

WORLD TRADE
ORGANIZATION

IP/C/W/78/Add.1

15 September 1997

(97-3632)

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

Original: English/
French/
Spanish

TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM
OTHER INTERGOVERNMENTAL ORGANIZATIONS

Addendum

World Intellectual Property Organization

The present document reproduces the updated information on technical and financial cooperation activities relevant to the implementation of the TRIPS Agreement, which has been received from the World Intellectual Property Organization by means of a communication, dated 15 August 1997.

I am pleased to attach, with this letter, the WIPO Activities Report for 1996, in its English, French and Spanish versions. Chapter II of the report gives extensive details of the activities carried out under the said program. In addition, there is a description of WIPO's cooperation with WTO that summarizes cooperation between the two organizations for the benefit of developing countries. This description is given under the heading "Cooperation with the World Trade Organization" which is part of Chapter VII of the report.

The WIPO activities report in respect of the first six months of 1997 will be ready shortly and will be sent to you as soon as possible.

The Annex reproduces paragraphs 1684 to 1704 of the WIPO Activities Report for 1996. The complete report is available in the WTO Secretariat for consultation by interested delegations, and on the WIPO website at www.wipo.int.

ANNEX

Cooperation with the World Trade Organization (WTO)

1684. On January 1, 1996, the Agreement Between WIPO and the WTO entered into force. The said Agreement established arrangements for cooperation between WIPO and the WTO in respect of the following three areas:

- (i) notification by WTO Members of the texts of their intellectual property laws and regulations in their original language and where that language is not English, French or Spanish, also in a translation in one of these three languages; assistance by WIPO in preparing such translations; collection of the said texts and translations by WIPO; furnishing of copies of the texts or translations; access to WIPO's computerized database of the said texts and translations;
- (ii) receipt by WIPO of communications of State emblems by WTO Members and notification of the same to the other Members;
- (iii) legal-technical assistance by WIPO to developing country WTO Members; cooperation between WIPO and the WTO in the legal-technical assistance and technical cooperation activities.

1685. It is recalled that in October 1995, the WIPO General Assembly agreed that the International Bureau should make arrangements so as to be able to respond to requests from developing countries to WIPO for legal and technical assistance relating to the TRIPS Agreement and should report to the sessions of the Governing Bodies in 1996 on the type and recipients of these activities, including a study conducted by WIPO on financial and other implications of the implementation of the TRIPS Agreement for developing countries. The General Assembly also agreed that the International Bureau should expand the coverage of the TRIPS Agreement in existing WIPO development cooperation activities.

1686. Pursuant to the above-mentioned decisions of the WIPO General Assembly and to the WIPO-WTO Agreement, the International Bureau carried out, in 1996, an extensive program of development cooperation activities relating to the TRIPS Agreement and to cooperation with the WTO. The activities were organized in response to the requests and wishes of the developing countries concerned and took account of the time frame available to them for meeting their obligations under the TRIPS Agreement. Many of the activities were entirely focused on the TRIPS Agreement, in its totality or singling out for examination one or more aspects of that Agreement. Other activities dealt with certain elements of the TRIPS Agreement but also covered traditional areas of WIPO's development cooperation program not directly related to obligations under the Agreement, such as the promotion of inventive activities and the use of patent documentation. The work that was carried out is described in detail in Chapter II of this document, indicating for each activity whether it dealt entirely or partly with the obligations under the TRIPS Agreement.

1687. Overall, a total of 122 developing countries and two territories benefited from those WIPO development cooperation activities which either dealt entirely with the TRIPS Agreement or had a component relating to that Agreement; they were: AFGHANISTAN, ALGERIA, ANGOLA, ANTIGUA AND BARBUDA, ARGENTINA, BAHAMAS, BAHRAIN, BANGLADESH, BARBADOS, BENIN, BHUTAN, BOLIVIA, BOTSWANA, BRAZIL, BRUNEI DARUSSALAM, BURKINA FASO, BURUNDI, CAMBODIA, CAMEROON, CAPE VERDE, CENTRAL AFRICAN REPUBLIC, CHAD, CHILE, CHINA, COLOMBIA, COMOROS, CONGO, COSTA RICA, CÔTE D'IVOIRE, CUBA,

