

WORLD INTELLECTUAL PROPERTY ORGANIZATION



AN OVERVIEW

*2007 edition*

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# PREFACE



Intellectual property is a multi-faceted subject; and the World Intellectual Property Organization (WIPO), as these pages show, is a multi-faceted organization. Among the United Nations family of organizations, WIPO is unusual for the breadth and diversity of its functions. These range from providing a forum for Member States to negotiate international intellectual property treaties and standards, to assisting governments in using intellectual property as part of their development strategies; from providing education and skills training on all levels, to delivering commercial intellectual property services to the private sector. Indeed, WIPO is the only UN organization to be largely funded by revenue from the services which it provides.

WIPO's constituency is wide. Ensuring maximum inclusion of all our stakeholders in our work is fundamental to everything we do. If the intellectual property system is to be truly effective in promoting creativity and innovation, we must make it accessible to all who wish to use it. If it is to be truly democratic, we must ensure a forum for all who wish to be heard in the debates on its future development.

This *WIPO Overview* explains in simple terms how WIPO works, and how it carries out its mission of promoting a balanced intellectual property system. The *Overview* streamlines and improves the accessibility of two of our key public information publications, by combining into a single publication the former *General Information Brochure* and the *Annual Report*. While far from exhaustive, the booklet includes recent highlights and examples which illustrate the range of WIPO's activities and achievements. These will be updated in a new edition each year.

As the intellectual property arena evolves, so does WIPO. I invite all our friends and stakeholders to follow that evolution in these pages

A handwritten signature in black ink, consisting of a stylized 'K' followed by a series of loops and a long horizontal stroke ending in a small flourish.

Kamil Idris  
Director General  
WIPO

# INTRODUCING WIPO



*WIPO's headquarters in Geneva house the staff of the secretariat, employed to carry out the wide range of tasks mandated by WIPO's 184 Member States*

Intellectual property (IP), once seen as an obscure topic for legal experts, has today become a central concern for governments, for businesses, for civil society, for scientists and for individual creators. In a world where the economic growth of nations is driven increasingly by the **creativity** and **knowledge** of their people, effective IP systems – which create incentives for innovation and structures for sharing the results – are key to unlocking this human potential.

As awareness of the importance of the IP system has increased, so too has debate as to how it should be applied and regulated. Challenges facing policy makers today include establishing the right levels of protection in international agreements, so as to ensure that IP serves to **bridge** rather than widen the divide between developed and developing countries. Of equal importance is striking an optimum balance between the rights of IP-owners and the public interest in accessing new technology and creations.

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations, located in Geneva, Switzerland. It is dedicated to developing a balanced and accessible international IP system, which **rewards** creativity, **stimulates** innovation and **contributes** to the economic, social and cultural development of all countries, while safeguarding the public interest.

## CORE TASKS

WIPO carries out a wide variety of tasks related to the protection of IP rights. These include assisting governments and organizations to develop the policies, structures and skills needed to harness the potential of IP for economic development; working with Member States to develop international IP law; administering treaties; running global registration systems for trademarks, industrial designs and appellations of origin and a filing system for patents; delivering dispute resolution services; and providing a forum for informed debate and for the exchange of expertise.

Rapid technological change, combined with intensified international debate about IP, has greatly increased the scope, significance and scrutiny of WIPO's work. In rising to meet the new challenges, WIPO aims for **transparency** and **inclusiveness**, encouraging all stakeholders to participate in the **international dialogue**.

This booklet describes WIPO's main areas of activity, grouped broadly according to the five strategic goals of the Organization, and provides examples of recent highlights and results in each area.

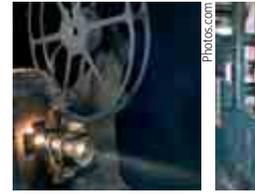
*What is IP?*

# Intellectual property refers to the creations of the mind

Intellectual property is divided into two categories:

**Industrial property** includes patents for inventions, trademarks, industrial designs and geographical indications.

**Copyright and related rights** cover literary and artistic expressions (e.g. books, films, music, architecture, art), plus the rights of performing artists in their performances, producers of phonograms in their recordings, and broadcasters in their radio and television broadcasts.



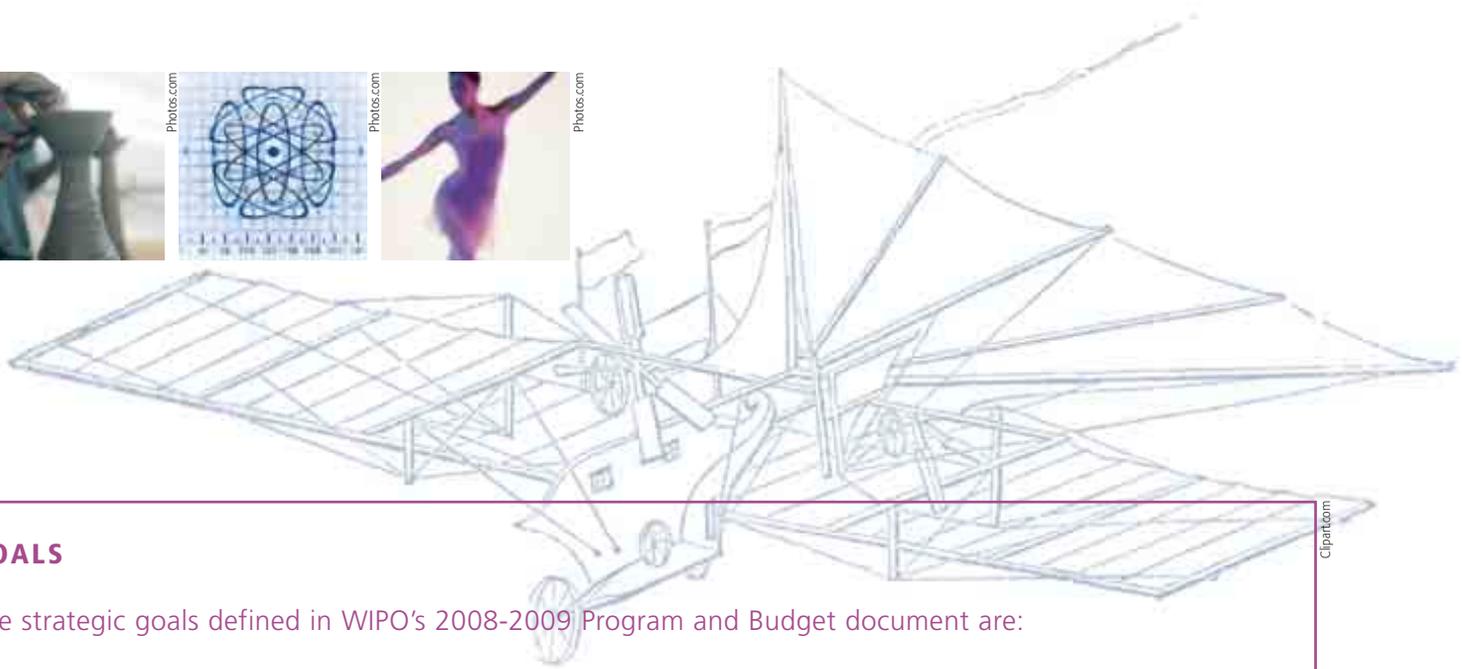
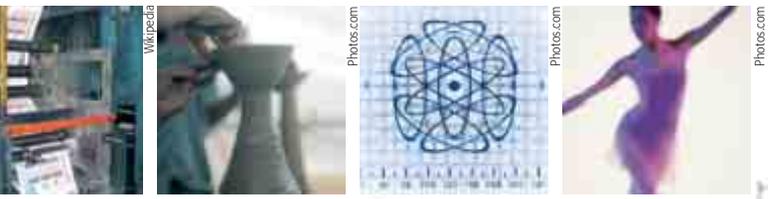
**Intellectual property rights** allow the creator – or the owner of a patent, trademark, or copyright – to benefit from his or her own work or investment in a creation.

