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INTERNATIONAL INTELLECTUAL PROPERTY TRAINING INSTITUTE
KOREAN INTELLECTUAL PROPERTY OFFICE

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

JAPAN PATENT OFFICE

# WIPO ASIAN REGIONAL TRAINING COURSE FOR INTELLECTUAL PROPERTY TRAINERS AND INSTRUCTORS

organized by
the World Intellectual Property Organization (WIPO)

in cooperation with
the International Intellectual Property Training Institute (IIPTI)

and
the Korean Intellectual Property Office (KIPO)

and with the assistance of
the Japan Patent Office (JPO)

**Daeduk, Daejeon, Republic of Korea, March 18 to 22, 2002**

## INTELLECTUAL PROPERTY (IP) TODAY; RECENT DEVELOPMENTS, CURRENT AND EMERGING ISSUES

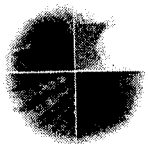
## INTELLECTUAL PROPERTY (IP) PROTECTION: OVERVIEW AND RECENT DEVELOPMENT

*Document prepared by the International Bureau of WIPO*



# Intellectual Property (IP) Protection; Overview and Recent Development

IIPTI, Daeduk, Daejeon, Republic of Korea
March 18 to 22, 2002



## OUTLINE

- Intellectual Property and Emerging Trends
- The Vision, Strategic Direction and Evolving Role of WIPO
- Important Programs and Activities

## Intellectual Property Systems

*Promote innovation and creativity* by recognizing the right of the inventor and creator to obtain legal protection and economic reward for his work, for a limited duration.

*Enrich society* through creation of knowledge, technologies, music, art, literature and promoting cultural development.

*Promote industrial activity* by providing access to technology and investment and encouraging fair trade.

## The 21st Century, Trends Influencing the IP Systems

- Globalization of economies
- Advances in telecommunications and information technology
- Electronic commerce and the Internet
- New and emerging technologies, e.g. biotechnology, nanotechnology
- International trading systems and the TRIPS Agreement
- Other global issues - traditional knowledge, folklore, environment, biodiversity

## Implications for IP System

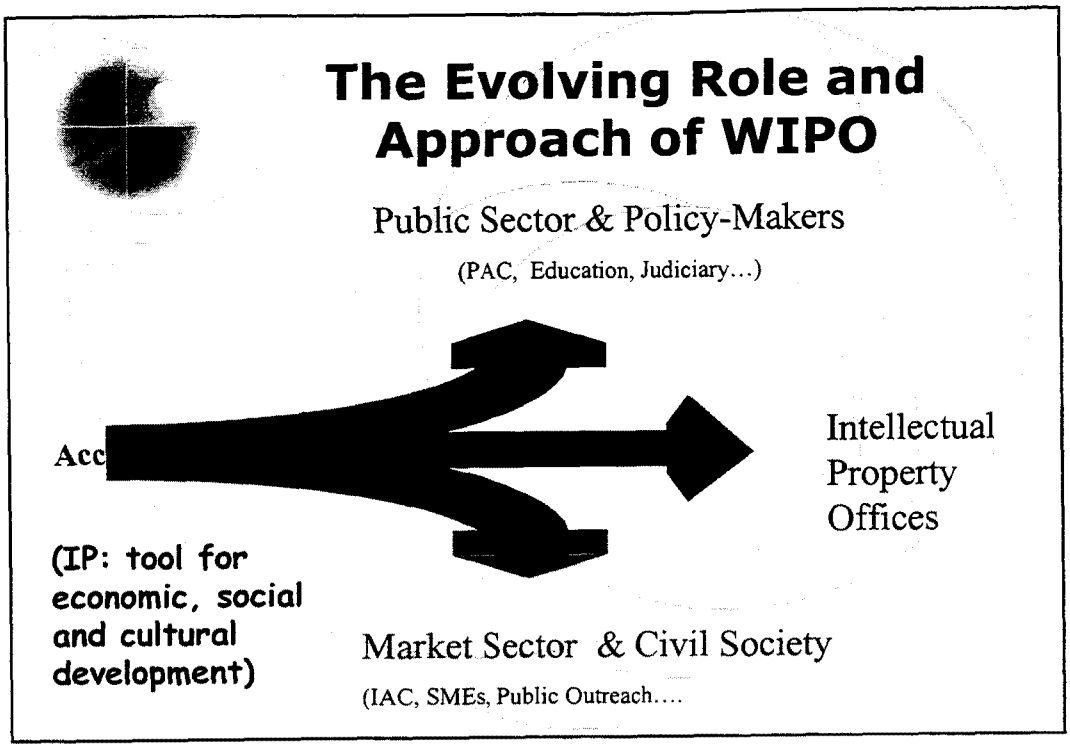
- IP as *prime mover in knowledge-based economy*
  - Protection across national boundaries
  - Establishment of progressive norms/standards for new technological developments
- Legal/institutional infrastructure for *simpler, cheaper & secure protection of IPRs in several countries*
- IPR as *tool for development*
  - Promotion of inventions and creations
  - Promote trade, technology & investment flows
- Enforcement issues particularly in digital environment
- Interrelation with global issues
- International cooperation