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, DJIBOUTI, DOMINICA, DOMINICAN REPUBLIC, ECUADOR, EGYPT, EL SALVADOR, EQUATORIAL GUINEA, ERITREA, ETHIOPIA, FIJI, GABON, GAMBIA, GHANA, GRENADA, GUATEMALA, GUINEA, GUINEA-BISSAU, GUYANA, HAITI, HONDURAS, INDIA, INDONESIA, IRAN (ISLAMIC REPUBLIC OF), IRAQ, JAMAICA, JORDAN, KENYA, KUWAIT, LAOS, LEBANON, LESOTHO, LIBYA, MADAGASCAR, MALAWI, MALAYSIA, MALDIVES, MALI, MAURITANIA, MAURITIUS, MEXICO, MICRONESIA (FEDERATED STATES OF), MONGOLIA, MOROCCO, MOZAMBIQUE, MYANMAR, NAMIBIA, NEPAL, NICARAGUA, NIGER, NIGERIA, OMAN, PAKISTAN, PANAMA, PAPUA NEW GUINEA, PARAGUAY, PERU, PHILIPPINES, QATAR, REPUBLIC OF KOREA, RWANDA, SAINT KITTS AND NEVIS, SAINT LUCIA, SAINT VINCENT AND THE GRENADINES, SAMOA, SAO TOME AND PRINCIPE, SAUDI ARABIA, SENEGAL, SIERRA LEONE, SINGAPORE, SOUTH AFRICA, SRI LANKA, SUDAN, SURINAME, SWAZILAND, SYRIA, THAILAND, TOGO, TONGA, TRINIDAD AND TOBAGO, TUNISIA, UGANDA, UNITED ARAB EMIRATES, UNITED REPUBLIC OF TANZANIA, URUGUAY, VANUATU, VENEZUELA, VIET NAM, YEMEN, ZAIRE, ZAMBIA, ZIMBABWE, BRITISH VIRGIN ISLANDS, HONG KONG. Of those countries, 51 received advice from the International Bureau regarding the drafting of new legislation or the revision of existing legislation, all of which took account of the relevant provisions of the TRIPS Agreement. In addition, 81 seminars or courses had programs which were either wholly devoted to, or dealt with certain features of, the TRIPS Agreement. A total of approximately 5,310 developing country nationals learned about the TRIPS Agreement from those seminars and courses, of which 573 had their travel and living expenses financed by WIPO.

1688. Highlighted below are seven features of the development cooperation activities relating to the TRIPS Agreement and to cooperation with the WTO which are particularly noteworthy.

1689. *First*, WIPO organized four "mega symposiums" on the TRIPS Agreement; they were the Regional Symposiums on the Implications of the TRIPS Agreement which took place in all the developing regions, that is, in April, in Abidjan for French-speaking African countries; in Pretoria, in the same month, for English-speaking African countries; in May, in Jakarta, for Asian and Pacific countries and, later that month, in Caracas for Latin American and Caribbean countries. Those four "mega symposiums" were organized in the form of panel discussions. In December 1995, WIPO had organized a similar symposium in Cairo, for Arab countries. To all the five symposiums were invited developing members of the WTO. The format of panel discussions in the five symposiums, where the discussions were led either by the Director General, a Deputy Director General or an Assistant Director General of WIPO, proved a success.

1690. *Second*, WIPO published a study entitled "Implications of the TRIPS Agreement on Treaties Administered by WIPO". This study takes one by one each of the 73 Articles of the TRIPS Agreement and, where the Article seems to have "implications" on any WIPO-administered treaty, dwells longer on the Article and points out, unless obvious, any possible change in the obligations of a State which is party to the Treaty in question and which is also a member of the WTO and therefore is or will be bound by the TRIPS Agreement. It is to be noted that this study does not constitute an official interpretation of the WIPO-administered treaties, the TRIPS Agreement or any other official text in the field of intellectual property. The study is available in Arabic, Chinese, English, French, Russian and Spanish and has been widely distributed to all the developing country member States of WIPO and/or the WTO as well as to the other States.

1691. *Third*, the International Bureau commissioned four studies on the financial and other implications of the implementation of the TRIPS Agreement for developing countries to UNCTAD, the Institute for Economic Research in Munich (upon the recommendation of the CEC), a private American international business counselor (upon the recommendation of the USPTO), and the Ministry of Industry and Trade of Hungary. Those studies were widely circulated to interested parties.

1692. *Fourth*, staff members of the WTO Secretariat were invited to seminars and other meetings organized by WIPO and dealing, or mainly dealing, with the TRIPS Agreement. Their travel and living expenses were borne by WIPO if the events were outside Geneva. Thus, for example, WTO officials participated as speakers in each of the four "mega symposiums" referred to above, as well as in 11 other WIPO seminars and courses in 1996.

1693. *Fifth*, in conjunction with the 1996 session of the Permanent Committee on Development Cooperation Related to Industrial Property (PC/IP), which took place in June in Geneva, a special seminar devoted to enforcement questions under the TRIPS Agreement was held for delegates to the PC/IP and to members of the Permanent Missions based in Geneva.