## HOW WIPO WORKS

WIPO was established in 1970, following the entry into force of the 1967 *WIPO Convention*, with a mandate from its Member States to promote the protection of IP throughout the world, through cooperation among states and in collaboration with other international organizations.

WIPO's **Member States** determine the strategic direction and approve the activities of the Organization. Delegates from the Member States meet in the Assemblies, committees and working groups. The main **decision-making bodies** of the Member States are: The WIPO General Assembly; the WIPO Conference; the WIPO Coordination Committee; and the Assemblies of the Member States of each of the Unions, (e.g. the PCT Union Assembly; the Madrid Union Assembly etc.). Over 250 non-governmental organizations and intergovernmental organizations are accredited as **observers** at WIPO meetings.

WIPO's mission to promote the effective use and protection of IP worldwide is translated into strategic goals, and into the programs and activities through which WIPO works to achieve these goals. These are detailed in the biennial Program and Budget document, approved by the Member States.



## GOALS

The strategic goals defined in WIPO's 2008-2009 Program and Budget document are:

- Promoting a balanced IP system and realizing its development potential;
- Strengthening IP infrastructure, institutions and human resources;
- Progressive development of international IP law;
- Delivery of quality services in global IP protection systems;
- Greater efficiency of management and support processes.

The WIPO **secretariat** is based in Geneva. The staff of the secretariat, drawn from more than 90 countries, includes experts in all fields of IP law and practice, as well as specialists in, for example, public policy, economics, administration, and information technology. The respective divisions of the secretariat are responsible for coordinating the meetings of Member States and implementing their decisions; for administering the international registration systems; for developing and executing the programs designed to achieve WIPO's goals; and for providing a repository of IP expertise to assist its members.

## HOW WIPO BEGAN

The need for a system to protect IP internationally became evident when foreign exhibitors refused to attend the International Exhibition of Inventions in Vienna in 1873 because they were afraid that their ideas would be stolen and exploited commercially in other countries.

The 1883 **Paris Convention for the Protection of Industrial Property** was the first major international treaty designed to help the people of one country obtain protection in other countries for their intellectual creations, in the form of industrial property rights. The *Paris Convention* entered into force in 1884 with 14 Member States.

In 1886, copyright entered the international arena with the **Berne Convention for the Protection of Literary and Artistic Works**. The aim of this Convention was to help nationals of its Member States obtain international protection of their right to control, and receive payment for, the use of literary and artistic works.

Both the Paris Convention and the Berne Convention set up International Bureaus to carry out administrative tasks, such as organizing meetings of the Member States. In 1893, these two small bureaus united to form an international organization called the United International Bureaus for the Protection of Intellectual Property – best known by its French acronym, **BIRPI**. Based in Berne, Switzerland, with a staff of seven, BIRPI was the predecessor of the WIPO of today.

In 1960, BIRPI moved to Geneva to be closer to the United Nations (UN) and other international organizations. In 1970, following the entry into force of the **Convention Establishing the World Intellectual Property Organization**, BIRPI became WIPO, undergoing structural and administrative reforms and acquiring a secretariat answerable to the Member States. In 1974, WIPO became a specialized agency of the UN, with a mandate to administer IP matters recognized by the UN Member States.





# WIPO, WTO AND TRIPS

The World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), which came into force in 1995, brought with it a new era in the multilateral protection and enforcement of IP rights. Provisions in the TRIPS Agreement concerning copyright and related rights, patents, trademarks, geographical indications, industrial designs, and layout designs of integrated circuits, directly complement the international treaties administered by the WIPO secretariat.

An Agreement between WIPO and the WTO since 1996 provides for cooperation concerning the implementation of the TRIPS Agreement, such as notification of laws and regulations, and legislative assistance to member countries. Assistance continues to be provided to many developing countries, with a special focus on those least developed countries (LDCs) which need to meet their TRIPS obligations by 2013.

# PROMOTING UNDERSTANDING OF IP; REALIZING ITS DEVELOPMENT POTENTIAL

While IP is no longer the obscure subject it was once considered, broad, practical understanding of its use, impact and relevance remains uneven. Countries, companies or sectors which are not yet capitalizing on their intellectual potential are trailing behind, while those that do are soaring ahead in the global market-place. Moreover, for policy makers as well as for the general public, separating facts from polemics – which too often color the presentation of IP – is not always easy.

The goal of communicating a better understanding of IP drives a wide range of WIPO's program activities, including awareness-raising, promoting the strategic use of IP for development, and helping to enhance understanding among policy makers of the need to incorporate IP in public policies. Promoting the development of balanced IP policies that take into account the needs and interests of all stakeholders is a key challenge.

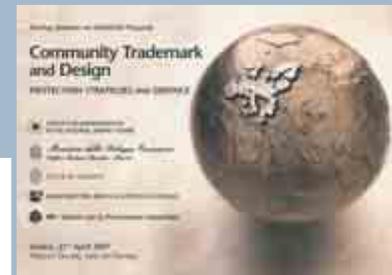
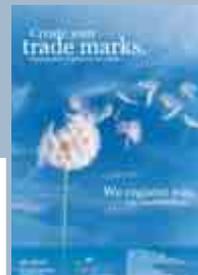
## PUBLIC OUTREACH AND COMMUNICATION

The more widely IP is understood by different sectors of society, the more effectively it can be used to contribute to economic and cultural prosperity. For this reason, public outreach activities, which aim to increase awareness of how IP works, have become a priority for many Member States.

Outreach, communication, and the sharing of knowledge are an essential element of every area of WIPO's work. WIPO produces a wide variety of information materials to cater to the general public, while also tailoring many outreach activities to the needs of specific target audiences, such as small businesses, artists, research institutions and young people. To reach this diverse public, WIPO uses diverse means of mass communication, from the web, film and television, to publicity events, seminars and written publications. Cooperative projects with Member States and stakeholder organizations are key to extending this reach and ensuring that messages and materials are adapted to suit audiences in different cultures across the world.

Heightened public interest in topical issues – such as copyright in the digital environment, efforts to reform the international patent system, and the impact of IP on development – has led to broader press coverage of WIPO's role. By working with the international news media, WIPO helps to disseminate factual information on new developments and to encourage accurate, objective coverage of IP issues.

*World Intellectual Property Day, April 26. Each year, a growing number of Member States and organizations stage events to raise public awareness of how IP helps foster creativity and technological innovation.*



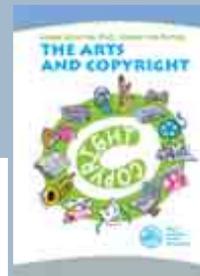
# 2006-2007

- WIPO revamped and restructured its **website** in 2006, and continues to add new content. Improved navigational features – including “Gateway” pages for copyright, patents, trademarks, designs, and geographical indications – facilitate public access to the wealth of information resources.
- A new webcasting area was launched on the website to show WIPO’s outreach **films**. The latest film products in WIPO’s creativity and copyright series include profiles of the music and film industries in Kenya and Nigeria.
- The web-based WIPO **Outreach Guides** were created to provide governments and organizations with a step-by-step guide for planning outreach campaigns.
- WIPO distributed some 185,000 information products free-of-charge in 2006, plus approximately 21,000 sold **publications**. Circulation of the new-look WIPO Magazine grew by 14 percent, with subscribers in over 120 countries. An online html version was created to extend its reach.
- A 20 percent increase in the number of WIPO press list subscribers which regularly reported on IP was recorded in 2006. A **media** seminar for journalists helped to explain key topics and information sources.
- The WIPO **Awards** program distributed over 150 awards in 2006 to publicize the achievements of inventors and creators and their contribution to society. Among the many notable 2007 award-winners were a team of Cuban researchers for their invention of *Surfacen*, used to prevent deaths from infant respiratory distress syndrome in premature babies.

