

## **Assemblies of the Member States of WIPO**

**Fifty-Sixth Series of Meetings**  
**Geneva, October 3 to 11, 2016**

### **OPENING OF NEW WIPO EXTERNAL OFFICES DURING THE 2016/17 BIENNIUM**

*Document prepared by the Secretariat*

1. The present document contains a Program and Budget Committee (PBC) document WO/PBC/25/12 entitled “Opening of New WIPO External Offices during the 2016/17 Biennium”, which was submitted to the WIPO Program and Budget Committee (PBC) at its twenty-fifth session (August 29 to September 2, 2016).
2. The decision of the PBC in respect of that document appears in the Decisions Taken by the Program and Budget Committee (document A/56/12).

[Document WO/PBC/25/12 follows]

## Program and Budget Committee

**Twenty-Fifth Session**  
**Geneva, August 29 to September 2, 2016**

### OPENING OF NEW WIPO EXTERNAL OFFICES DURING THE 2016/17 BIENNIUM

*Document prepared by the Secretariat*

1. At the Fifty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO (October 2015), the WIPO General Assembly, at its Forty-Seventh (22<sup>nd</sup> Ordinary) Session, decided with respect to the issue of new WIPO External Offices, as follows (refer to document A/55/13, paragraph 258 (General Report adopted by the Assemblies)):

"The WIPO General Assembly decided:

"1. to adopt the Guiding Principles annexed to this decision;

"2. recognizing the Organization's limited capacity to open new external offices, and desirous to take a phased and prudent approach when establishing new external offices, to open not more than three external offices per biennium for the biennia, 2016/17, 2018/19, subject to approval by the WIPO General Assembly.

"3 this decision is without prejudice to any decision by the Program and Budget Committee and the General Assembly on opening new external offices pursuant to the Guiding Principles after an evaluation during 2021.

"4 for the period mentioned in paragraph (2), priority should be given to Africa. For this purpose, Member States are encouraged to submit their hosting proposals to be considered under the Guiding Principles."

2. The mentioned 'Guiding Principles regarding WIPO External Offices' detail a process to be followed for the "establishment of a sustainable, adequately sized network of WIPO External Offices (EOs), that adds clear value, efficiency and effectiveness to program delivery in accordance with the results framework of the Program and Budget, in a coordinated and

complementary way with WIPO HQ and in a way that may otherwise not be achieved through operations at WIPO HQ.” This process, involving notifications by Member States of a wish to host an external office and a proposal for the same, can be read in document A/55/13. The Guiding Principles stipulate that the WIPO Secretariat “shall provide to the PBC a separate, factual and technical report on proposed new EO and its consistency with these guiding principles”. The Annex to this document provides the mentioned separate, factual and technical report for new external offices proposed for the 2016/17 biennium. It is based on a template which has been derived from the Guiding Principles. The text is verbatim from the Member States’ proposals. Clarifications by the Secretariat are indicated in [ ...] (*italic*).

#### DEVELOPMENTS SINCE THE FIFTY-FIFTH SERIES OF MEETINGS OF THE ASSEMBLIES OF THE MEMBER STATES OF WIPO

3. Following the decision of the WIPO General Assembly on the Guiding Principles and further to consultations with the Chair of the General Assembly, Ambassador Gabriel Duque, the Secretariat initiated steps to ensure the implementation of the decision of Member States. Following analysis of the Guiding Principles, the Secretariat issued a Note (C.N 3641) dated November 13, 2015, addressed to Ministers of Foreign Affairs, repeating the process detailed in the Guiding Principles. Based on the practical implications of this process with respect to the 2016/17 biennium, the mentioned Note provided deadlines by which notifications and proposals should be received from Member States in accordance with the Guiding Principles.

4. The deadlines articulated by the Secretariat in the Note for notifications and proposals were arrived at looking at the practical requirements imposed on the Secretariat to produce the separate, factual and technical report which would need to be considered by the 25<sup>th</sup> Session of the Program and Budget Committee (PBC) to be held from August 29 to September 2, 2016. In particular, Member States have established that PBC documents need to be made available in all official languages at least two months in advance. Consequently, the report with all of the proposals which would be received would need to be translated into all languages and available by June 29, 2016. Based on past practice in the preparation of documents for WIPO meetings and the anticipated volume of translation required in this case, it was felt reasonable and practical for the Secretariat to request to receive proposals to host a new WIPO External Office for the 2016/17 biennium, in accordance with the Guiding Principles, by February 29, 2016.

5. It should also be noted that the Guiding Principles state that, “In the preparation of this proposal the Member State may request the assistance of the Secretariat.” and C.N 3641 recalled this stipulation. Until February 29, 2016, the Secretariat met separately with 11 delegations which had notified of their wish to host a WIPO External Office and provided assistance to them in line with the Guiding Principles. In keeping with the letter and spirit of the Guiding Principles, the Secretariat provided factual and technical assistance to these delegations on the issue of consistency with the Guiding Principles.

6. Following the February 29, 2016 deadline, concerns were raised by some delegations that not all Member States that wanted to submit proposals for the 2016/17 biennium had done so. Consequently, the Chair of the WIPO General Assembly, Ambassador Gabriel Duque, held consultations with Member States which resulted in agreement among Member States to extend the deadline to March 29, 2016 for the submission of proposals to host an external office in the 2016/17 biennium: by those Member States which had already notified (in accordance with the Guiding Principles); by Saudi Arabia; or for the revision of proposals already submitted by the initial deadline of February 29, 2016 (as contained in C.N 3641).

7. As of the end of February 29, 2016, the following Member States had notified of their wish to host an external office in the 2016/17 biennium:

1. Algeria
2. Azerbaijan
3. Chile
4. Colombia
5. Côte d'Ivoire
6. Ecuador
7. Egypt
8. El Salvador
9. Ethiopia
10. India
11. Iran (Islamic Republic of)
12. Kenya
13. Mexico
14. Morocco
15. Namibia
16. Nigeria
17. Panama
18. Republic of Korea
19. Romania
20. Rwanda
21. Saudi Arabia<sup>1</sup>
22. Senegal
23. South Africa
24. Tunisia
25. Turkey
26. United Arab Emirates

8. As at the extended deadline of March 29, 2016, the following Member States had submitted proposals to host an external office in the 2016/17 biennium, either in their national capacity or on behalf of a group of countries or Regional Group:

1. Algeria
2. Azerbaijan
3. Chile
4. Colombia
5. Ecuador
6. Egypt
7. El Salvador
8. India
9. Iran (Islamic Republic of)
10. Kenya
11. Mexico
12. Morocco
13. Nigeria
14. Panama
15. Republic of Korea
16. Romania
17. Tunisia
18. Turkey

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<sup>1</sup> Included in the list as directed by the Chair of the General Assembly in consultations with the Regional Coordinators on March 16, 2016.

9. Consequently, the above list of 18 Member States constitutes the final and definitive list of proposals to host a WIPO External Office in the 2016/17 biennium. All of these proposals can be found on the PBC 25 web site at the following link:

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=39942](http://www.wipo.int/meetings/en/details.jsp?meeting_id=39942).