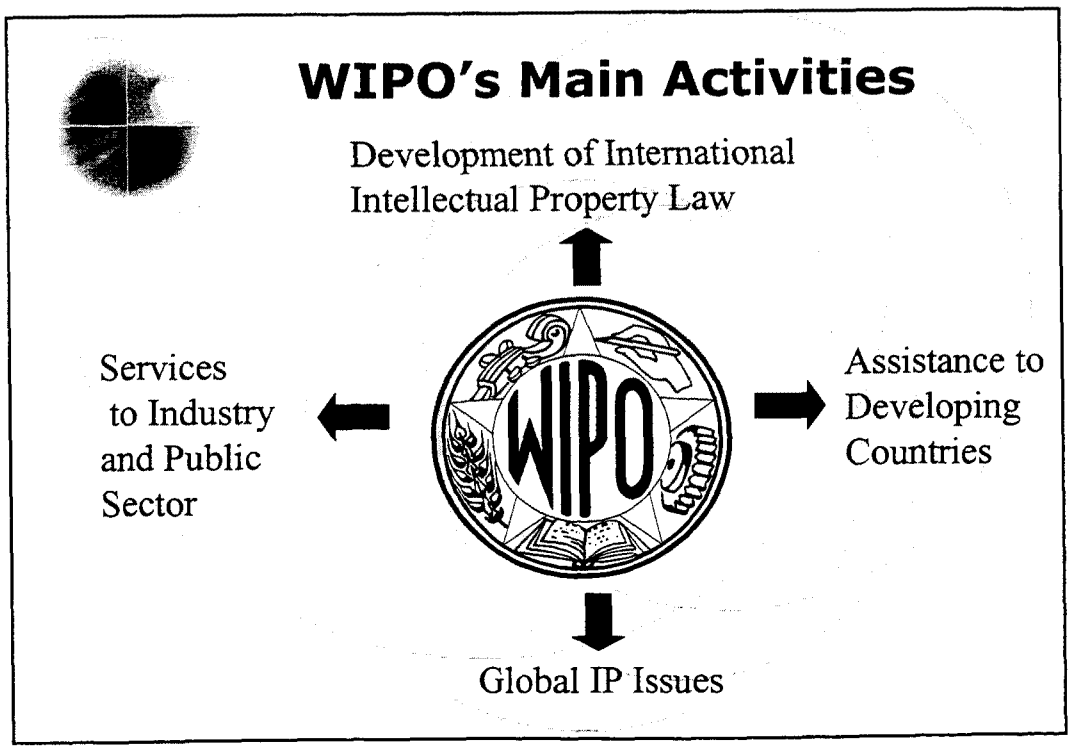
## The Vision of the Director General

*Global intellectual property culture*
- Demystification
- Empowerment
- Collective leadership
- Synergies

*Global IP development strategy*
- Promotion of creative/innovative activity
- Progressive development of IP law
- Global protection systems/services
- Use of Information Technology in IP Management

*Global cooperation for IP development*


The Evolving Role and Approach of WIPO
Public Sector & Policy-Makers
(PAC, Education, Judiciary…)
Acc
Intellectual Property Offices
(IP: tool for economic, social and cultural development)
Market Sector & Civil Society
(IAC, SMEs, Public Outreach….