Talking Copyright, a short WIPO film, captures the sounds and colors of the Kenyan music scene and listens to the artists’ views on what copyright means to them.



The Arts and Copyright, the second in the series of WIPO’s popular “Learn from the Past, Create the Future” publications for classroom use, was published in 2007.



“The WIPO Magazine helps us get a better understanding of trends in intellectual property in the world, and lets us step forward with confidence.” – Chun Hwa, Director of the Taedonggang Patent and Trademark Law Office, DPR Korea.



## PROMOTING THE STRATEGIC USE OF IP FOR DEVELOPMENT

Discussions on a WIPO **Development Agenda** continued through 2006 and 2007 in the Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA), with the aim of ensuring that development considerations form an integral part of all areas of WIPO's work.

WIPO's Office for Strategic Use of IP for Development, established in 2005, seeks to enhance the capacity of countries to realize the development potential of the IP system. Activities, which are targeted both at policy makers and at users of the IP system, focus on the following key areas:

**Economic analysis.** Policy makers need empirical evidence of how different IP strategies can affect innovation and GDP growth. WIPO is helping to address the lack of reliable economic research on IP by developing methodologies and commissioning economic studies to assist policy makers in their decision-making.

**Creative industries.** The music, film, publishing and other cultural industries, which are largely built on copyright protection, are major drivers in the knowledge economy. WIPO offers assistance to Member States

### FLOURISHING FILM

Copyright-based industries, such as film, can contribute significantly to a country's economic growth as well as to cultural wealth. In the U.S., the motion picture and television industry provided jobs for more than 1.3 million people in 2005. In India, the US\$2 billion film industry is projected to grow at a compound annual rate of 16 percent for the next 5 years. South Korean blockbusters, with ticket sales over 10 million, have fueled the explosion of "Kim Chic" popular culture in the region. Nigeria's "Nollywood" produces over 1,000 films per year which are avidly consumed throughout Africa and beyond.

WIPO assists countries in the development and application of copyright systems conducive to growth in the cultural industries.



in evaluating the economic and cultural potential of their creative industries, as well as in creating the IP infrastructures and awareness necessary for these industries to flourish.

**Strategies for developing and managing IP assets.** Developing countries face numerous challenges in building the innovation infrastructure, funding and human resources, which are needed to enable local innovators and research institutions to use IP as a means of owning, protecting and exploiting their research results. Many countries, for example, suffer from a shortage of local professionals who can draft patents, manage and market IP assets and negotiate technology licensing contracts. WIPO assists Member States in formulating comprehensive strategies, and has developed hands-on tools and training programs to help countries build sustainable, home-grown capacity in these fields.

**Small and Medium-sized Enterprises (SMEs).** SMEs, which represent over 90 percent of enterprises in most countries, make a vital contribution to national economies. But small companies are often unaware of the relevance of IP to their business, or of how successful exploitation of IP can help improve their competitiveness. Similarly, many SME support institutions lack understanding of the real value of IP assets to SMEs. WIPO provides extensive information resources for SMEs, and develops partnerships with national IP offices and SME support institutions in order to improve their capacity to deliver IP-related services to SMEs.

*Creative Expressions, a new guide to copyright for SMEs.*



■ The PCDA first met in February 2006 to examine 111 proposals presented by Member States. In June 2007, the Committee reached a milestone **agreement** on a set of recommended actions to form the basis of a WIPO Development Agenda. WIPO also ran a series of international seminars on IP and development for policy makers and diplomats.

■ In order to encourage developing country economists to undertake **empirical research** on IP, WIPO initiated in 2007 a series of national roundtables on the Economics of IP, with participants encouraged to submit research proposals for peer review and WIPO support. Industry-level case studies included an analysis of the use of geographical indications for tea, sapphire and

cinnamon in Sri Lanka and studies on nation branding, technology management and biotechnology.

■ National studies assessing the economic contribution of **copyright-based** industries were finalized in five countries and begun in 14 countries.



Courtesy: Osteopore  
International Pte Ltd

## FROM LABORATORY TO MARKET-PLACE

Ground-breaking technology – such as this bio-absorbable mesh for repairing skull fractures, developed by a research team in Singapore – frequently starts out as research in university laboratories. But transferring new technologies successfully from the lab to the market place requires access to the right infrastructure, funding and skills. Several WIPO programs help universities to use IP in order to benefit from the fruits of their research. Programs include training in patent drafting and licensing, as well as establishing shared hubs of IP expertise.

WIPO has also developed guidelines to help R&D institutions in developing countries formulate and implement institutional IP policies. Kenya's Moi University and Colombia's University of Antioquia are among an increasing number of academic institutions to have introduced such policies in order to create incentives for their scientific researchers, facilitate technology transfer, and ensure an equitable distribution of revenues from the commercialization of research results.

- More than 1,200 scientists and technology managers from over 40 countries benefited from WIPO's training workshops on IP licensing and patent drafting. Pilot projects analyzing the use of network strategies to strengthen **IP asset management** were run in six central African countries, in Colombia and in some Asian countries, offering R&D institutions the free services of shared "hubs" of IP managers.
- The reach of WIPO's information materials for **SMEs** continued to increase, with subscribers to the SME e-newsletter up by 39 percent in 2006, and page views of the SME website up by 74 percent to some 200,000 per month. Studies on the use of the IP system by SMEs were published in Argentina, Brazil and Chile.
- Ten Member States used WIPO's **IP Audit Tool** in 2006 in order to assess their use of IP and to develop national IP strategies.

**Flexibilities and public policy.** Questions relating to how developing countries can benefit from the wide flexibilities allowed to them under international IP laws have become a major preoccupation for many governments, particularly following the WTO “Doha discussions” on IP and public health. WIPO provides expert legislative advice on these issues, on a bilateral and confidential basis, in response to requests from individual Member States.

### **HARNESSING IP FOR PUBLIC WELFARE**

The reform of Jordan’s patent legislation in 2000 encouraged a shift from the manufacturing of generic drugs towards biomedical innovation. Jordanian entrepreneurs living overseas were attracted back to set up innovative new biotech companies, such as Triumpharma. While Jordanian pharmaceutical companies had previously made little use of the patent system, half of them now own patents, including for some potential blockbuster drugs. The Jordan Pharmaceutical Manufacturing Company, for example, built a portfolio of 30 patents in five years, which the company estimates as worth US\$200 million.



Courtesy:  
Triumpharma

The government has developed strategies designed to ensure that the benefits from this increased domestic biomedical innovation contribute directly to public welfare. The technology transfer center of Jordan’s Royal Scientific Society is tasked explicitly to exploit the institution’s technical capacity “for the good of society.”

## LIFE SCIENCES

Life sciences technologies touch upon fundamental human needs such as health, food and a safe environment. The pace of innovation is rapid and the debate on complex issues, such as the impact of patents on access to medicines, is often heated. But finding sustainable solutions is crucial. Recent developments in the life sciences pose unique challenges for IP law and policy. WIPO undertakes studies and produces factual information materials to assist policy makers in monitoring developments and assessing policy options. WIPO also seeks to facilitate inclusive and informed debate on the strengths and weaknesses of the IP system in meeting public health challenges.