10. The following decision paragraph is proposed.

*11. The Program and Budget Committee (PBC) is invited to:*

*(i) Consider document 'Opening of New WIPO External Offices during the 2016/17 biennium (document WO/PBC/25/12); and*

*(ii) Following consideration of document WO/PBC/25/12 and the proposals of Member States referred to therein, make any recommendation to the WIPO General Assembly.*

[Annex follows]

PROPOSALS FOR THE HOSTING OF EXTERNAL OFFICES

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## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>2</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Algeria**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

*[The proposal contains a reference to “a regional external office for Africa”. It is not explicit which countries are covered by the proposal nor from which countries support has been received]*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>3</sup>:

#### The innovation and creativity ecosystem

1. Considered a driver of investment and a powerful lever for economic development and the improvement of well-being, IP protection is now fundamental to public policy, at a time when Algeria is fully committed to the transformation of its economy to make it efficient and based on knowledge, innovation and the mastery and transfer of technology.

2. Public policies supporting innovation, cultural industries, industrial investment and competitiveness rely completely on the IP system. They are designed, both in their underpinning and in their implementation, with due regard for the importance of IP and its expected benefits.

#### A national legal framework meeting international standards

3. IP has pride of place in the Algerian legal system. Intellectual creation is guaranteed by the Algerian Constitution. The first related legislation was passed in the mid-1960s. It sought in particular to offer creators, inventors and project leaders total legal certainty for their creative endeavors. The legal framework is consistent with international standards and the TRIPS Agreement.

4. Algeria applies the national aspect and the most favored nation clause in that regard.

5. As regards literary and artistic property, Algeria is a member of the following:

- Universal Copyright Convention, administered by UNESCO, since 1973;

<sup>2</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

- Berne Convention for the protection of literary and artistic works, since 1998;
- Rome Convention, since 2007; and
- WIPO Copyright Treaty since 2014.

6. As regards industrial property, Algeria is a member of the following:

- Lisbon Agreement, since March 1972;
- Madrid Agreement (indications of source), since March 1972;
- Madrid Agreement (marks), since March 1972;
- Nice Agreement, since March 1972;
- Paris Convention, since September 16, 1965;
- Madrid Protocol since July 31, 2015;
- Patent Cooperation Treaty since December 8, 1999; and
- Nairobi Treaty, since July 16, 1984.

Institutions responsible for drafting and implementing IP policy: an experience to sustain

7. The two main public institutions responsible for copyright and industrial property enjoy the close interest of the public authorities and have successfully capitalized on the experience of several years to consolidate their management systems and integrate them seamlessly into the prevailing business ecosystem.

*a) The National Agency for Copyright and Related Rights (ONDA): forty-two years of experience to share*

8. ONDA is a public entity with financial autonomy established in 1973 through the copyright law. Its mission is the collective management of copyright and related rights, the protection and defense of the moral and property rights of authors and their beneficiaries and holder of related rights, along with the protection of works that are part of the national cultural heritage and national works that have lapsed into the public domain. The rights of foreign nationals are protected under Algeria's international commitments and reciprocal representation contracts between ONDA and sister agencies. Since its inception, ONDA has been responsible for all procedures relating to the documentation of works and the collection and distribution of royalties.

9. The first distribution of royalties for copyright, mechanical rights and communication to the public dates back to 1973.

10. With the Ordinance of 1997, the duration of copyright protection was lengthened and, in particular, protection was extended to databases and computer programs. Related rights, private copying and collective rights management were introduced. The first distribution of royalties for related rights dates back to 2002.

11. Royalties are collected by a network of agencies covering the entire country, mobilizing over 50 collectors for a wide range of rights: (i) public performance; (ii) broadcasting; (iii) reproduction of musical, dramatic and literary works; (iv) secondary remuneration; (v) private copying; and (vi) reprography.

12. To legalize mechanical production rights, ONDA has developed its own system to trace authorizations and acquired the means for effectively fighting against illicit reproduction of phonograms and videograms.

13. To combat various infringements of copyright and related rights, ONDA has adopted a strategy based on several years of experience, relying on three essential elements:

- daily monitoring and intervention in markets;
- continuous outreach to school children, students and the general public; and
- constant coordination of anti-counterfeiting efforts involving the security services (customs, police, the judiciary and the gendarmerie).



14. ONDA has been a member of the board of directors of CISAC since the mid-1970s. It is bound by reciprocal representation contracts with 47 foreign societies, including 16 with African copyright agencies. Eleven contracts have been signed with French-speaking agencies, three with English-speaking agencies and two with Arabic-speaking agencies.

15. For management purposes, ONDA has built a database relying both on its own information system and on the CISAC information system.

16. This automated information system encompasses all collective rights management processes for copyright and related rights; membership, documentation of works and performances; and calculation and distribution of royalties for copyright and related rights.

17. ONDA personnel develop, administer, maintain and update the system.

*b) Algerian National Institute of Industrial Property (INAPI): the benefits of an effective use of WIPO's IT solutions*

18. The Algerian National Institute of Industrial Property (INAPI) is a public body responsible for protecting inventions, trademarks, appellations of origin, designs and layouts designs of integrated circuits. INAPI receives applications for protection and delivers the relevant protection. Foreign rightholders are afforded protection under Algeria's commitments, in particular those arising from its signature of the Paris Convention.

19. In addition to the administration of these industrial property rights, INAPI also engages in dissemination and outreach to operators, researchers and, more generally, users of these systems.

20. As part of cooperation with WIPO, INAPI makes effective use of most of the IT solutions set up by WIPO.

21. As the first industrial property institute to install and effectively use the WIPO Publish solution for the transparent management of files and daily publishing of recordings in standardized formats on the WIPO website, INAPI seeks to consolidate its expertise and will continue to fully utilize its expertise to strengthen already robust cooperation links, in particular to help deploy and assist WIPO in its work in the Arab region and African countries.

22. The protection of plant breeders' rights falls to the Ministry of Agriculture, which applies instruments governing biological resources and the conservation and promotion of the genetic heritage of plants, animals and microorganisms. It shares responsibility for aspects related to undisclosed information with the Ministry of Health.

23. Measurements at the border are the responsibility of the customs administration. The national security administration, which is managed by the Public Prosecutor, is tasked with investigating IP infringements and prosecuting perpetrators.

The national innovation ecosystem: increased demand for global IP systems

24. The improved management of innovation and the addition of industrial and commercial value over the last few years have led to an increased use of global IP systems. This dynamism is set to continue, as it benefits fully from the established institutional and legal mechanisms supporting and protecting IP on the basis of Algeria's experience in managing global IP systems.

25. The Algerian university network is a major user of IP through the following:

- 99 university establishments nationwide whose services utilize the results of research;
- 60 research centers and units;
- 1,400 research laboratories; and
- a network of six specialized research agencies, including the Agency for the Utilization of Research Results and Technological Development (ANVREDET).