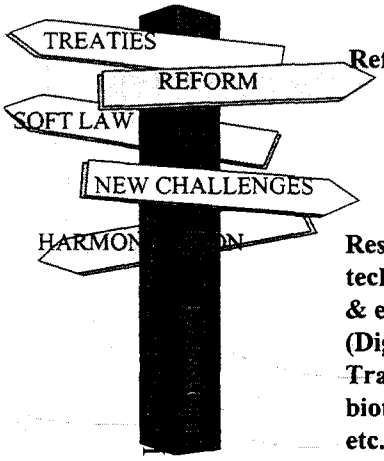

WIPO's Main Activities
Development of International Intellectual Property Law
Services to Industry and Public Sector
WIPO
Assistance to Developing Countries
Global IP Issues

## What does WIPO do?

- WIPO plays a key role in evolving and developing *international intellectual property laws* through treaty negotiations and soft laws.
- WIPO through its global *registration* systems for patents, trademarks, and industrial designs provides *services to industry and the public sector.*
- WIPO provides *assistance to developing countries* currently in the process of building up their patent, trademark, and copyright laws and systems for economic and cultural development.
- WIPO explores and studies intellectual property dimensions of global issues

## Development of International Intellectual Property Law

**Promotion of int'l IPRs and progressive development of IP law**




**Reform of I.P. Systems**

**Harmonization of Law, Rules and Procedures.**

**Respond to technological advances & emerging issues: (Digital technology, Traditional knowledge, biotechnology, SMEs etc.)**

## Development of International Intellectual Property Law

- Trademark Law Treaty (1994)
- Patent Law Treaty(concluded 2000, awaiting EOF)
  - Substantive Patent Law Treaty (ongoing discussions)
- Harmonization of trademark law
  - Joint Recommendations on protection of well-known mark
  - JR on trademark licenses (2000)
  - JR on protection of marks on the Internet (2001)
- WIPO Copyright Treaty (concluded 1996, EOF 2001)
- WIPO Performances and Phonograms Treaty (concluded 19
- Treaties in the pipeline
  - Audiovisual performances
  - Rights of broadcasting organizations

## The WIPO Patent Agenda

- New initiative launched by the Director General in September 2001, intended to launch worldwide discussions leading towar strategic blueprint for future evolution of the *international pat system (IPS).*
- Long term objective of IPS: available mechanisms and progra allowing for effective national, regional and international pate protection systems which are *simple, inexpensive, timely/reliable; and supports exploitation of patented technology.*

## WIPO's Main Activities

Development of International Intellectual Property Law

Services to Industry and Public Sector




Assistance to Developing Countries

Global IP Issues

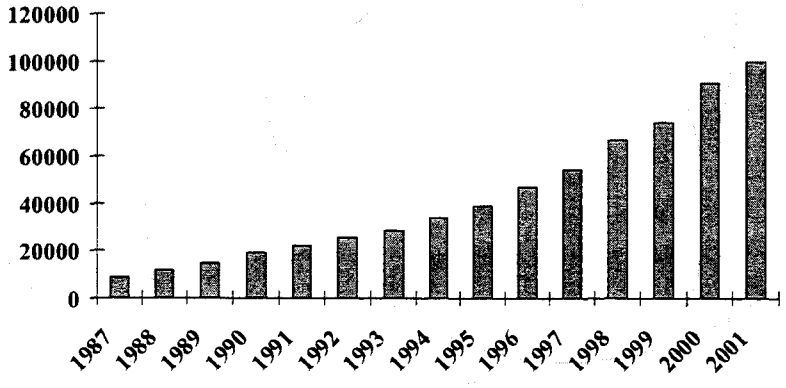
## Global Protection Systems and Services