### SHEDDING LIGHT

WIPO provides objective information materials and analysis to aid public understanding of complex issues in the area of life sciences. Recent articles published by WIPO included a topical Question & Answer sheet on patent questions relating to Avian flu and a series of case studies illustrating different issues in the field of bio-ethics – from the patenting of transgenic animals (such as the Harvard onco-mouse), to questions of prior informed consent when patents result from research using human genetic material.

WIPO also commissioned expert analyses of the patent landscapes relating to avian flu, neglected diseases and other priority areas for public health policy makers, in order to provide a stronger factual basis for policy analysis.



Photo: Harvard Medical School © Harvard College

- 2006-2007
- WIPO's input to international debates, processes and public policy on IP and the life sciences in 2006 included a draft issues paper on bioethics, a range of background materials on IP and public health, and the development of patent landscape analyses in key public health areas.
  - A series of open policy symposia, launched in September 2007, brought together a wide range of stakeholders to explore current issues surrounding the use and impact of IP in the life sciences.

## COPYRIGHT IN THE DIGITAL ENVIRONMENT

The Internet and other constantly evolving digital technologies have opened up exciting opportunities for business and for new modes of creativity, while at the same time presenting complex challenges for the evolution of copyright.

Together with public and private sector partners, WIPO is involved in various activities aimed at increasing understanding of the impact of emerging technologies on the creation of, access to, and use of copyright content. These explore legal and policy questions relating to, for example: new licensing models; technological protection measures and rights management information (RMI); copyright and the public domain; and exceptions/limitations to copyright in the digital environment. WIPO programs also seek to raise awareness in developing countries of the opportunities provided by the copyright system in order to bridge the “digital divide” with more technologically-advanced countries.

## WORKING WITH PARTNERS

WIPO cooperates closely with other UN agencies and specialized bodies in Geneva and around the world, with the aim of ensuring that its activities contribute effectively to UN-wide initiatives and to the achievement of the UN Millennium Development Goals. Partner organizations include the World Health

2006-2007

- The consolidation of WIPO's External Relations function enabled a more coherent organizational approach to relations with the external community
- The WIPO Japan Office opened in September 2006 to coordinate IP-related research in developing countries of the Asia Pacific region.
- A new Section for the Mobilization of Extra-budgetary Resources was established in order to reach out more proactively towards new partners and potential donors able to provide additional resources for development-related projects.

Organization (WHO), the World Trade Organization (WTO) and the International Labor Organization (ILO). WIPO works closely with other intergovernmental organizations (IGOs) as well as with international and national non-governmental organizations (NGOs), some 250 of which are accredited to attend WIPO meetings as observers.

WIPO's Coordination Offices, based in Brussels, New York, Singapore, and Tokyo, help to manage the network of relationships with international, regional and national partner organizations.

### TECHNOLOGICAL INNOVATION TO IMPROVE LIFE

In South Africa, the Council for Scientific and Industrial Research (CSIR) aims to foster research and technological innovation, through the private and public sector, in order to improve the quality of life for those in need.

**MineBurner.** Developed with CSIR and Department of Trade and Industry funding, the MineBurner aims to slash the costs of de-mining operations and reduce the number of deaths caused by landmines. Using patented pressure technology, the device burns up the explosive compound in the mine, rather than exploding it, making it safe to use in built-up areas. The cost of removing a landmine with the MineBurner is estimated at 20 cents, compared to US\$300 – US\$1,000 using traditional methods.

Courtesy: PlayPumps International



**PlayPumps.** Each turn of the PlayPump merry-go-round powers a pump forty meters below ground. As the children play, water is pumped effortlessly to a 2,500-liter storage tank, supplying the needs of an entire community. To date, 700 PlayPump™ systems installed in rural

villages across South Africa, Mozambique and Swaziland have transformed the lives of over a million people. Clean water means better sanitation and less disease. Freed from the daily toil of fetching water, girls can attend school, and women have time to start small businesses.

# TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

Using the IP system to further economic development requires adequate institutional infrastructures.

In response to demand, WIPO assists developing countries, least developed countries (LDCs) and transition economies in building these infrastructures and in formulating national IP development plans, which are

consistent with each country's needs and development priorities. In all its technical cooperation and capacity-building activities, WIPO works closely with other providers of technical assistance to ensure that Member States receive maximum benefit in the most efficient manner possible.

A wide range of programs and activities assist countries in:

- encouraging policy makers to incorporate IP into national planning;
- modernizing their IP administrations, streamlining office operations and training IP office staff;
- updating their IP legislation and implementing international treaties;
- conducting awareness-raising campaigns;
- strengthening mechanisms for regional cooperation; and
- encouraging public-private sector cooperation to promote greater use of the IP system.

Separate **regional bureaus** within the WIPO secretariat, each benefiting from relevant geographical expertise, coordinate technical assistance to **Africa**, the **Arab countries**, **Asia and the Pacific**, and **Latin America and the Caribbean**. The bureaus work closely with national IP offices and other stakeholders to ensure that assistance programs are tailored to the diverse needs of individual countries.

The specific needs of **LDCs** are addressed through comprehensive technical assistance, including training programs, IP institution-building, high level policy dialogue as well as cooperation with other UN and multilateral bodies.

In recent years, WIPO has also intensified cooperation with countries in the **Central European and Baltic States** region, **Eastern Europe**, the **Caucasus** region and **Central Asia**, paying particular attention to their specific requirements as economies in transition, where IP often already plays a prominent role in their accelerated economic, social and cultural development. WIPO promotes a cross-cutting exchange of experiences, lessons learned and best practices among these countries.

## INDIGENOUS COMMUNITIES – CREATIVE HERITAGE

Digital technologies and the Internet offer new opportunities for the preservation, protection and revitalization of traditional cultural expressions, or folklore. Recorded and disseminated in digital form, traditional music, designs and art can reach new audiences in niche markets, so promoting development of the community that created them. But this can also result in their misappropriation and misuse. Safeguarding efforts sometimes unwittingly lead to the unauthorized commercial exploitation of culturally-sensitive materials. Indigenous communities, museums, archives and researchers have therefore called for guidelines on the IP issues and options which arise in this area.

The *WIPO Creative Heritage Project* is developing such guidelines in consultation with indigenous communities and cultural institutions. The Project provides advice on managing IP options as well as IT assistance to indigenous communities, such as to this Maasai community in Kenya, as it embarks upon recording and digitizing elements of its rich cultural heritage.



©WIPO/Masai Cultural Heritage Foundation

*Distributing WIPO comics in a Bahrain shopping mall to raise awareness*



- In **Africa**, IP audits were conducted in 20 countries in 2006. Ethiopia, Kenya, Mozambique, Nigeria and Uganda were assisted in developing national IP strategies.
- Projects to promote the use of geographical indications were underway in five countries.
- Work began to facilitate the drafting of regional legal instruments on the protection of traditional knowledge and expressions of folklore.
- The work program in the **Arab States** focused on increasing the interaction between IP offices, R&D institutions and the private sector, with activities covering licensing, technology transfer and patent drafting. Regional and inter-regional cooperation was facilitated through the League of Arab States, the Organization of Islamic Conference and the Islamic Development Bank.
- WIPO undertook “SWOT” analyses to identify the strengths, weaknesses, opportunities and threats in IP offices in the Arab countries. The results will constitute the base for an action plan in the coming biennium.
- In **Asia and the Pacific** region, WIPO assisted IP offices in becoming more oriented towards providing value-added services. Activities contributed towards establishing an integrated IP management system in Pakistan, modernizing the national IP system in Bhutan, and promoting use of the international registration systems in the area.
- WIPO responded to demand to help countries build capacity in the field of patent examination in specified technologies.
- New reference materials were produced on IP valuation and on university-industry partnerships to promote technology transfer.



