

**TECHNICAL COOPERATION ACTIVITIES:
INFORMATION FROM MEMBERS**

AUSTRALIA

Addendum

The following communication, dated 12 October 2009, is being circulated at the request of the delegation of Australia.

1. Pursuant to Article 67 of the TRIPS Agreement, the Council for TRIPS has requested reports from developed country Members of their technical and financial cooperation programmes in the area of intellectual property rights (IPRs) relevant to the implementation of the TRIPS Agreement. The following document is a new triennial report of Australian technical cooperation activities, pursuant to the February 2003 decision of the Council for TRIPS.

2. Australia fulfils its Article 67 technical cooperation commitments at the bilateral, regional and multilateral level. Its cooperation activities are focused on developing countries, particularly in the Asia-Pacific region. At the regional level, Australia works closely with the Asia-Pacific Economic Cooperation (APEC) Secretariat and APEC's Intellectual Property Rights Expert Group (APEC IPEG).

3. The following report provides information about 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, the Department of Foreign Affairs and Trade and the Australian Federal Police.

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, trade marks and plant breeders' rights (<http://www.ipaustralia.gov.au>), the Attorney-General's Department website on copyright developments (<http://www.ag.gov.au/copyright>) and the Department of Foreign Affairs and Trade website which covers international IP developments (www.dfat.gov.au/ip).

I. BILATERAL ACTIVITIES

Australia-Indonesia Ministerial Forum, Working Group on Legal Cooperation

5. As part of the fourth meeting of the Australia-Indonesia Working Group on Legal Cooperation held in Canberra on 10-11 November 2008, the Attorney-General's Department hosted a meeting of the Sub-Group on Intellectual Property. The meeting was attended by Australian officers from Customs, IP Australia, the Australian Federal Police, the Attorney-General's Department, and the Department of Foreign Affairs and Trade, together with the Indonesian Director-General for Intellectual Property Rights. The sub-group meeting noted the commitment by the Indonesian and Australian Governments to continue to work together to develop cooperative mechanisms to enhance intellectual property laws and enforcement.

Seminar on the Australian IP System

6. IP Australia conducted a seminar in Beijing in October 2008 to inform business, IP professionals and government about the Australian IP system and how it works. Over three hundred people attended the seminar.

Workshop on Plant Breeders' Rights testing, VietNam

7. In December 2008, IP Australia conducted a five-day workshop for 20 people on distinct, uniform and stable (DUS) breeder testing for plant breeders' rights.

Public Education and Awareness Training, Viet Nam

8. In February 2009, IP Australia conducted a workshop in Hanoi on developing strategies for IP Public Education and Awareness. Thirty-five National Office of Intellectual Property of Viet Nam staff and related stakeholders attended the two day workshop.

Training for Trade Mark Hearing Officers, Malaysia

9. IP Australia hosted a one and a half week visit by three officials from Malaysia in April 2009 to undertake training on Australia's trade mark hearing process.

Cost Recovery Workshop

10. IP Australia conducted a workshop on moving to a cost recovery system for officials from Viet Nam and Thailand in May 2009.

II. REGIONAL/MULTILATERAL ACTIVITIES

11. 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.

WTO Global Trust Fund

12. Since 2002, Australia has contributed over \$A 5.5 million to the WTO's Global Trust Fund. In June this year, the Government announced that Australia would increase its annual contribution to the fund to \$A 1.75 million, compared to \$A 500,000 and \$A 1 million in 2006-2007, and 2007-2008 respectively. Our increased contribution demonstrates 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.

WIPO-IP Australia Joint Working Group on Intellectual Property Technical Assistance

13. In 2000, WIPO and the Australian Government agreed to a Joint Statement on Cooperation for IP Technical Assistance in the Asia and Pacific Region. Within this statement it was agreed that WIPO and Australia would work together to "...develop and implement joint projects in cases where Australia's and WIPO's expertise and resources would combine effectively to meet identified needs for training and assistance."

14. Between 2000 and 2005 WIPO and IP Australia cooperated to develop and implement various technical assistance activities in the Asia-Pacific region. In recent years, IP Australia and WIPO have undertaken to reinvigorate work under the Joint Statement and agreed to an annual time-bound work plan.

15. The objectives of the plan are to:

- Demonstrate Australia's support for WIPO and multilateral efforts to enhance capacity building and the development of a robust IP rights system in the Asia-Pacific region, recognising the principles of the Development Agenda; and
- In partnership with WIPO, deliver a targeted Programme of capacity-building and technical assistance in the Asia-Pacific region that aligns with IP Australia's International Engagement Strategy.