1694. *Sixth*, in September, WIPO organized, jointly with the WTO, a *Workshop on TRIPS and Border Enforcement* in Geneva. The Workshop was attended by 120 participants from government departments concerned with intellectual property enforcement issues in various countries and Permanent Missions based in Geneva.

1695. *Seventh*, in 1996, the International Bureau issued a special printed brochure which contains, in a single volume, the text of the WIPO-WTO Agreement and the texts directly or indirectly referred to in that Agreement, including the TRIPS Agreement. It is intended as a convenient tool for understanding the interrelations among those texts. The brochure (WIPO Publication No. 223) is available in English, French and Spanish.

1696. During the period under review, WIPO gave to the WTO Secretariat, on the latter's request, copies of almost 300 intellectual property laws, regulations and/or translations, where a WTO Member had stated the texts to be available in the collection of WIPO in the context of a notification under Article 63.2 of the TRIPS Agreement. The said laws and regulations were in English, French or Spanish, as well as in four other languages when the original was in a language other than English, French or Spanish.

1697. During the same period, WIPO received from the WTO Secretariat the text of over 600 intellectual property laws and regulations and/or translations which had been notified to the WTO Secretariat under Article 63.2 of the TRIPS Agreement by WTO Members, and integrated these into its collection. The said texts were in English, French and Spanish as well as in 10 other languages when the original was in a language other than English, French or Spanish.

1698. During the said period, WIPO designed and established a bibliographic database of intellectual property laws and regulations and started to enter therein, as a priority, information related to texts notified by WTO Members under Article 63.2 of the TRIPS Agreement, and exchanged between WIPO and the WTO under the Agreement. The said bibliographic database will eventually cover all intellectual property laws and regulations available in the collection of WIPO, whether WTO-notified or not.

1699. Also, work started on the creation of a WIPO full-text database of intellectual property laws and regulations, which, in accordance with the Agreement, shall be accessible to WTO Members and nationals of WTO Members on the same terms as they apply to the Member States of WIPO, and to nationals of the Member States of WIPO.

1700. Numerous translations of intellectual property legal texts continued to be carried out by WIPO, mainly for the purpose of publication in paper (legislative inserts of the monthly review *Industrial Property and Copyright/La Propriété industrielle et le Droit d'auteur*) and electronic (the CD-ROM IPLEX) formats.

1701. As regards State emblems, in January 1996, WIPO communicated to the WTO Members not party to the Paris Convention, the armorial bearings, flags and other State emblems of the countries party to the Paris Convention, and the official signs and hallmarks indicating control and warranty adopted by them, as well as the armorial bearings, flags and other emblems, abbreviations and names of international intergovernmental organizations that had so far been communicated to the countries party to the Paris Convention in accordance with Article 6*ter* of that Convention. In the remainder of the reporting period, similar communications (five) were made by WIPO to those States not party to the Paris Convention which had become WTO Members, after the above (January) communication had been made.

1702. Throughout this reporting period, there were almost daily working contacts between the International Bureau and the WTO Secretariat concerning the cooperative activities of the two Organizations.

1703. As to the representation of WIPO in WTO-organized meetings, the following should be noted:

- (i) in February, April, June, July, October and November, WIPO was represented at the meetings of the General Council of the WTO, held in Geneva;
- (ii) in February, May, July, September and November, WIPO was represented at the meetings of the Council for TRIPS of the WTO, held in Geneva;
- (iii) in March, 25 government officials from 16 Latin American countries enrolled in the Trade-Policy Course of the WTO, visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general;
- (iv) in June, 24 government officials enrolled in the Trade-Policy Course for Eastern and Central European and Central Asian Countries of the WTO visited WIPO and were briefed on WIPO's activities and intellectual property in general;
- (v) in July, two WIPO officials made presentations on WIPO in general, its latest norm-setting activities, and the cooperation activities under the WIPO-WTO Agreement, at an information meeting for members of the WTO Appellate Body, organized by the WTO at WIPO's headquarters;
- (vi) in October, a WIPO official participated in a panel discussion at the WTO Workshop on the TRIPS Agreement for participants from 17 sub-Saharan African countries, held in Geneva;
- (vii) also in October, 23 government officials from 22 developing countries and one territory, and two officials from two intergovernmental organizations enrolled in the fourth WTO's Trade Policy Course visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general;
- (viii) in December, a WIPO official attended as an observer the first WTO Ministerial Conference, held in Singapore.

1704. During the reporting period, WTO officials attended several meetings organized in Geneva by WIPO such as, *inter alia*, sessions of the Governing Bodies of WIPO, the Committee of Experts on a Possible Protocol to the Berne Convention, the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms, the WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions, and the Committee of Experts on the Patent Law Treaty.