Courtesy: Integrated Trade Solutions

*Workshop on a National Branding Strategy for Jamaica held in January 2007.*



Courtesy of EPO CARDS

*Participants in the WIPO University Initiative from the Balkans region receive training from WIPO and the EPO in how to use free online databases to conduct basic patent searches*

- In **Latin America and the Caribbean**, eight countries benefited in 2006 from legislative assistance from WIPO in modernizing their IP legal framework. Countries in Central America and the Dominican Republic started using a common manual on patent examination to harmonize procedures within the sub-region.
- Awareness-raising activities culminated in the production of a radio series on IP and a multi-media outreach tool in the Caribbean.
- In Argentina, Chile, Jamaica, Mexico, Panama and Peru, various activities aimed to strengthen the relationship between universities/ R&D institutions and the private sector, including SMEs.
- WIPO provided **LDCs** with legislative advice regarding the flexibilities available to them under the TRIPS Agreement.
- Work progressed on a technology licensing training manual for Ethiopia, Nepal, Tanzania and Uganda and in establishing IP Advisory Services and Information Centers in Cambodia, Ethiopia and Tanzania.
- Studies to catalogue and assess the IP viability and economic benefits of folklore reached the final stages in Bangladesh and Senegal.
- In **Central Europe and Baltic States, Eastern Europe, the Caucasus Region and Central Asia**, WIPO's activities concentrated on human resource development, awareness-raising and regional and international cooperation. A number of activities were coordinated with the assistance programs of the Commission of the European Union, the European Patent Organization (EPO) and the Eurasian Patent Organization.
- Through the WIPO University Initiative, new IP service units were established by research institutions and local chambers of commerce in the Balkan countries. Some 25 IP coordinators were nominated at academic institutions.

## MODERNIZING IP INSTITUTIONS

Many IP institutions in developing countries and LDCs still operate with paper-based manual procedures, making it increasingly difficult to cope with backlogs and with the burgeoning demand for their services from IP users. WIPO continues to roll out programs to help IP offices automate their business procedures so as to be able to deliver timely, cost-effective services for patent applications, trademark registrations and other IP rights. WIPO also assists institutions in setting up databases to facilitate access to IP information. Sourcing expertise and procurement from local markets enhances sustainability; and a *train the trainer* approach multiplies the impact of training.

## COLLECTIVE MANAGEMENT

In a global economy, collective management societies are of great value to the holders of copyright and related rights, such as authors, performers, artists and the publishing and phonographic industry, by helping them to manage and benefit from their rights. WIPO assists countries in setting up or modernizing collective management organizations, developing automated systems for rights management to enhance access to international markets, and preparing model contracts and guidelines.

■ By the end of 2007, some 50 IP offices and eight collective management organizations will have received modernization assistance, including needs assessment, skills training, streamlining of procedures, upgrading of technical infrastructure and installing electronic links into WIPO systems.

■ WIPO worked with partner non-governmental organizations to address a wide range of policy issues in the field of collective management, including international standards and codes, copyright management technology and automated licensing and monitoring systems. Meetings such as the Conference on Collective Management of Copyright and Related Rights in North America in 2007 brought together stakeholders to address practical issues of rights management in the current complex technological environment.

*“The past year has been one of fulfillment both for my employer and my family, and I thank WIPO in general, and the WIPO Academy in particular, for this achievement.”*

*Sarjinder Singh Seth, from Haryana, India.  
The Academy distance learning course and other WIPO website resources provided a launch-pad for his IP career.*

## WIPO ACADEMY

WIPO believes that the human capital of developing countries is key to their realizing the full benefits of the national and international IP systems. The WIPO Worldwide Academy, founded in 1998, helps to develop those human resources through a wealth of education and training programs.

With the support of some 30 partner governmental organizations and academic institutions, the content of the Academy's programs is increasingly tailored to meet the diverse and specialized needs of policy advisors, business managers, IP professionals, students and other target groups in line with WIPO's goals. Its five core programs cover professional training, distance-learning, policy development, teaching and research. To promote the teaching of IP in universities, the Academy also develops joint programs with academic institutions leading to the award of IP degrees/diplomas, such as the Turin University Master of Law (LL.M.) program. WIPO Academy courses are offered in Arabic, Chinese, English, French, Portuguese, Russian and Spanish.



**WIPO Academy Summer School 2007**

- Participation in the Academy's programs increased significantly in 2006. More than 1,800 participants from some 60 countries took part in the policy, professional and degree programs and over 20,000 participants from some 180 countries in the distance-learning courses.
- In response to demand for increasingly sophisticated IP education, the Academy launched a new Executive Program. This customized, multi-disciplinary program is attended by CEOs and managers of high tech firms.

## ENFORCEMENT

The international trade in counterfeit and pirated products was calculated by the Organization for Economic Co-operation and Development (OECD) in their 2007 report as amounting to some US\$200 billion in 2005 – not counting the distribution of digitally pirated products over the Internet, nor domestically produced and consumed fakes, which could add several hundred billion dollars more.

Counterfeiting and piracy damages consumers, producers and the economy on multiple levels: substandard products can threaten health and safety; criminal networks thrive on the easy profits and relatively mild penalties; rights holders lose income; the incentives to innovate are undermined; and governments lose revenues which fund public services.

Effective enforcement of the laws that protect the rights of IP owners is essential if IP is to serve the purpose of promoting innovation and furthering economic development. WIPO plays a leading role in encouraging the international coordination of enforcement-related activities, working with Member States in the Advisory Committee on Enforcement (ACE) and with public-private partnerships in fora such as the Global Congress on Countering Counterfeiting and Piracy. WIPO also provides extensive assistance to Member States through training programs for law enforcement officials, case law compilations for the judiciary, legislative advice, and public awareness campaigns to help combat counterfeiting and piracy.

*“Trade in counterfeit goods is a big problem and getting bigger. It is pervasive, it involves some pretty unsavory characters, and it has serious implications for health, safety, living standards and jobs.”*

*John Dryden, OECD Science, Technology and Industry Directorate.*

## COMBATING COUNTERFEITING AND PIRACY

“Fake drugs are murder,” says Dr. Dora Akunyili, head of Nigeria’s National Agency for Food and Drug Administration



Courtesy: NAFDAC

and Control (NAFDAC). She leads a relentless battle against the counterfeit drugs barons which has made her a national hero.

Malaysia’s new anti-piracy champions attracted international media coverage. Funded by the Motion Picture



Courtesy: MPA

Association, Flo and Lucky are trained to sniff out hidden consignments of DVDs and CDs.

Brazil’s National Council against Piracy and Intellectual Property Crimes (CNCP) leads a well coordinated national



Photo: CNCP

enforcement, education, economic initiatives and institutional policies.

The public destruction of over 80,000 pirated DVDs, CDs and tapes by the Romanian Copyright Office



Photo: Romanian Copyright Office

campaign to combat piracy, with action spanning four fronts:

on World IP Day 2007 sent a clear message.

# 2006-2007

■ The 2007 Global Congress on Combating Counterfeiting and Piracy, hosted by WIPO, brought together more than 1,000 participants, including government ministers, business leaders and law enforcement officials, to drive forward international efforts. Key areas highlighted for on-going

action are: raising awareness, improving cooperation and coordination, building capacity, promoting better legislation and enforcement, and combating the threats to health and safety.

■ In cooperation with Member States and other international organizations, WIPO ran 21 IP

enforcement training courses worldwide in 2006 for members of the judiciary, law enforcement agencies, and IP office staff.