- Patent Cooperation Treaty (1970)
- Madrid System
  - Madrid Agreement Concerning the International Registration of Marks (1891)
  - Madrid Protocol (1989)
- The Hague Agreement Concerning the International Deposit of Industrial Designs (1925)

## The Patent Cooperation Treaty

- Objective: to simplify and facilitate the means of applying for patent protection for inventions in several countries in a cost-effective manner
- Entry into force: January 24, 1978
- Original membership: 15
- Current membership: 115 Contracting States
- PCT Reform Process

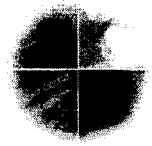
## The Patent Cooperation Treaty





## MADRID System for Internationa Registration of Marks

- Gives trademark owner possibility to have his mark protected in several countries with one application in one language and one set of fees in one currency
- Objectives: to facilitate the obtaining of protection for marks; and to make easier the subsequent management of that protection



## The HAGUE System for the International Deposit of Industrial Designs

- Objective: To allow the possibility of protection of industrial designs in several countries through a single deposit with the International Bureau of WIPO, in one language and with one set of fees in one currency

## WIPO's Main Activities

Development of International Intellectual Property Law

Services to Industry and Public Sector

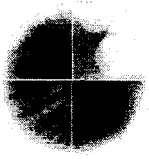



Assistance to Developing Countries

Global IP Issues

## IGC on Genetic Resources, Traditional Knowledge and Folklore (1st and 2nd)

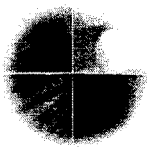
- *Genetic Resources*: development of guide on contractual practices and model IP clauses for contractual agreements on access to GR
- *Traditional knowledge*: discussions on sui generis system of protection; inventory of TK-related periodicals; TK as prior art; etc.
- *Folklore*: report on nat'l experiences with legal protection of expressions of folklore (ongoing)



## IP in the Digital Era



- *WIPO Digital Agenda (1999)*
- *WIPO Internet Domain Name Process*
- *Electronic Commerce*



## The WIPO Digital Agenda: *a 10 point plan of action*

❶ **Broader Developing Country participation**

❷ **EOF of WCT & WPPT - December 2001**

❸ **Promote adjustment of int'l legal framework to facilitate E-commerce**

❹ **Implement Recommendations of Domain Name Process Report**

❺ **Develop principles/rules to determine IP liability of Online Service Providers**

❻ **Explore int'l coordination CR Management Systems on digital networks**

❼ **Online procedures for Registration Treaties**

❽ **Measures for secure digital management of IP assets**

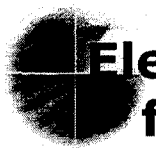
❾ **Coordinated collaboration with IGOs**

❿ **Study related issues**



## WIPO Domain Name Process

- Domain Name Process (07/1998-04/1999)
  - Scope: Questions arising out of the interface between domain names and trademarks
  - WIPO as uniform dispute resolution provider for gTLDs and ccTLDs since December 1999
  - Cases filed up to end 2001: 3,348
  - Cases completed up to end 2001: 3,070
- Second WIPO Domain Name Process (07/2000-09/2001)
  - Scope: personal names, Int'l Nonproprietary Names, names IGOs; geographical indications;trade names
  - Consultation process ongoing