26. The economic sector, which has been modernized through different support programs and the establishment of research, development and technology monitoring facilities, will join the university network to increase demand for the IP protection system. The development of startups in the field of up-to-date technology and, more generally, businesses in the various industrial sectors, supported by a wide network of support for innovation, will lead to increased demand for WIPO services in order to obtain information and technical assistance.

27. This network for support and assistance to innovation and technological development in Algeria is composed mainly of the following:

- Technology and Innovation Support Centers (TISCs) and Industrial Technical Centers (ITCs) serving as the interface between universities and industries to study and launch businesses through the exploitation of patents, new procedures, innovation, etc. These businesses make it possible to examine different facets of the actual size of an enterprise.
- The national network of TISCs, developed with WIPO support, now has 30 centers. As a strong bridge linking to universities, research centers and business people, these centers allow access to all information on patents and innovation in various areas of industry and technology. A program seeking as broad a deployment as possible of these centers in universities, research centers and main businesses active in the selected sectors is being devised.
- The Center for the Development of Advanced Technologies (CDTA) is a reliable link to scientific research and business, in particular through the prototyping services it offers to innovative businesses. It is an IP need-generating environment which should be supported.
- The network of technical platforms, currently 17 in number, implement nationwide allows universities and industries to conduct full-size tests on many devices, particularly in the area of physics and chemistry, supercomputing, software development, characterization of materials and medical technology.

*Algeria's commitment to the opening of a regional external office for Africa*

28. Algeria has unceasingly called in all international fora for the promotion of IP in Africa in order to use it to leverage the development of its SMEs and derive full benefit from WIPO's global IP systems, that is, the PCT, the Madrid System and the Hague System. To this end, African users of these systems should be able to access information and support services locally, while being completely free from constraints arising from language, time differences, and access to information and technology.

29. The use of automated IP management solutions, including industrial, literary and artistic property, is crucial to encouraging the use of IP in African countries. The effective deployment of such systems can only be considered from a locally established focal point which can provide solutions tailored to the legal and technological environment existing in Africa's regions.

30. Relying on its own experience in promoting IP, which is based in particular on national capacity-building, Algeria is convinced of the need to deploy capacity-building strategies as soon as practicable, tailored to the institutional and legal framework of African countries. The guidelines for such strategies must be defined as close as possible to users and their implementation must also be local, in local languages.

31. Persuaded of the cogency of these principles, Algeria has proposed within the African Group in WIPO and firmly supported the establishment of two external offices on this huge continent.

32. Buttressed both by its capacity-building experience and south-south cooperation, Algeria wishes to contribute to the attainment of these objectives, to share with African countries in its region its knowledge, experience, lessons learnt, know-how and human and technological resources, to serve the development of IP. To this end, it seeks to host one of the WIPO external offices which the WIPO Assembly agreed to establish at its last session.

33. Algeria is convinced that its experience in policies for IP promotion, its know-how in the administration of IP management systems, its infrastructure, specifically its technology and the availability

of human resources highly qualified in the latest information technology make Algiers the ideal location for one of the WIPO external offices.

*Algeria's commitment to capacity-building for the African region*

34. As regards collective management of copyright and related rights, ONDA organized several training courses for staff of African societies at WIPO's request [refer to table in proposal].

35. ONDA has also participated in several technical assistance missions to the Sudanese Institute for the Collective Management of Copyright and Related Rights.

36. ONDA is also bound by:

- an assistance agreement with the Moroccan copyright office;
- an assistance agreement with the Tunisian copyright office; and
- an assistance agreement with the Ivorian copyright office.

**PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

**PURPOSE(S)<sup>2</sup>:**

37. The mandate of the external office for the area is fully consistent with WIPO policy and seeks the following aims:

1. capacity-building for Algeria and countries of the region;
2. consolidating automated solutions offered by IP systems and spreading them to countries of the region; and
3. support for local and regional information and technical assistance systems.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>4</sup>):**

| <b>PILLAR 1 - CAPACITY-BUILDING</b>   |   |  |
|---|---|--|
| <b>Objectives</b>   | <b>Expected results</b>   | <b>Action</b>  |
| <p><u>Objective 1</u><br/>Help public authorities to build respect for IP</p> | <ul style="list-style-type: none"> <li>• Public authorities and senior officials who are most aware of the issues at stake in IP and able to devise national IP policies</li> </ul> | <ul style="list-style-type: none"> <li>• Organize specialized workshops on the economic and social importance of IP and on the range of policy options</li> <li>• Organization of national and regional seminars on the main IP issues of concern to the global community</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>• The best-trained and best-prepared operational actors for implementing IP multiplier mechanisms and combating counterfeiting.</li> </ul>   | <ul style="list-style-type: none"> <li>• Organize training workshops for judges, judicial police and customs officers</li> <li>• Organize regional experience and best practice sharing meetings in the application of global IP systems</li> <li>• Provide technical training for interested parties (innovation management, patent drafting, organization of professions linked to cultural industries)</li> </ul> |

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

|  |   |   |
|--|---|---|
|  | <ul style="list-style-type: none"> <li>The IP educational system contributes to dissemination, together with the judiciary, of IP norms</li> </ul>                      | <ul style="list-style-type: none"> <li>Promote IP teaching in universities and schools of engineering by providing course content tailored to the existing legal framework in the countries concerned and to various target publics (engineers, legal practitioners, architects, etc.)</li> </ul> |
|  | <ul style="list-style-type: none"> <li>Users of works and services are made aware of their obligations in terms of respecting literary and artistic property</li> </ul> | <ul style="list-style-type: none"> <li>Organize seminars explaining copyright law and the obligations of users and exploiters of intellectual works and services</li> <li>Raise public awareness of IP matters and the dangers of piracy and counterfeiting.</li> </ul>                           |
| <p><u>Objective 2</u></p> <p>Help public authorities to set up an IP information and evaluation system</p> | <ul style="list-style-type: none"> <li>The administration has indicators and aggregates for measuring the effectiveness of its action in IP matters</li> </ul>          | <ul style="list-style-type: none"> <li>Help national, local and regional authorities to develop a body of indicators of effectiveness integrated into the IP information system</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>Public authorities adjust their policies to trends in the forms of exploitation of IP assets and related expectations</li> </ul> | <ul style="list-style-type: none"> <li>Monitor implementation and necessary adjustments</li> </ul>  |

