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Negotiating Group on Trade-Related Aspects
of Intellectual Property Rights, including
Trade in Counterfeit Goods

TECHNICAL ASSISTANCE PROVIDED BY INTERNATIONAL ORGANISATIONS

Communication from the World Intellectual Property Organization

At its meeting of 11, 12 and 14 December 1989, the Group agreed to invite other relevant international organisations to provide information on their technical assistance programmes regarding matters under discussion in the Group (MTN.GNG/NG11/17, paragraph 24).

The attached communication, dated 17 January 1990, has been received in response from the Director-General of the World Intelletual Property Organization. Information received from other international organisations will be issued in addenda to this document.

THE WIPO'S DEVELOPMENT COOPERATION PROGRAM IN FAVOR OF DEVELOPING COUNTRIES

The basis for WIPO's development cooperation program is enshrined in the 1967 Convention Establishing the World Intellectual Property Organization. All developing countries are eligible for legal-technical assistance in the field of intellectual property which is provided upon request.

Objectives

The main objectives of WIPO's development cooperation program are to assist developing countries in the establishment or modernization of intellectual property systems suited to their development goals through developing human resources; facilitate the creation or improvement of national or regional legislation (embodying internationally acceptable standards and principles) and their effective enforcement; encourage domestic inventive and creative artistic activity and the exploitation of its results; facilitate the acquisition of foreign patented technology, and the access to foreign works protected by copyright; facilitate the access to and the use of technological information contained in patent documents.

Types of Assistance

The legal-technical assistance which is provided to developing countries can be broken down into the following six categories.

I. Training

WIPO's training activities are meant to provide or enhance professional skills and capacities for the effective administration (including enforcement) and use of the intellectual property system. In 1989, training, both locally and abroad, was given to government officials and personnel from the technical, legal, judicial, industrial and commercial sectors.

Such training takes various forms. One is in the form of study attachments overseas of officials from developing countries and on-the-job supervision by international experts. This form of training involved the participation in 1989 of over 70 international experts deployed for varying periods of time in some 35 developing countries with, in many cases, repeated visits to the same countries.

Training is also provided in the form of courses, study visits, workshops and seminars. A total of 100 such events were organized at the national, subregional, regional and global levels in 1989. They provided, inter alia, basic knowledge of industrial property or copyright, or specialized information, both theoretical and practical, in areas such as search and examination for patents and trademarks, computerization of industrial property office administration, the use of computerized patent information data bases, the administration of the collection and distribution of copyright royalties and the promotion of innovative activities. Most of this form of training took place in developing countries themselves and allowed large numbers of people from the government and private sectors of those countries to learn about the subject of intellectual property and its role in the development process. In all, 44 developing countries hosted or co-organized (with WIPO) those events in 1989. Their contribution was in funds or in kind. Over 4,000 people from those countries attended as participants.

II. Legal Assistance and Standard Setting

The existence of appropriate national legislation embodying internationally acceptable standards and

principles is a precondition for ensuring optimal benefits from the use of the intellectual property system by a country. WIPO therefore continued in 1989 to give advice and assistance to developing countries in this area. WIPO prepared draft laws and regulations which, depending on the country in question, dealt with one or more aspects of intellectual property, or commented on drafts prepared by the countries themselves. In all, some 30 countries benefitted from this aspect of WIPO's development cooperation program. A number of governments informed WIPO that their executive or legislative branches had approved laws or regulations which were based on drafts drawn up by the International Bureau of WIPO or commented upon by it.

III. Advisory Missions

Each year, WIPO organizes and dispatches many advisory missions, comprising WIPO officials and WIPO consultants, to developing countries. In 1989, 285 advisory missions were undertaken to some 75 developing countries. Those missions, provided, inter alia advice to government administrations on legislative and other legal matters, improvements to management of industrial property offices, the acquisition and use of computers and other equipment and documentation and the provision of better patent information services to the public. In planning and implementing such missions in a given country, WIPO relied, as in the past, on that country for the identification of needs and for guidance in relation to particular local conditions. In return, WIPO offered expertise blended with experience gained from practical knowledge of the situation in other countries. This ensured that the advice and assistance given by WIPO would be appropriate to the country in question.

IV. Promotion of Innovative and Inventive Activity

In seeking to help developing countries in encouraging domestic inventive activity, WIPO offers advice in the drafting of legislative provisions for the establishment of suitable institutional arrangements in favor of inventors and organizes conferences and seminars to discuss policy measures designed to support inventors in their endeavors. A number of developing countries benefitted from such assistance in 1989, including the holding of national and inter-country seminars, organized by WIPO to train inventors to use the intellectual property system more effectively. Moral recognition of achievements remains a major source of satisfaction to these people; WIPO continued therefore with its WIPO Gold Medal Award scheme for exceptional work done by inventors, mainly in the context of special exhibitions which WIPO helped to organize in a number of countries.

V. Facilitation of Technology Transfer

The acquisition of foreign patented technology and access to foreign works protected by copyright, particularly in the context of new technologies (biotechnology, computer software, broadcasting by satellite, integrated circuits) and their protection under intellectual property laws is an important aspect of WIPO's development cooperation program. This question was the subject of three regional forums that WIPO especially organized for developing countries in 1989.

The licensing of intellectual property was the focus of an intellectual forum which WIPO organized on the role of intellectual property in economic cooperation arrangements between partners from different socio-economic systems.

Given the vast resource of technological information contained in patent documents, the use of such information is an important tool in technology transfer and development. WIPO's free state-of-the-art search program (under this program, WIPO supplies to requestors reports, based on the technological information contained in patent documents, dealing with the state of the art of specific areas of technology) for developing countries provides developing countries, in this context, with a valuable service. In 1989, there was a steady increase in the demand for this service from developing countries. Over 560 search reports and 4,500 copies of patent documents were furnished to requesting governments and institutions in developing countries.

VI. Dialogue Between Administrators and Users

The contribution of intellectual property to economic activity is partly dependent on a close, continuous

dialogue between the government authorities which grant titles to such property and the owners and users of that property. In 1989, WIPO continued to promote a dialogue between intellectual property administrations and users, primarily users in the non-government sectors. Such a dialogue was often arranged in the form of participation by both sides in discussions provided for that purpose in the seminars and symposia organized by WIPO and in regular, routine contact between intellectual property offices and the business sector.

Beneficiaries and Donors

WIPO's development cooperation program is financed by the Organization's regular budget and by special contributions, in funds and in kind, by some member States and some intergovernmental and non-governmental organizations.

In general, WIPO's development cooperation program had a fruitful year in 1989. Participation by countries whether as donors or beneficiaries (or both) was almost universal: 116 developing countries and 16 intergovernmental organizations benefitted from that program while generous support, both in funds and in kind (expert services, equipment, documentation, training facilities, hosting of meetings), was given by 55 developing and industrialized countries and 13 intergovernmental and non-governmental organizations.

Review of the Development Cooperation Program

WIPO's development cooperation program is subject to regular, systematic review and evaluation by the Organization's Governing Bodies and by two Permanent Committees established for that purpose: the WIPO Permanent Committee on Development Cooperation Related to Industrial Property and the WIPO Permanent Committee on Development Cooperation Related to Copyright and Neighboring Rights. Those two Committees, comprised of member States of WIPO and intergovernmental organizations, met in 1989 for the said purpose, and gave comments and suggestions for future activities.