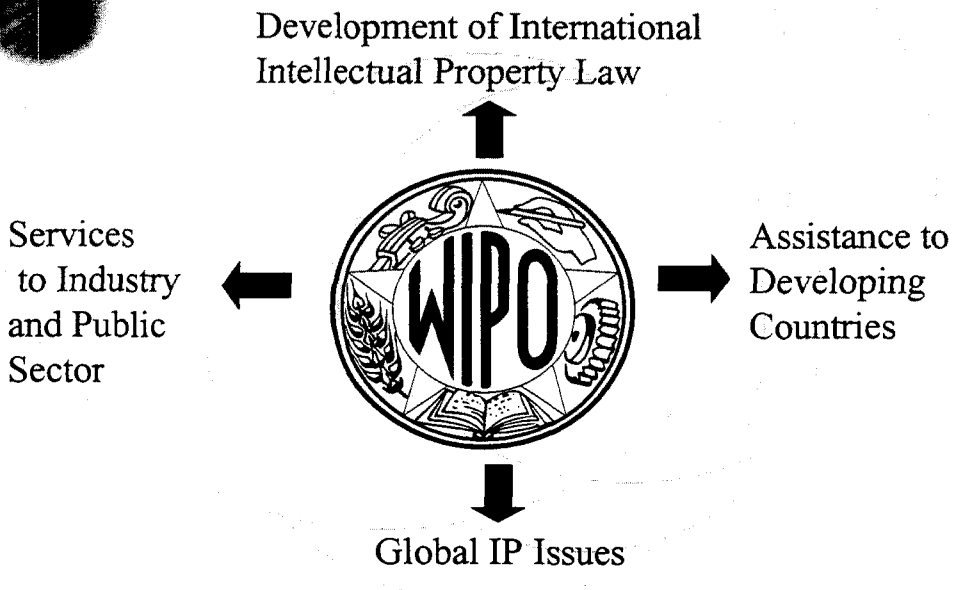
## Electronic Commerce, Issues for Developing Countries

- Access and Participation in electronic commerce
- Opportunities
  - accelerated integration into global economy
- Challenges
  - necessity of up-front investment
  - relative lack of participation in policy-making and standard setting for e-commerce
  - absence of sufficient information infrastructure

## WIPO's Response

- Identification of IP issues raised by e-commerce and assistance in formulation of appropriate policies
- Development of updated IP regime conducive to e- commerc
- WIPO Internet Treaties
  - technological protection measures
  - rights management systems
- WIPO Global Information Network (WIPOnet)
- Public awareness campaigns and specialized training activities
  - Annual WIPO International Conference on IP & E-Commerce (third Conference in September 2002)

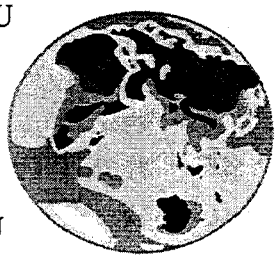
## WIPO's Main Activities



# Cooperation for Development Program

**LATIN AMERICA & THE CARIBBEAN BUREAU**

**ASIA & THE PACIFIC BUREAU**



**ARAB BUREAU**

**AFRICA BUREAU**

**COOPERATION FOR DEV,LAW*
**INNOVATION PROMOTION DIV.*
**COLLECTIVE MANAGEMENT UNIT*
**LDCS UNIT*
** WIPO WORLDWIDE ACADEMY*
** PCT, MADRID and HAGUE DC SEC.*

# Thrusts of Cooperation for Development in Asia and the Pacific

- Policy and strategy related activities
- Modernization of IP legal and administrative systems
- Promoting effective enforcement of IPRs
- Global IP issues
- Public outreach and demystification of IP
- Collective management of copyright and RR
- Innovation, commercialization and SMEs
- Sub-regional and bilateral cooperation

## Modernization of IP Systems (2000-2001)

- Legislative advice
- Automation support and IT projects
- Systematizing office procedures
- Trademark/patent/id manuals
- Training
- NFAPS

- Total number of activities for biennium 2000 - 2001 including meetings, training courses, study visits, advisory missions, equipment supply - 154
- NFAPs - 17 under implementation

## Promoting effective enforcement of IPRs

- Improved understanding of the enforcement provisions of TRIPS
- Recognition of usefulness of multi-agency approach, IPO-Judiciary-Law Enforcement-Customs-relevant agencies
- Importance of cooperation with right holders
- Exchange of information on best practices
- Colloquia, orientation program, training courses (19 events in 2000-2001)

## WIPO MILLENIUM DECLARATION

*"Intellectual Property Rights are a key and integral tool in efforts to address the fundamental challenge of development for all.. "*

The Director General of WIPO has declared this to be the greatest challenge for WIPO and has promised to make intellectual property as a powerful tool for economic development a reality.

## The World Intellectual Property Organization

(http://www.wipo.int)

*Thank you*

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