| <b>PILLAR 2 - POPULARIZATION AUTOMATION IP SOLUTIONS</b>  |   |   |
|---|---|---|
| <b>Objectives</b>   | <b>Expected results</b>   | <b>Action</b>   |
| <p><u>Objective 1</u></p> <p>Popularize the automation of systems for the collective management of copyright and related rights</p> | <ul style="list-style-type: none"> <li>Collective management organizations for copyright and related rights will have integrated databases and dedicated software.</li> </ul> | <ul style="list-style-type: none"> <li>Standard solution for automated management of copyright and related rights will be consolidated and adapted for regional collective management organizations</li> <li>Train stakeholders on the various technologies used (operating system, DBMS, development tools, administration)</li> </ul> |
| <p><u>Objective 2</u></p> <p>Support WIPO's efforts to implement automation systems for local and regional IP offices</p>           | <ul style="list-style-type: none"> <li>Broaden the use of WIPO's automated systems</li> </ul>   | <ul style="list-style-type: none"> <li>Raise awareness on the use of WIPO systems by national IP offices of the region Organize training for officials of national IP offices in the region on the use of automation software</li> <li>Support regional IP offices in the implementation of these solutions</li> </ul>                  |
| <b>PILLAR 3<br/>SUPPORT FOR LOCAL AND REGIONAL INFORMATION AND TECHNICAL ASSISTANCE SYSTEMS</b>                                     |   |   |
| <b>Objectives</b>   | <b>Expected results</b>   | <b>Action</b>   |
| <p><u>Objective 1</u></p> <p>Help establish TISCs</p>   | <ul style="list-style-type: none"> <li>Regional deployment of a TISC network of</li> </ul>  | <ul style="list-style-type: none"> <li>Assist countries in the region to establish and implement TISCs and support them in training resource persons and database exploitation</li> <li>Provide TISC members with an IT platform that allows collaboration</li> </ul>   |
| <p><u>Objective 2</u></p> <p>Provide users with information on WIPO's systems</p>   | <ul style="list-style-type: none"> <li>Stakeholders are better informed on the use of these systems</li> </ul>  | <ul style="list-style-type: none"> <li>Respond to requests of information</li> <li>Provide technical assistance</li> </ul>  |

38. The implementation of this action plan will be based primarily on the availability of IP specialists. Master's and doctoral training available for the past 15 years, *inter alia* in the University of Algiers, where an IP chair was recently endowed and a research laboratory is active, have contributed greatly to providing the labor market with IP specialists. ONDA and IINAPI contribute to the practical training of these specialists by hosting them for practical internships.

39. ONDA and INAPI specialists will also contribute to the implementation of this action plan. ONDA's specialist IT engineers will contribute by deploying IT systems for IP management.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Rationale for Hosting an External Office"]*

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>5</sup>** *(such as for example office space, coverage of utility costs and/or cost of security, etc):*

40. Hydra is the designated host city of the WIPO regional external office. Situated in the near south-west suburb of Algiers, it is at the crossroads of the major Algiers districts and is served by a dense road network, crossed by the Algiers North highway, which places it 20 minutes away from Algiers International Airport (16.5 km).

41. The location Algeria has selected to host the WIPO regional external office is strategic and has all the requisite conveniences and security features. The Hydra district is home to several nerve centers, including embassies, offices of multinationals and the prestigious National School of Administration.

42. On all points, Hydra guarantees that the WIPO external office will accomplish its tasks in optimal security conditions. Moreover, true to its heritage, Algeria will establish the appropriate security mechanisms for such institutions to increase the security of the selected location.

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<sup>5</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "*Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation*".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Azerbaijan**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes

No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. Taking into account the leading position of the Republic of Azerbaijan in the region, its favorable geographic location, implementation of several large-scale projects and programs, growing role of intellectual property in the innovation, creative economy and sustainable development of the knowledge-based industries and its importance for [its] fast-growing economy, [the Republic of Azerbaijan] applies for the establishment of the WIPO EO in the Republic of Azerbaijan.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### PURPOSE(S)<sup>2</sup>:

2. The mandate of the WIPO EO in the Republic of Azerbaijan will be to represent WIPO in the country and to raise awareness of civil society about the activities of WIPO and the overall international intellectual property system.

3. The main aim of the EO in Azerbaijan will be to improve understanding and respect for IP, increase awareness of IP, improve their IP systems, streamline processes and develop the relevant staff dealing with IP at national IP offices, as well as to increase WIPOs visibility and engagement with the WIPO in the collaboration with the national IP offices - State Committee for Standardization, Meteorology and Patent of the Republic of Azerbaijan and Copyright Agency of the Republic of Azerbaijan.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (INCLUDING REGIONAL ACTIVITIES IF APPLICABLE<sup>3</sup>):**

4. The activities of the EO will include: promoting research, development, outreach on intellectual property (IP) issues between WIPO and the government, industry, the private sector and the general public in the Republic of Azerbaijan; providing legal and technical assistance on IP; promoting the use of WIPO's services, providing assistance to the users; and liaising with WIPO Headquarters on issues that impact on the work of the Organization. It also will seek to increase innovation and creativity in the region by promoting effective use of global IP services such as the Patent Cooperation Treaty (PCT), Madrid System of Marks, and Hague System for industrial designs.
5. More precisely there will be several functions of the EO. First function will be the provision of information and assistance to the IP users. The EO can perform indispensable work in supporting WIPO's global systems in the relevant time zones and in the locally applicable language.
6. Furthermore, it will provide support to WIPO's general customer response network. As the WIPO receives, thousands of calls per week on IP related matters, and based on time difference many of them became unanswered after the business hours in WIPO Headquarters in Geneva, the existence of such an office in the region can be proven to be very valuable addition to the WIPO's general services.
7. Another function will be the administration of mirror sites for the WIPO's IT systems, platforms and databases for the purposes of IT security, business continuity, disaster recovery and load-sharing.
8. The further function will be the provision of technical support in relation to the various technical assistance programs administered in the Global Infrastructure Sector of the WIPO, such as implementation of the automation system for IP offices, establishment of Technology and Innovation Support Centers, that make available patent and other IP related information available to IP offices, higher educational and research institutions and implementation of IT system for collecting societies in support of copyright administration. This will also promote development and transfer of technology.
9. Last, but not least, the other function will be a general capacity building, that covers an extensive range, including conferences, seminars, trainings, on the spot training of a technical nature (e.g. for patent or trademark examiners or for technical resources in relation to technical database), participation in academic courses and programs, study visits and training at the foreign IP offices.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

10. The EO in Azerbaijan will offer considerable advantage in terms of strengthening the participation of the country in WIPO's Global IP Systems in order to resolve IP related issues more quickly by more effective use of such systems, enabling the WIPO to service more sustainable, equitably and effectively a vast territory and its surrounding region, and will assist in building capacity for the use of IP in a region where most national economic strategies aim to use rich resource base as a foundation for value addition in more knowledge-based industries.

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

*[No indication of proposed contribution provided]*

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

Chile

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

Chile makes this proposal in its national capacity, without prejudice to the expansion of the activities of the Chile-based WIPO EO to other countries of the Latin American and Caribbean Region, in accordance with any decision that WIPO itself shall take.

HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

The main reasons behind Chile’s request to host a WIPO EO on its territory are as follows:

#### Main geographical, political, institutional, social and economic characteristics of Chile

1. Chile is located in the south-western part of South America and has a combined continental and oceanic surface area of 756.096 sq. km, with a Pacific Ocean coastline of 4.270 km. Its population was projected to be almost 18 million inhabitants in 2015 and it has a gross domestic product (GDP) of 258,000 million dollars and a per *capita* income estimated at 22,300 dollars per year.<sup>3</sup>

Chile has a republican, democratic, unitary, and representative political regime, and a presidential system of government. The State is divided into three independent branches of power, namely: the executive branch headed by the President of the Republic who runs the Government; the legislative branch, which is a bicameral National Congress (Senate and Chamber of Deputies); and the judicial branch, which is the responsible for the administration of justice *stricto sensu*.

2. The State structure also includes a number of institutions vested with special status, with independence and autonomy vis-à-vis the three traditional branches of power, under the Political Constitution of the Republic of Chile and its respective organic laws. These include the Office of the State Prosecutor, the Central Bank of Chile and the General Comptroller of the Republic. In *[Chile’s]* view, the autonomy and clear separation of powers among these organs – understood to mean the roles traditionally assigned to each of these three branches of power – produces a healthy balance in the public functions of the State, as manifested in the rule of law. This ultimately ensures the political, institutional

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

<sup>3</sup> World Bank figures for 2014.



and socioeconomic stability of Chile as a country that, *inter alia*, guarantees a suitable environment for foreign investments, functions as a regional hub for trade and innovation and serves as a regional center for international organizations.

3. Over the past few decades, Chile's economy has developed and earned a reputation for being open, competitive, geared towards free trade and underpinned by a bold export policy. It is no coincidence that Chile is one of the countries that have signed the greatest number of free trade agreements in recent years (26, including the recently signed Trans-Pacific Partnership (TPP)), which include Canada, China, United States, Japan, Mexico, the Republic of Korea, the European Union and EFTA States, making a total of more than 70 countries. These agreements have had a significant and positive impact on IP development in Chile.

4. The official language of Chile and 17 other countries in Latin America and the Caribbean is Spanish. Only Brazil, Guyana, Suriname, Haiti, and the CARICOM countries<sup>4</sup> have different official languages. This factor and the fact that intellectual property (IP) professionals and experts in Chile must be proficient in English, as a general rule, have transformed the country and its human capital into skilled partners capable of working with WIPO, the countries of the region and even the Asia-Pacific region, thanks to its APEC membership.

5. According to the 2014 *Global Innovation Index*, Chile is ranked 46<sup>th</sup> (out of 72 countries) and second among Latin American and Caribbean countries, just after Barbados, which is ranked 41<sup>st</sup>. As regards global information technology, Chile is ranked 38<sup>th</sup> (out of 143 countries), according to *The Global Information Technology Report 2015*, which is the best ranking in Latin America and the Caribbean. In terms of technological connectivity, Chile is ranked third in the world among resource- and efficiency-driven economies, according to *Connectivity Scorecard*. Furthermore, it has a modern and expanding road network, world-class airport and port infrastructure, and is connected to the major capitals of Latin America, the Caribbean and other regions of the world.

6. Lastly, it should be noted that Santiago, the capital of Chile, is one of the cities that is farthest away from Geneva. According to a study carried out by WIPO itself, Santiago is located 19.05 flight hours away from Geneva and the flight costs 5.016 Swiss francs, thus exceeding the travel distance and cost of other countries in the region like Mexico, Panama and Peru, which are mentioned in the same report.<sup>5</sup> This should obviously be an important aspect to take into account when establishing a WIPO EO in a country like Chile, especially as the establishment of such an office will mitigate difficulties such as the distance from headquarters (flight hours) and the cost of each trip between Geneva and Santiago.

#### Institutional framework of IP in Chile

7. The current national IP system is composed of various public entities. Its structure is more of a response to historical circumstances and the needs of the moment, and not necessarily the result of a planned decision. However, on several fronts, IP is treated holistically because it is understood to be a system that requires a comprehensive vision. For example, at the international level, various treaties address all IP rights jointly and in a single chapter. Besides, various IP rights may converge at the same time for the same product, service or undertaking.

8. The main State bodies responsible for IP are the National Industrial Property Institute (INAPI), the Seed Department of the Agriculture and Livestock Service (SAG) and the Department of Intellectual Rights (DDI) within the Directorate of Libraries, Archives and Museums in the Ministry of Education.

9. The SAG Seed Department is the Chilean entity tasked with the registration of protected plant varieties and receives almost 100 applications per year, as can be seen in the table [*refer to table "Applications for the protection of plant varieties and concessions in Chile" in the proposal*].

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<sup>4</sup> Caribbean Community and Common Market, an organization founded in 1958 with 15 member-states, namely: Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

<sup>5</sup> WIPO, "Information paper on external offices. Document prepared by the Secretariat". Assemblies of the Member States of WIPO. Fifty-first Series of Meetings, Geneva, September 23 to October 2, 2013, Document A/51/INF/6 of September 15, 2013, Table 10, p. 37.

10. The DDI, which is an organ under the Directorate for Libraries, Archives and Museums (DIBAM) has the specific mission of managing the State registry system for copyright and related rights, promoting the protection of such rights and preserving fixations of intellectual productions found in their collections, thereby contributing to the establishment, development and sustainability of a national culture of respect for the IP rights of literary, artistic and scientific works. Its functions include the registration of intellectual works and productions for its Registry and Deposit; registration of documents or contracts of assignment or transfer (DDAA and related) and their resolution; registration of contracts for the publication of literary works; registration of court decisions; registration of pseudonyms; issuance of certificates and certifications; management of queries and reports made or requested by private and public services; and advising the government in all matters pertaining to copyright, related rights and related subjects. DDI annually handles over 35,000 files relating to registration of rights, certificates and consultations.

11. Furthermore, under the Ministry of the Economy, Development and Tourism, there is the National Institute of Industrial Property (INAPI), a functionally decentralized public service with its own legal personality and assets, tasked with the administration and management of industrial property services including patents, utility models, trademarks, industrial designs, geographical indications and appellations of origin, layout designs of integrated circuits and trade secrets.

12. Created in 2008, INAPI started operations on January 1, 2009, as the legal replacement of the defunct Department of Industrial Property of the Under-Secretariat for the Economy in the Ministry of the Economy. The law establishing INAPI entrusts it with the administration and management of industrial property rights, and major responsibilities such as being the advisory and consultative organ for the President of the Republic on industrial property matters, proposing Chile's signature of and adherence to international treaties on industrial property, disseminating knowledge on industrial property and facilitating public access to information on patents in order to identify items that are in the public domain and thus promote technology transfer, research and technological innovation in the country.

13. INAPI currently receives over 3,000 patent applications and 47,000 trademark applications (new and renewals) per year, as shown in the table [refer to table "Patent and trademark filed with INAPI" in the proposal].

14. Apart from the above-mentioned entities, there are other services whose duties have an impact on IP-related domains. These include the Ministries in charge of agriculture, the economy and health, the National Council of Culture and Arts, the Under-Secretariat for Telecommunications, the Agricultural Studies and Policy Office and the General Directorate for International Economic Relations in the Ministry of External Relations (DIRECON). DIRECON executes and coordinates Government policy on international economic relations, in which IP has played an increasingly relevant role.

