APEC MEMBER ECONOMIES

16. Australia is leading and self-funding this initiative during 2008. APEC Member Economies are asked to share information about their IPR capacity building requirements through completion of a survey of capacity building needs. The anticipated benefits or outcomes of the survey include greater awareness and understanding of the IPR capacity building requirements of APEC member economies; collective determination by IPEG of priority areas for capacity building support based on the survey findings and more effective forward planning; and assistance to APEC IPEG project overseers to design more effective project proposals.

G. PACIFIC ISLANDS FORUM COUNTRIES

17. IP Australia continues to support the development of IP systems and resources in Pacific Islands Forum Countries (FICs). The strategy, a joint effort between IP Australia and the World Intellectual Property Organization (WIPO), builds upon previous work in the FICs.

18. IP Australia and AusAID continue to assist the FICs develop a regional system for processing trademark applications. On 22 July 2008, a working group of Pacific IP Officials met in Rarotonga, Cook Islands to discuss a proposed change to the Memorandum of Understanding (MoU) to implement the regional trademark application system. IP Australia and WIPO aim to support legislation, administration and infrastructure developments over the coming years to establish this system.

H. IP ENFORCEMENT WORKSHOP

19. On 18-19 June 2008, the Australian Federal Police hosted an IP Crime Workshop in Bangkok, Thailand. The Workshop brought together over 25 police and customs officials from nine South East Asian countries, as well as IP law enforcement investigators from across the region. The meeting's purpose was to:

- exchange information on country specific IP crime related issues
- exchange intelligence
- foster interaction and collaboration between industry bodies and foreign law enforcement in the investigation of IP crime, and
- discuss strategies for the future.

20. A second workshop is planned for November 2008 in Hong Kong, China.

III. SEMINARS

21. Australian officials presented papers at the following regional and international fora:

- APEC Seminar on "Capacity building for APEC member economies to implement the Initiative on Anti-counterfeiting and Piracy", Viet Nam, 31 May – 1 June 2007
 - APEC Workshop on "The Protection and Enforcement of Intellectual Property Rights in the Digital Era, Viet Nam, 4-6 July 2007
 - APEC Regional Seminar on IPR Enforcement, Papua New Guinea, 28-29 August 2007
 - WIPO-ASEAN Seminar on the Use of IP to Enhance Competitiveness in Select Industries in ASEAN, 5-6 November 2007
 - APEC IPEG Workshop "Using Market Research to Develop Effective IPR Campaigns", Singapore, 12-14 December 2007
 - Advanced Techniques for Public Education and Awareness Campaigns Workshop, Thailand, 27-29 March 2008
 - WIPO Asia-Pacific Regional Capacity Building Workshop on Formulation and Implementation of IP Development Plans, Singapore, 2-4 June 2008
 - WIPO Inter-Regional forum on Development and Service-Oriented Intellectual Property (IP) Administration, Geneva, 1-2 July 2008.
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