■ Following the success of the first WIPO case book and guide on handling IP disputes, a second major case law reference book was published in September 2007.

# DEVELOPING IP LAW

A fundamental and enduring part of WIPO's activities is the progressive development of international norms and standards. The process of developing international IP law, standards and practices is driven by the Member States and involves extensive consultations with the wide spectrum of stakeholders in the IP system. The WIPO secretariat coordinates this work with Member States in the **Standing Committees**.

Three WIPO Standing Committees deal with specific legal matters – one with patents, one with copyright and the third with trademarks, industrial designs and geographical indications. Another intergovernmental committee deals with issues relating to genetic resources, traditional knowledge and folklore. The Committees are made up of delegates from the governments of member countries, with representatives from intergovernmental and non-

governmental organizations participating as accredited observers.

WIPO administers a group of treaties which set out **internationally agreed rights and obligations**, and **common standards** for protecting IP rights. States which ratify the treaties undertake to recognize these rights and to apply the standards within their own territories. WIPO actively encourages States to accede to these treaties and to enforce their provisions. Widespread accession and consistent enforcement help maintain a stable international environment, inspire confidence that IP rights will be respected around the world, encourage investment, and contribute to economic development and social well-being.

## THE STANDING COMMITTEE ON THE LAW OF PATENTS (SCP)

The most important recent achievement of the Standing Committee on the Law of Patents (SCP), created in 1998, was the successful negotiation of the Patent Law Treaty (PLT) and its Regulations on the harmonization of patent formalities and procedures. The PLT was adopted in June 2000 and entered into force on April 28, 2005.

Meanwhile, discussions on a draft Substantive Patent Law Treaty (SPLT) started in May 2001 and focused on issues of direct relevance to the grant of patents, in particular: the definition of prior art, novelty, inventive step/non-obviousness, industrial applicability/utility, the drafting and interpretation of claims and the requirement of sufficient disclosure of an invention. The SCP agreed that other issues related to substantive patent law harmonization, such as first-to-file versus first-to-invent systems, 18-month publication of applications and a post-grant opposition system, would be considered at a later stage.

During the subsequent SCP meetings, proposals from a number of delegations led to the progressive broadening of the contents of the draft. While delegates agreed in principle on a number of issues, agreement on other topics proved more difficult.

In 2006, Member States agreed that the time was not ripe to agree on a workplan for the SCP, and so put the SPLT discussions on hold. Delegations were divided broadly into those pressing to fast-track a limited number of technical issues, and those advocating a broader approach including a larger number of issues. Directed by its Member States, WIPO is now exploring potential areas of common interest.

### **EXPLORING THE ISSUES**

WIPO opened an ongoing series of Patent Colloquia in 2006 as a forum for public debate on certain aspects of the international patent regime, with the intention of triggering an exchange of views among participants. The challenge is to explore and identify potential areas of common interest to Member States and users of the patent system, to enhance knowledge of the principles and practices of the patent system and to raise awareness of its role in economic development.

## THE STANDING COMMITTEE ON TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

Years of negotiation in the SCT concluded with the adoption on March 27, 2006, of a Revised Trademark Law Treaty, known as the **Singapore Treaty** on the Law of Trademarks in recognition of the country that hosted the final negotiations. The new Treaty provides simplified and internationally harmonized administrative rules for trademark registration. Among its provisions, the Treaty explicitly recognizes that trademarks are no longer limited to two-dimensional labels on a product. It expressly mentions new types of marks, such as hologram marks, motion marks, color marks and marks consisting of non-visible signs, and creates a framework for defining the reproduction of non-visible marks, such as sound and smell marks.

The Singapore Treaty takes into account the advantages of electronic filing and communication facilities, while recognizing the different needs of developing and developed nations. Concerns expressed during negotiations by some developing and least developed states about their ability to fully benefit from the Treaty resulted in a commitment by industrialized countries to provide technical assistance and other support to strengthen the institutional capacity of those countries so as to enable them to take full advantage of the Treaty. Promotional activities throughout the 2008/09 biennium will focus on widespread implementation of the Singapore Treaty.

The SCT has defined areas for further development of the international law of trademarks, industrial designs and geographical indications. In its current sessions, amongst others topics, the SCT is taking an in depth look at Member State's legislation and trademark office practice in relation to the registration of three-dimensional marks, color marks and sound marks and other types of marks, such as motion marks, position marks, hologram marks, slogans, smell, feel and taste marks. This is expected to result in a set of practices for Member States relating to the representation of those types of marks in trademark office procedures.

## INDUSTRIAL DESIGNS

WIPO's work on industrial design focuses on creating and maintaining an international legal framework conducive to protecting the rights of designers and rights holders. This is a complex area, with different options for protecting designs ranging from *sui generis* design laws, unregistered designs, and design patents, through to copyright and trademarks. Hardly any other subject matter within the realm of IP is as difficult to categorize as industrial design. And this has significant implications for the means and terms of its protection. If the design of a given object can be categorized as a work of applied art, for example, then it may be eligible for protection under copyright law, with a much longer term of protection than the standard 10 or 15 years under registered design law. Were, for example, the classic chairs designed in 1929 by Swiss architect and designer *Le Corbusier* – such as this *chaise longue* – simply items of furniture, or also works of applied art?



Photo: Steelform.com

## GEOGRAPHICAL INDICATIONS

Geographical indications (GIs) protect products with distinctive characteristics due to their place of origin – such as these peaches from Pinggu district in China. While the value of GIs as a marketing tool is not in dispute, international opinion is divided as to the best way to protect them. WIPO's regional and international symposia help promote mutual understanding among stakeholders of the differing perspectives in the debate.



Courtesy: China Trademark Office

## THE STANDING COMMITTEE ON COPYRIGHT AND RELATED RIGHTS (SCCR)

Copyright and related rights are legal instruments which protect the rights of creators in their works and thereby contribute to the cultural and economic development of nations. Copyright law fulfills a decisive role in safeguarding the contributions and rights of the different stakeholders in the cultural industries, and the relation between them and the public.

WIPO works with Member States in the Standing Committee on Copyright and Related Rights (SCCR) to develop international norms and standards in the area of copyright. Recent discussions in the SCCR have focused on proposals to update the international protection of broadcasting organizations (see box). Among other issues under consideration are a study on automated rights management systems, and limitations and exceptions to copyright in relation to visually impaired users.

### PROTECTING BROADCASTING ORGANIZATIONS



Discussions in the SCCR to update the international protection of broadcasting organizations have been ongoing since 1998. In June 2007, the SCCR concluded that further discussions were necessary on various aspects of a proposed treaty on the protection of broadcasting organizations before it would be possible to move to final negotiations in a diplomatic conference. Member States agreed that a diplomatic conference should be convened only after agreement on the objectives, specific scope and object of protection has been achieved.

WIPO also promotes the WIPO Copyright Treaty (WCT) and the WIPO Performance and Phonograms Treaty (WPPT), known together as the **WIPO Internet Treaties**. These are becoming general international standards for protection of copyright and related rights. With the expected accession to these treaties of the European Community and its member states, the number of states party to each treaty will increase to more than 80. However, additional efforts will be required to support the effective implementation and use of the treaties. The SCCR will need to work on the implementation aspects of the WCT and the WPPT, particularly regarding the provisions on technological measures of protection. The SCCR has also initiated discussions regarding limitations and exceptions for the benefit of libraries and archives and the education sector.

## THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC)

IP policy issues and legal measures in the area of traditional knowledge (TK), traditional cultural heritage, and genetic resources touch upon a broad spectrum of issues. These include fundamental human rights, as well as the rights of indigenous peoples, cultural diversity, environmental protection and biodiversity. For WIPO, this has led to a special focus on the principles that determine what constitutes, on the one hand, the misuse, misappropriation and illicit exploitation or reproduction of such intangible materials; and on the other hand, the legitimate boundaries of the public domain.

It is essential, however, to reconcile global issues and a comprehensive international debate with the perspectives and needs expressed by local and indigenous communities. This means that community-based capacity-building efforts and the policy agenda must be carefully coordinated. A key challenge, therefore, is to fashion from such general principles the practical tools which enable indigenous and local communities to protect their TK, traditional cultural expressions (TCEs) and genetic resources in such a way that is consistent with the interests, needs and value systems which they identify for themselves.

In the IGC, WIPO's Member States are currently consolidating ongoing work on two sets of draft provisions which outline policy objectives and core principles relating to the protection of TK and TCEs against misappropriation. And they have turned to a systematic review of the core policy issues posed by efforts to strengthen such protection at the international level. The close involvement of indigenous and local communities has been essential to this process.

### THE WIPO VOLUNTARY FUND

The WIPO Voluntary Fund was created by the IGC to ensure that indigenous and local communities have an active voice in the IGC's discussions on TK, TCEs and genetic resources. Since it came into operation in 2006, the Fund has financed the participation in IGC meetings of representatives of indigenous and local communities from Cameroon, Congo, Ecuador, India, Indonesia, Kenya, New Zealand, Nigeria, Pakistan, Panama, the Russian Federation, Saint Lucia, Ukraine, and the United States. Generous donations augur well for increasing levels of support in the future.



Photo: WIPO/Mercedes Martínez Dozal

# DELIVERING GLOBAL IP SERVICES

Innovators and businesses need speedy, streamlined international systems

to enable them to protect their innovations and intellectual assets in multiple countries.

An important cluster of WIPO treaties, which cover the international protection of inventions (patents), trademarks, industrial designs, and appellations of origin ensure that a single international registration or filing will have effect in any of the relevant signatory states.

*“Intellectual property is a core asset of the company.  
We will continue to protect and defend that asset.”*

*Jean Campion, spokesperson, Alcatel-Lucent*

The services provided by WIPO under these treaties, notably the Patent Cooperation Treaty (PCT), the Madrid System for the international registration of marks, the Hague System for the international registration of industrial designs and the Lisbon System for the protection of appellations of origin and their international registration, are intended to simplify the application for IP titles in all the countries in which protection is sought.

WIPO administers these registration services and plays an active role in updating the relevant treaties to harmonize and simplify procedures. The revenues from these fee-based services to the private sector account for 95 percent of WIPO’s budget.

## THE PATENT COOPERATION TREATY (PCT)

The most widely used of these systems is the PCT. A single international patent application under the PCT has legal effect in all the countries bound by the Treaty – 137 as of the end of July 2007. PCT applicants receive valuable information about the potential patentability of their inventions and have more time than under the traditional patent system to decide in which of the PCT countries to continue pursuing patent protection. Thus, the PCT system consolidates and streamlines patenting procedures, postponing the significant internationalization costs and providing applicants with a sound basis for important decision-making.

*“Without our patents we probably  
wouldn’t have a company.”*  
Intelligent Textiles create fabrics woven  
with electrical circuits. Here a piece of  
cloth is transformed into a keyboard.



Courtesy: Intelligent Textiles

*Why the PCT? “Because I wanted to  
take the most cost-effective manner  
of protecting the IP rights,” said Mr.  
Bojji Rajaram, the Indian inventor of an  
anti-collision device for trains, used  
by the Konkan Railway Corporation.*



Photo: Anurag Bahadur  
(2005)/Indian Railways Fan Club



## DELIVERING SERVICES ONLINE

Users of the PCT system increasingly take advantage of electronic filing software for the preparation and filing of PCT International Applications. In 2006, more than half of all PCT applications were filed entirely or partly in electronic form.

In order to keep the PCT running, WIPO needs to communicate and exchange documents with more than 100 PCT receiving offices, 12 international search and examining authorities and approximately 110 designated offices. These communications increasingly take place in electronic form and PCT applications are processed electronically end-to-end by WIPO.

WIPO's PatentScope Search facility provides free and easy access to the 1.3 million patent applications that have been disclosed through the PCT system since 1978. These patent applications are a unique record of technological progress of the last 30 years and contain information of important business and economic value.

# 2006-2007

- 137 countries were members of the PCT by mid 2007. The PCT will have processed, translated and published in excess of 157,000 international applications by the end of 2007. Applications are expected to continue to grow at 5 percent next year.
- In 2006, the top countries of origin for PCT applications were again the U.S., Japan and Germany. The Republic of Korea overtook the U.K. to become the fifth biggest country filer. Applications from China grew by 56.8 percent.
- The greatest number of PCT applications published in 2006 was in telecommunications (10.5%), pharmaceuticals (10.4%), and information technology (10.4%). The fastest growing technology areas were semiconductors (28% increase), information technology (22%) and pharmaceuticals (21%).

## THE MADRID SYSTEM AND THE HAGUE SYSTEM



The Madrid System for the International Registration of Marks offers a trademark owner the possibility to protect a trademark in the territories of 81 countries by virtue of its registration with WIPO on the basis of a single application. A similar facility exists for industrial designs under the Hague System for the International Registration of Industrial Designs – which currently counts 46 member countries. Both systems offer cost-effective and accelerated access to trademark and industrial design protection in multiple jurisdictions. Data concerning these international trademark and industrial design registrations is accessible online and may be searched by anyone free of charge.

- WIPO received a record 36,471 international trademark applications under the Madrid System in 2006 – an 8.6 percent increase on 2005 figures. Applicants from Germany, for the 14<sup>th</sup> consecutive year, led the list of top filers, followed by users in France, and the U.S. China was the most designated country in international trademark applications, reflecting increasing levels of trading activity by foreign companies in China.
- By the end of 2006, 471,325 international trademark registrations were in force in the international register, belonging to over 159,000 different trademark holders, including many SMEs. In April 2006, an online renewal facility was opened on the Madrid website. WIPO's improved ROMARIN database, containing a detailed history of all international marks, updated daily, was made available free of charge.
- A total of some 1,150 international applications were received under The Hague System in 2006, with a similar number expected in 2007. The planned accession of the European Community to the Geneva Act in early 2008 is likely to result in a significant growth in operations under the Hague System.

## THE LISBON SYSTEM

The Lisbon System facilitates the international protection of appellations of origin – i.e. geographical indications which are protected in their country of origin because they have come to designate a product with geographically determined qualities or characteristics. As of mid 2007, 26 countries were party to the Lisbon System, with a total of 808 international registrations currently in force.

## CLASSIFICATION SYSTEMS

Anyone applying for a patent or registering a trademark or design, whether at the national or international level, is required to determine whether their creation is new or owned by someone else. To make this determination, huge amounts of information must be searched. Four WIPO treaties create classification systems that organize information concerning inventions, trademarks and industrial designs into indexed, manageable structures for easy retrieval:

- Strasbourg Agreement Concerning the International Patent Classification (IPC)
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks (Nice Classification)
- Vienna Agreement Establishing an International Classification of Figurative Elements of Marks (Vienna Classification)
- Locarno Agreement Establishing an International Classification for Industrial Designs (Locarno Classification)

These are regularly updated to reflect advances in technology and commercial practices. The classification systems are used voluntarily by many countries which are not party to the related agreement.