15. Since 1991, Chile has had a special and independent industrial property tribunal under the administrative, legal and fiscal oversight of the Supreme Court. The tribunal has six substantive and four alternate members and normally sits in two and, exceptionally, three court rooms. Its members are appointed by the President of the Republic from a shortlist generated through a public competitive examination and presented by the Supreme Court of Justice.

16. The tribunal may hear and rule on appeals against the final decisions of the National Director of INAPI in the first instance. It also hears appeals against certain decisions of the Plant Varieties Classification Committee of the Agricultural and Livestock Service, in accordance with the provisions of the law governing plant breeders' rights. Finally, it has the jurisdiction to hear, in a single proceeding, requests for extension of the validity of patents or health registrations to compensate for undue delays in granting them and to consider applications for the ownership of inventions in accordance with industrial property law.

17. In 2015, the tribunal handled 4,000 cases, a significant increase as compared to the two previous years.

#### Chile, innovation and entrepreneurship

18. Over the past 15 years, Chile has adopted innovation, development and entrepreneurship as crucial to boosting the economic and social growth of its people. This led to the creation of a national ecosystem of universities, research centers and entrepreneurs that has gradually created the ideal conditions for generating knowledge, thus boosting IP usage and development in the country.

19. A few examples are: (i) the role played by State-owned and private universities and research centers, including the leadership of several Chilean universities at the regional level; (ii) recent strengthening of the advanced human capital policy, which has led to the increased training of young researchers both in Chile and abroad; (iii) the Chilean entrepreneurial ecosystem, recognized as the regional and even international leader, according to recent rankings, and a primary source of business innovation. All this confirms not only the existence of favorable conditions for IP demand, but also the existing potential for significant IP growth even in the short and medium terms.

20. The many Government plans and programs in this area include various policies for financing research, development, innovation and entrepreneurship (R&D+i); the existence for more than a decade of a clear scholarship policy to enable Chilean professionals to specialize abroad through “*Becas Chile*” and thus build advanced human capital; the attraction of international talent to transform Chile into a regional center of innovation through programs such as *Start Up Chile*, or the International Centers of Excellence that are being established in the country with significant Chilean State funding.

21. The current government has exhibited a marked resolve to forge towards sustainable development as one of its priorities. Other measures include implementation of the Agenda for Productivity, Innovation and Growth, driven by the Chilean Ministry of the Economy, Development and Tourism, which establishes specific measures for achieving productive transformation, with a view to diversifying the economy through the production of new goods and services, thus developing new industries and generating new centers of innovation.

22. One of the Government’s recent initiatives in this regard has been the study to create a Ministry of Science and Technology, expected to be established in September 2016.

#### Chile: Regionalism and regional center for international bodies

23. Chile’s regional integration is one of its key foreign policy targets, reflected in various projects aimed at bringing the country closer to other Latin American and Caribbean countries in a spirit of mutual respect and understanding. In this regard, DIRECON has been the key organ promoting economic integration in the region through its active participation in international fora, especially WIPO. Moreover, through DIRECON, Chile has coordinated IP training activities in different countries of the region as well as outreach to the over 50 field offices of the Chilean Exports Promotion Program (PROCHILE) on the importance of IP in international trade.

24. In the specific area of industrial property, Chile, through INAPI, has signed cooperation agreements with various entities such as the national industrial property authorities and offices of various countries in the region and in the world<sup>6</sup> for the purpose of sharing information and experience. This constitutes recognition of [*the*] country’s IP efforts. Noteworthy examples are the memoranda of understanding (MoUs) or cooperation agreements signed with Central American countries and the integration and mutual cooperation projects on industrial property such as PROSUR, in which nine South American offices participate.<sup>7</sup>

25. Chile participates through DIRECOM in the IP group of the “Pacific Alliance”, in which specific IP projects are developed. This group of countries recently signed an agreement on *the Patent Prosecution Highway (PPH)* between industrial property offices.

26. For several decades, Chile has worked towards becoming a regional center for international organizations. [*Chile*] currently hosts the central, regional or subregional headquarters or local offices of 11 international organizations (UNHCR, OHCHR, ECLAC, FAO, FLACSO, IOM, ILO, PAHO/WHO, UNICEF, ITU and UNESCO), two inter-governmental bodies (ESO, belonging to the European Communities, and CEJA, belonging to the active member countries of the OAS), and five funds or programs of the United Nations system (WFP, UNDP, UNCCD, UNFPA, UNAIDS). Lastly, both the World Bank and the Inter-American Development Bank have representations in Santiago.

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<sup>6</sup> Australia, Brazil, Colombia, El Salvador, Spain, United States, India, Mexico, Paraguay, Republic of Korea, the People’s Republic of China and entities such as WIPO and the European Patent Office (EPO).

<sup>7</sup> The participants in the PROSUR project are: Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay.

27. The reasons behind these organizations' decision to establish their headquarters in [Chile] certainly include Chile's political and economic stability, security, neutrality and foreign policy that yield attractive benefits and privileges for them under the various headquarter agreements, as well as the conditions, connectivity, quality of life and services in the city of Santiago. Naturally, all these conditions and Chile's vast and recognized cumulative experience as the host country of international organizations, underscore the point that the country is comparatively better prepared to receive a new entity like WIPO and to assist in ensuring that the WIPO EO in Chile operates and fulfills its mandate satisfactorily.

28. A WIPO EO in Santiago could and should also benefit from the synergies and partnerships that could develop with other specialized agencies based in the city and thus ensure adequate fulfillment of its mandate. Chile has in mind, for instance, all the accumulated knowledge and broad access to the economic and institutional system of Latin America and the Caribbean under ECLAC. Developing innovation and entrepreneurship in countries requires knowledge of their socioeconomic realities and national institutions. Chile takes the view that interdisciplinary studies in IP would be an interesting area to develop within the Santiago WIPO office, by exploring collaboration with ECLAC and, possibly, WHO and UNDP.

#### Chile and the development of IP rights protection

29. Chile firmly believes in the importance of an international IP system that promotes and protects innovation and entrepreneurship and generates benefits in terms of sustainable and balanced social, economic and cultural development. Accordingly, the country has actively participated in various international fora where IP issues are discussed (WIPO, WTO, APEC, WHO, WCO, FAO, UNICTRAL, UN and CDS, etc.) and is recognized as an effective intermediary in complex multilateral negotiations.

30. Hitherto, Chile has supported and advanced the position that, apart from promoting IP rights protection, measures should be taken to ensure that IP effectively becomes a tool that guarantees innovation and transfer of technology and knowledge. Hence, governments must implement policies that ensure respect for IP rights, and prevent abusive IP practices that create barriers to trade or limit access to knowledge and health.

