

TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM  
OTHER INTERGOVERNMENTAL ORGANIZATIONS

Addendum

World Customs 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 Customs Organization by means of a communication, dated 27 August 1997.

1. Introduction

In August 1996, the World Customs Organization (WCO) was invited by the Secretariat of the World Trade Organization (WTO) to provide information on technical and financial cooperation programmes which the WCO operated in the area of intellectual property, and which were relevant to the implementation of the TRIPS Agreement.

That information was reproduced by the WTO Secretariat in the form of a document (IP/C/W/35), which was made available to the Council for TRIPS at its meeting on 18 September 1996.

This paper updates the information contained in document IP/C/W/35.

2. The WCO's IPR programme

The WCO has provided its Member Customs administrations with a number of measures aimed at assisting Members to improve the effectiveness of the border enforcement of intellectual property rights (IPR). These include:

- (a) model legislation for giving Customs services appropriate powers to assist in fighting counterfeiting and piracy;
- (b) the adoption by the WCO Council of a Recommendation on IPR.
- (c) a close relationship with rights owners and international business organizations, many of whom financially sponsor the WCO's IPR programme, and some of whom have formalized their cooperation with the WCO through the conclusion of Memoranda of Understanding (MOUs);
- (d) the analysis of IPR-related information held on a WCO database, and the dissemination of information in bulletins and alerts;

- (e) the production of an IPR awareness video; and
- (f) the development of a technical assistance programme.

The following paragraphs report on any significant developments in these areas over the last twelve months.

### 3. Funding and MOUs

The WCO's IPR business partners continue to fund many of the WCO's activities in the IPR area. A WCO-managed general fund has been established to cover expenses such as the production of awareness material, while training mission costs are met by the businesses which participate in the mission.

Funding from the World Intellectual Property Organization (WIPO) has enabled WCO Secretariat officers, and experts from WCO Member Customs administrations, to participate in many activities organized under WIPO's Development Cooperation Programme - these are more fully described at paragraph 8 of this paper.

Over the last twelve months, the WCO has concluded IPR MOUs with the Motion Picture Association of America and the Motion Picture Association (collectively, the MPA), and with the Bureau international des sociétés gérant les droits d'enregistrement et de reproduction mécanique (BIEM - the umbrella organization of the mechanical copyright organizations in the world). Subsequently, one of BIEM's Member Societies has signed an MOU with the Dutch Customs.

At the regional level, an MOU has been concluded between the International Federation of the Phonographic Industry (IFPI) and the WCO's Regional Intelligence Liaison Office for Eastern and Central Europe.

In the past year, the WCO Secretariat has participated in two events (both in April 1997) organized by international organizations with whom MOUs have been concluded. These were a counterfeiting protection conference (one of the joint organizers of which was the International Chamber of Commerce Commercial Crime Services), and an IPR seminar for the Polish Customs, jointly organized by IFPI and EC-Phare II.

### 4. Database

The January 1997 annual meeting of the WCO's IPR Working Group considered how (in the light of emerging new technologies) the WCO's IPR database might better provide Customs administrations with the information and intelligence they need in order to detect, identify and deal with counterfeit and pirated goods.

The Working Group recommended that a new European anti-counterfeiting network called REACT should be evaluated in its prototype form. REACT was launched on 19 June 1997, and contains a new database of case-related and product-related information. It is intended that the database will serve as an intelligence tool for REACT organizations (initially, the Belgian and Dutch anti-counterfeit coalitions) and law enforcement agencies.

The results of the evaluation will be reported to the WCO's IPR Working Group at its next meeting, in January 1998.

5. Awareness material

With business funding, further copies of the WCO's IPR video have been procured, and are being made available to all Members. Additionally, Members are to receive a quantity of leaflets, which have been designed to complement the video and to reinforce its key messages, thus consolidating the awareness and knowledge which Customs officers will gain when seeing the video at training and other events.

Work is also progressing on the production of an IPR technical manual, for use by operational Customs staff. This will contain legal provisions, rights holders' contact points, commonly-encountered risk indicators, and means of identifying genuine products from fake ones.

6. Usefulness of material

The WCO Secretariat will shortly be issuing Members with an IPR questionnaire, in which administrations will be asked to comment on the usefulness of the IPR video which they received in 1996. The questionnaire will also seek information concerning Members' adoption of the WCO's 1995 model legislation on IPR, and acceptance of the Council's 1994 Recommendation on IPR.

7. Technical assistance

Over the last twelve months, two additional Members (Qatar and Slovenia) have requested IPR training from the WCO, bringing to twenty-seven the total number of Members asking for technical assistance. The WCO Secretariat, together with its business partners who fund IPR technical assistance missions, have identified the first three administrations to be offered training seminars.

It is hoped that the first of these seminars will be held in November 1997 - a reply from the proposed host administration is awaited.

8. Cooperation with WIPO

Cooperation between the WCO and the World Intellectual Property Organization (WIPO) was formalized through the exchange, in July 1996, of letters between the two Organizations. The WIPO activities which are of interest to the WCO mostly relate to those organized under WIPO's Development Cooperation Programme for the benefit of developing countries. Over the last twelve months, the WCO Secretariat (either directly, or through experts provided by Member Customs administrations) has contributed to the following activities.

(a) WIPO Orientation and Study Programme

WCO Secretariat officers, and experts from WCO Member Customs administrations, participated in the WIPO ASEAN Orientation and Study Programme for senior-level Customs officers, on IPR enforcement (in June 1997). This programme, WIPO's first such event exclusively for Customs officers, opened in Geneva and continued in the United Kingdom and the United States.

(b) WIPO Academy Sessions

WCO Secretariat officers have participated in WIPO Academy Sessions for the countries of the Commonwealth and Independent States (in February 1997) and for African, Arab and Caribbean countries (in June 1997).

(c) WIPO Regional Symposia

WCO Secretariat officers have participated in WIPO Regional Symposia on the implications of the TRIPS Agreement in Tanzania (English-speaking African Region, in March 1997), Malaysia (Asia Region, in March 1997), Colombia (Latin American/Caribbean Region, in March 1997), Benin (French-speaking African Region, in April 1997), and Jordan (Arab Region, in June 1997). The WCO Secretariat will be represented at a WIPO Regional Seminar on the enforcement of patent and trademark rights, in Kazakstan in September 1997.

(d) WIPO Sub-regional Seminar

An expert from a WCO Member Customs administration participated in a Sub-regional seminar on IPR enforcement and border measures, in Thailand in June 1997.

(e) WIPO National Symposia

WCO Secretariat officers, or experts from WCO Member Customs administrations, have participated in WIPO National Symposia in Vietnam and Morocco (on IPR enforcement, both in October 1996), and in Nigeria and Ghana (on copyright and neighbouring rights, both in May 1997).

9. Conclusion

The WCO Secretariat is committed to cooperating with the WTO, WIPO and the business community and, thereby, ensuring a coordinated approach to the provision of technical and financial assistance to WCO Members.