## IP IN TELECOMMUNICATIONS

Nokia makes extensive use of WIPO's international registration and filing systems. The company files international **patent** applications via the PCT to protect its technological innovations, such as for downloading ring tones and for the exchangeable phone covers developed in the 1990s. It registers the **designs** of the appearance of the products, such as displays, batteries and keypads, through The Hague System. And it registers international **trademarks**, such as "*Nokia, Connecting People*" and the Nokia ring tune, through the Madrid System.

In 2006, 10.5 percent of PCT applications published were in the area of telecommunications, making this the most popular IPC class. Trademark registrations followed the same trend: Class 9, which covers telecommunications, was the most frequently used Nice Classifications in 2006.



Photo: Nokia

# 2006-2007

- In October 2006, WIPO published the first new version of the IPC advanced level, which entered into force on January 1, 2007. New procedures, and a website, were created to centralize data communications at WIPO in relation to the reclassification of patent collections associated with each IPC revision.
- WIPO concluded the revision of the ninth edition of the Nice Classification during 2006 and published it in English and French.
- NIVILO:CLASS 2.0, which contains the latest editions of the Nice, Vienna and Locarno Classifications, was made available online free of charge and on CD ROM. This dynamic tool, with user friendly navigation and search possibilities, has become indispensable for IP practitioners and industrial property offices around the world.

## ARBITRATION AND MEDIATION

The WIPO Arbitration and Mediation Center offers Alternative Dispute Resolution options, in particular arbitration, mediation and expert determination, for the resolution of international commercial disputes between private parties. The Center's procedures are designed as efficient and inexpensive alternatives to court proceedings between parties from various jurisdictions with different IP legislation. The Center maintains an extensive list of specialized mediators, arbitrators and experts from over 100 countries who conduct dispute resolution procedures according to the WIPO rules. These procedures may take place in any country, in any language, and under any law, allowing a great deal of flexibility for the parties.

Parties may elect to use the WIPO Electronic Case Facility (WIPO ECAF) to manage disputes filed under the WIPO Rules. With the WIPO ECAF, parties, neutrals and the Center may securely file, store, search and retrieve case-related submissions in an electronic case file from anywhere in the world and at any time. When a submission is made, all parties receive an e-mail alert and may view the case file.

The Center is also the leading dispute resolution service for challenges filed by trademark owners in relation to abusive registration and use of Internet domain names, commonly known as cybersquatting. This entire procedure is conducted online and results in enforceable decisions within two months.

# 2006-2007

■ The number of cybersquatting disputes filed with the Center increased by 25 percent in 2006 and further increased by another 17 percent in the first half of 2007. New trends observed in domain name registration practices, which threaten the interests of trademark

owners, include: the use of *Whois* privacy services for registrations; the growth in the number of professional domain name dealers and the volume of their activity; the use of computer software to automatically register expired domain names and their 'parking'

on pay-per-click portal sites; options for free five-day "tasting" trial registration; the growth in the number of accredited registrars; and the establishment of new generic Top Level Domains (gTLDs).

*Following a request from the America's Cup Management, WIPO created in-house a customized web-based facility for use in the 32<sup>nd</sup> America's Cup to facilitate efficient dispute resolution under the America's Cup Jury Rules of Procedure modeled on the WIPO ECAF.*



©ACM 2007/Jorge Andrieu

*Many domain name disputes dealt with by the Arbitration and Mediation Center involve the names of well-known persons, companies and products, such as the case brought by footballer Wayne Rooney.*



Photo: Wikipedia

# MANAGEMENT AND FINANCE

An on-going challenge for WIPO is to continue its efforts to streamline

decision-making processes by Member States, as well as the working methods and procedures of the Organization in order to make them more transparent, cost-effective, customer-focused, and results-oriented.

In September 2006, Member States agreed a number of initiatives to increase efficiency in WIPO's management and administrative support processes. These included a new mechanism for the preparation and follow up of the biennial Program and Budget, the development of a comprehensive human resources strategy, the revision of procurement rules and procedures, and the strengthening of internal oversight.

## INCOME AND EXPENDITURE IN 2006

| <b>INCOME</b>                             |  | (thousands of Swiss francs) |
|---|--|-----------------------------|
| Contributions from Member States          |  | 17,284                      |
| Fees from the global protection services: |  |                             |
| PCT                                       |  | 222,536                     |
| Madrid                                    |  | 43,033                      |
| Hague                                     |  | 2,424                       |
| Lisbon                                    |  | 1                           |
| Subtotal                                  |  | 267,994                     |
| Publications                              |  | 1,568                       |
| Interest                                  |  | 6,425                       |
| Other revenues                            |  | 4,199                       |
| Subtotal                                  |  | 12,192                      |
| <b>Total</b>                              |  | <b>297,470</b>              |
| <b>EXPENDITURE</b>                        |  |                             |
| Staff                                     |  | 185,544                     |
| Other                                     |  | 67,493                      |
| <b>Total</b>                              |  | <b>253,037</b>              |

Member States' contributions are determined on the basis of a system of contribution classes. There are a total of 14 classes, each with a set amount of contribution for the biennium concerned. The amount paid by a given Member State depends on the contribution class to which it belongs. A State freely chooses the class (and therefore the amount of contribution it pays) for itself, with three classes reserved for developing countries. The rights and obligations of all States are the same, regardless of the contribution class to which they belong.

The yearly contributions for each class in 2006 ranged from the lowest amount of about 1,400 Swiss francs to the highest amount of some 1.1 million Swiss francs.

## TREATIES ADMINISTERED BY WIPO

Convention Establishing the World Intellectual Property Organization (1967)

### **Industrial Property**

Paris Convention for the Protection of Industrial Property (1883)

Madrid Agreement Concerning the International Registration of Marks (1891)

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989)

Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891)

Hague Agreement Concerning the International Deposit of Industrial Designs (1925)

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957)

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

Locarno Agreement Establishing an International Classification for Industrial Designs (1968)

Patent Cooperation Treaty (PCT) (1970)

Strasbourg Agreement Concerning the International Patent Classification (1971)

Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (1973)

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977)

Nairobi Treaty on the Protection of the Olympic Symbol (1981)

Trademark Law Treaty (TLT) (1994)

Patent Law Treaty (PLT) (2000)

Singapore Treaty on the Law of Trademarks (2006)  
(Not yet in force.)

### **Copyright and Related Rights**

Berne Convention for the Protection of Literary and Artistic Works (1886)

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961)

Geneva Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms (1971)

Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974)

WIPO Copyright Treaty (WCT) (1996)

WIPO Performances and Phonograms Treaty (WPPT)

Treaty on the International Registration of Audiovisual Works (Film Register Treaty) (1989)

## WIPO Member States on July 31, 2007

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan

Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi

Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic

Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic

Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia

Fiji, Finland, France

Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana

Haiti, Holy See, Honduras, Hungary

Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy

Jamaica, Japan, Jordan

Kazakhstan, Kenya, Kuwait, Kyrgyzstan

Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg

Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar

Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway

Oman

Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal

Qatar

Republic of Korea, Romania, Russian Federation, Rwanda

Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic

Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan

Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan

Venezuela, Viet Nam

Yemen

Zambia, Zimbabwe

(Total 184)

## MORE WIPO PUBLICATIONS

WIPO publishes many general information and specialist publications, which are available **free of charge** from the e-bookshop at [www.wipo.int/freepublications/en/](http://www.wipo.int/freepublications/en/) or on written request to the WIPO Publications Section at the address on the back cover of this publication. The following are a few examples:

### *General*

The WIPO Magazine  
*Publication no. 121*

What is Intellectual Property?  
*Publication no. 450*

Understanding  
Industrial Property  
*Publication no. 895*

Understanding  
Copyright and Related Rights  
*Publication no. 909*

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