31. The country has initiated significant reforms to modernize its IP system. The most significant recent milestones are the creation of the National Industrial Property Institute (INAPI), which has profoundly transformed the system from a mere registration service into an institute that ensures efficiency for users by promoting the transfer of knowledge, developing studies and proposing amendments in IP law and public policy.<sup>8</sup>

32. The robust industrial property system developed by Chile has positioned IP rights as a key tool for stimulating entrepreneurship, innovation and competitiveness.

33. Chile's IP office has also laid emphasis on the modernization of its entire technological system (IT platform, digitization of documents and records, website, online applications). The successful implementation of IPAS,<sup>9</sup> WIPO's IT system for automating the processing of trademark and patent applications, has elevated Chile into an ideal partner for technology transfer in the region, because it has trained Spanish-speaking professionals to develop this initiative. These professionals have acquired not only the necessary knowledge, but also the practical experience of having implemented the system in a Latin American office. INAPI is currently managing its integration into Global Dossier, WIPO Publishing and WIPO Case jointly with WIPO. In 2016, it should be able to implement its version of the WIPO Library designed in 2015 and formulate its project as a TISC agenda.

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<sup>8</sup> A bill is currently under consideration at the National Congress that will completely replace the current industrial property law. This bill basically improves protection of the various industrial property rights and accelerates the administrative and statutory procedures for the granting of such rights.

<sup>9</sup> At present, the whole process of granting or renewing a brand registration, from filing of the application to the final decision, including payment of the associated fees and the receipt of documents can be done online. In December 2012, online applications exceeded applications personally filed at INAPI, for the first time since the implementation of IPAS. Meanwhile, as regards computerization of patent applications, the authority has the firm intention of advancing as far as possible in this direction in 2013. Proof of this, as well as the preliminary first step, is that all patent – and trademark – records were successfully digitized at the end of last year.

34. Chile is a signatory of 13 of the IP treaties administered by WIPO. INAPI is currently conducting the necessary studies to adhere to the Singapore Treaty on the Law of Trademarks and to the Hague Agreement Concerning the International Registration of Industrial Designs and the agreements on the classification of industrial property rights (Nice, Vienna, IPC) – in any event, those which are applicable in Chile under domestic norms.

35. In 2010, one of the most significant reforms in copyright and related rights was introduced to update and adapt the regulations to new IP challenges. It involved the establishment of effective measures to guarantee an adequate level of protection through civil and criminal action to ensure the respect of copyright and related rights, relating to the offences generally referred to as piracy. The reform also contemplated the establishment of an adequate framework of exceptions and limitations to copyright and related rights, in order to guarantee access to cultural goods and the exercise of the fundamental right of citizens, as enshrined in most international laws, in accordance with the flexibilities allowed under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, reaffirmed by Chile in various free trade agreements. It also regulates the responsibility of Internet service providers, limiting their liability for infringement of copyright and related rights to violations committed by users through their networks, in accordance with the international commitments made by Chile under the Free Trade Agreement signed with the United States.<sup>10</sup>

36. In 2008, Chile established the Intellectual Property Crimes Investigation Brigade (BRIDEPI), a specialized unit of the civil police whose mission is to investigate infringements of industrial property rights, copyright and related rights.

37. In conclusion, over the last 10 years, Chile has worked in a coordinated manner to build solid IP institutions and is currently a reference in the region. Moreover, it tries to maintain a balance between the interests of inventors and society as a whole, with a view to encouraging innovation and guaranteeing proper access to knowledge. All these achievements have created an enabling environment for the development and establishment of innovative industries and reflect the country's maturity to host a WIPO EO.

#### PCT Treaty and INAPI as the ISA/IPEA Authority

38. Chile became a Member State of the Patent Cooperation Treaty (PCT) on June 2, 2009 and has recorded sustained growth in the number of patent applications from 2011 to 2015. Accession to this treaty – which initially met with great resistance from certain sectors in Chile – is considered crucial to the improvement of the national patent system and an efficient tool that facilitates the acquisition of patents abroad by nationals. Moreover, it improves users' access to the various patenting systems of PCT Member States. In fact, from 2011, 80% of applications received at the national level by INAPI, were filed through the PCT.

39. During the Assemblies of WIPO Member States in 2012, INAPI was designated as the International Searching Authority and International Preliminary Examining Authority (ISA/IPEA). In this role, it receives the strong and unstinting support of the entire Latin American and Caribbean region, including countries which are not PCT members, and from offices in all regions of the world, considering that it was elected unanimously. INAPI began its ISA/IPEA operations in October 2014, after subjecting its staff to an extensive training program to ensure that they play this role adequately. Practically all Spanish-speaking countries of the Latin American and Caribbean region have designated INAPI as their ISA/IPEA.

40. The Government of Chile considers that INAPI's performance of its duties as ISA/IPEA, under a joint work plan with the WIPO EO, can help to strengthen the system in the region and boost PCT filings from the Latin American and Caribbean region which currently accounts for an infinitesimal share of the global total (0.66% in 2011), being the sub-region with the second lowest participation after the African region, which accounts for 0.24%.<sup>11</sup> This is especially important considering that revenue from new applications grew by only 4.8% between 2005 and 2010, far below the rate for regions like Asia, whose PCT applications increased by 10.9% during the same period. Some of the possible reasons for

<sup>10</sup> Presidential message that accompanied Law No. 20.435.

<sup>11</sup> Figures obtained from the report: WIPO, "2012 PCT Yearly Review – The International Patent System", Table A2.5: *PCT applications by subregion of origin*, p. 31, document last viewed on 10/02/2013 on [http://www.wipo.int/export/sites/www/freepublications/en/patents/901/wipo\\_pub\\_901\\_2012.pdf](http://www.wipo.int/export/sites/www/freepublications/en/patents/901/wipo_pub_901_2012.pdf).

this trend are listed below.

- a) The fact that INAPI functions as an ISA/IPEA has led practically all Spanish-speaking Latin America and Caribbean countries to choose its industrial property office for the filing of their PCT applications. In 2015, 151 applicants designated INAPI as their ISA/IPEA. The inception of the Chilean ISA/IPEA authority increased utilization of the PCT system in the region, thanks to lower associated costs (such as legal representation services) and greater social, cultural and geographical proximity, among others.
- b) Furthermore, Chile believes that the WIPO EO in Chile would clearly promote greater adherence to the PCT by countries of the region that have not yet become members. By relying on cultural and language proximity and affordable costs, the EO will more effectively drive this shift towards accession to and utilization of the PCT system.
- c) A significant long-term effect of the abovementioned two factors is expected to be a net increase in future WIPO revenue from the Latin American and Caribbean region, generated from the use of WIPO services. Hence, the joint work of the Chilean ISA/IPEA authority and the WIPO EO could yield significant economic sustainability for the regional headquarters, thus allaying fears of rising operational costs for WIPO, which have been raised by some countries as an argument against the creation of regional offices. In addition, the huge array of administrative, operational, economic, fiscal, and other benefits and prerogatives that Chile would grant to WIPO if it establishes an EO in Santiago would naturally have an even greater effect in cutting the expenditure of the regional headquarters.