16. The key activity in the 2009 Work Plan is an advanced training workshop in examination of traditional and non-traditional trademarks (to be held 19-23 October in Canberra). IP Australia has also agreed to sponsor a unit in the Queensland University of Technology-WIPO Master of Intellectual Property Law programme, which is directed at the Asia-Pacific region and the provision of an expert mission to help develop a National IP strategy for Papua New Guinea.

APEC – Intellectual Property Experts Group (IPEG)

17. 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 advance consideration of issues such as enforcement and cooperation. Officers from the Department of Foreign Affairs and Trade, the Attorney-General's Department and IP Australia attended APEC IPEG meetings in August 2008 in Lima, Peru and in February and June 2009 in Singapore. At these meetings, Australia tabled the following papers:

- Accountability and Copyright Collecting Societies;
- The Role of the Code of Conduct;
- Recent Australian Copyright Cases and Developments;
- Update on APEC IPG website and status of IPEG Public Education and Awareness resource;
- Strategic Consideration of IPR Capacity Building Requirements in APEC Economies Survey;

- Collection Storage and Publication of Information Relevant to IPEG;
- Update on APEC IPR Public Education and Awareness Programme for SMEs;
- AusPat – A New Search System for Australian Patents;
- Intellectual Property Within Australia's Vocational Education and Training (VET) Sector; and
- Survey of Consideration of IPR Capacity Building Requirements in APEC Economies.

18. Australian officials also attended and played an active role as moderators and presenters at the "Trading Ideas 2009" Symposium held in Singapore from 30-31 July 2009. An officer from the Attorney-General's Department moderated a session on "Copyright 2.0".

APEC IPR Public Education and Awareness Workshop

19. The APEC IPR Public Education and Awareness Programme (2006-2009) is jointly delivered by the Intellectual Property Office of Singapore, the Hong Kong Intellectual Property Department and IP Australia. The programme aims to equip APEC member economies with the skills and resources to implement public education and awareness which promote the effective use of IPR in the region. In April 2009, IP Australia, in conjunction with Hong Kong, China and Singapore IP counterpart bodies, conducted a workshop titled: "APEC IPR Public Education and Awareness Campaigns for Small and Medium-sized Enterprises (SMEs)".

Assistance to the Association of South East Asian Nations (ASEAN) countries

20. IP Australia provided a range of assistance to various ASEAN countries including the provision of library resources, scientific journals, the design and printing of educational material, plant breeders' rights plant testing equipment, advice on public education and awareness activities, copies of legislation and the hosting of fact-finding missions.

IP Enforcement Workshop

21. On 19-20 November 2008, the Australian Federal Police (AFP) hosted an IP Crime Workshop in Hong Kong, China. The event followed an initial workshop held by the AFP in Thailand in June 2008.

22. The workshop brought together nearly 40 police and customs officials from Cambodia, China, Hong Kong, China, India, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam. The workshop proved to be a successful forum for the AFP to further build and enhance working relationships and partnerships. It also provided an opportunity for delegates to network and share knowledge and best practice in identifying and investigating IP crime.

EPOQUE seminar

23. IP Australia and the European Patent Office (EPO) jointly hosted an EPOQUE.Net seminar for delegates of seven IP Offices from throughout the Asia-Pacific region (Korea, Thailand, Philippines, Malaysia, VietNam, New Zealand and Chinese Taipei). The Seminar was held at IP Australia offices on 18 and 19 August. EPOQUE.Net is a patent search and examination tool

developed by the EPO. The seminar included IP Australia's experiences and analysis of trialling EPOQUE.Net, and briefs on the technical requirements.

III. SEMINARS

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

- WIPO "Information Meeting on IP Financing", held in Geneva, Switzerland, on 10 March 2009;
 - APEC-ASEAN-USPTO "Colloquium for Public Prosecutors and the Judiciary on IP Enforcement", held in Kuala Lumpur, Malaysia, on 9-11 June, 2009;
 - WIPO forum, "Service Oriented IP Administration", in Geneva in July 2008;
 - An APEC IPEG Seminar, "Raising Awareness and Providing Policy Insights on Promoting Appropriate Access and Protection of Genetic Resources and Traditional Knowledge", in Lima in August 2009;
 - A presentation on Australia's innovation patent in Santiago in August 2008;
 - WIPO/Indonesian National Seminar on the Protection of Geographical Indications in Bali in December 2008;
 - An APEC IPEG seminar, "From Mind to Market: The Highs and Lows of Technology Transfer", in Singapore in February 2009;
 - WIPO inter-regional forum for heads of office in Beijing in March 2009.
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