41. In light of the foregoing, the Government of Chile considers that its keen interest in hosting a WIPO EO on its territory, its track record in IP protection, and its status as a developing country are all solid arguments and valid reasons for the WIPO General Assembly to give positive consideration to the establishment of a WIPO EO in Chile.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

##### *Geographical aspects of the WIPO external office in Chile*

42. As a fundamental principle, the Government of Chile considers it incumbent on the Organization, acting exclusively and through its competent decision-making bodies, to determine the operational scope of its various EOs. This notwithstanding, the Government of Chile would like to set forth a few ideas on the subject which WIPO could take into account in its assessment of Chile as a possible host of one of its EOs.

43. Firstly, the main purpose of establishing a WIPO EO in Chile would be to support the execution of IP projects and activities in the country, meaning that the Office would work with Chilean institutions to promote WIPO services, projects and programs in the country. Accordingly, Chile believes that a WIPO EO in Chile could cooperate with the institutions of other interested countries, mainly from the region, to disseminate IP, boost the creation of lasting and intangible assets and encourage and protect innovation.

44. Secondly, and as stated above, Chile is located in the south-western part of South America, a factor that could distinguish its EO from the office located in Brazil, which is situated in the eastern part of the same continent. Consequently, the geographical location of Chile could facilitate and complement (rather than undermine) WIPO's activities with the countries along the Pacific coast and could also serve as a point of contact for addressing WIPO's cooperation with the Asia-Pacific region.

45. Thirdly, and notwithstanding the above, Chile's location is also advantageous on account of its proximity to the countries in the southern cone of the continent, including those situated along the Atlantic coast. This could also facilitate the implementation of WIPO programs and projects in this region of the continent, in conjunction with other EOs, especially those located in the Latin American and Caribbean region.

46. From a domestic standpoint, and considering that Chile has a coastline that is over 4,200 kilometers long, the WIPO EO in Chile could boost the efforts being made by its offices to promote the use of IP to protect knowledge generated in the various countries.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup>** (including regional activities if applicable<sup>12</sup>):

Mandate of a WIPO external office in Chile

47. The mandate proposed for the WIPO EO in Chile is basically identical with the contents of the Guiding Principles, as follows:

- (a) Collaborate with local IP institutions to support and promote the execution of the Organization's Programs. Chile is currently participating in a series of WIPO programs, including WIPO Case, WIPO Publishing, Global Dossier, TISC Program, etc., and could contribute in sharing its experience with other countries of the region through the WIPO EO.
- (b) Improve innovation and creativity, mainly by promoting the effective use of IP services. INAPI has a sub-directorate responsible for transfer of knowledge, technological services and innovation support, which has worked with local agencies to encourage better use of industrial property. This skill and experience could be shared with other countries through the WIPO EO.
- (c) Encourage awareness, understanding and respect of IP. The sub-directorate designs numerous training plans at different levels for different types of users and technological sectors, which could be used by the EO to build IP awareness and protection. INAPI also participated with the *American Chamber of Commerce* (AMCHAM-Chile) in an annual contest for the production of very short films ("nanofilms") on the observance of IP rights. Such contests could be enhanced through the presence and participation of the WIPO EO in Chile and the mechanism replicated in other interested countries.
- (d) Provide customer care services to users of global IP services, including treaties and agreements administered by WIPO. INAPI and DDI have a long track record in managing users of the IP system and could therefore contribute to the implementation of the EO mandate, which could be widened to include interested countries in the region. Furthermore, INAPI has experience in providing services remotely by phone through its direct user advisory services for submitting user applications and measuring the level of user satisfaction (or dissatisfaction) with services provided. Its experience could be beneficial to the WIPO EO for replication in other interested countries in the region.
- (e) Assist in utilizing IP as an instrument for promoting development and technology transfer. In this regard, the EO could collaborate with INAPI in the dissemination of some technology transfer tools developed by INAPI, such as "*INAPI-Proyecta*" which facilitates the learning, utilization and transfer of IP, and will be launched as a pilot mechanism within the Pacific Alliance.
- (f) Provide technical and policy support to national IP offices to increase the use of IP. Some countries in the region have already formulated their national IP policies or strategies (Costa Rica, El Salvador) while others are still in the process of doing so (Chile). Hence, the support and assistance of the WIPO EO could be crucial, not only in the formulation of such policies or strategies, but also in updating them, because practice has shown that regular updates are necessary to adapt to changing local conditions. In this respect, support should be provided not only in the formulation and update of national policies or strategies, but also to certain entities, such as universities, which have shown a growing interest (at least in Chile) in the formulation of IP policies.
- (g) Prior to the approval of its Program and Budget Committee, WIPO may examine the possibility of tasking the EO with other activities beneficial to WIPO Member States. In this regard, the following activities could be considered:

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<sup>12</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".



- (i) carry out coordinated or joint work with inter-governmental agencies, including United Nations agencies which have their headquarters or a representation in Chile, such as IsDB, ECLAC, FAO, PAHO-WHO, ILO, UNDP and UNESCO, which could have an impact on several countries in the region;
  - (ii) establish permanent or occasional fora where interested countries of the region can share experiences or projects on various aspects of IP;
  - (iii) help interested countries in the region to mainstream the relevant aspects of IP into their various research, development, innovation and entrepreneurship programs;
  - (iv) actively collaborate with and assist groups or associations of countries, such as PROSUR or Pacific Alliance, whose objectives include IP; and
  - (v) provide useful and timely customer services to users and take international calls when WIPO offices in Geneva are closed on account of the time difference or during UN holiday periods; etc.
- (h) Supplement the activities of national IP authorities without taking over their primary obligations, in accordance with the provisions of paragraph 9 of the Guiding Principles.
- (i) The WIPO EO in Chile could also offer to establish an Arbitration and Mediation Center to promote the resolution of IP-related disputes, thus providing alternative services and methods for resolving conflicts between parties. Such services could be provided in Spanish and extended to all countries of the Latin American and Caribbean region, in accordance with WIPO procedures and regulations. These services could be supplemented through a permanent connection to the database of over 1,500 experts located at WIPO headquarters in Geneva and to the rulings made in cases submitted to it for consideration.

48. As stated in paragraph 8 of the Guiding Principles, a WIPO EO in Chile will not conduct any activities related to processing<sup>13</sup> of international applications filed under the PCT, Madrid and Hague systems, such as receipt, transmittal, review, search and examination, handling, publication, assignment or transfer of rights to licenses, renewal and/or storage, or any associated financial transaction.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

49. WIPO EOs enable the Organization to further fulfill and advance its mandate and to increase its efficiency and efficacy, with the possibility of achieving this at lower cost, depending on the specificities of each situation.

50. Through the arguments and facts presented in this proposal, the Government of Chile has endeavored to show that the country possesses the requisite characteristics to be the ideal host of a WIPO EO, considering that:

- (a) Chile's political, institutional and economic conditions guarantee the stability needed for a WIPO headquarters to operate and fulfill its mandate;
- (b) Chile is a Spanish-speaking country that has cultural and social affinities with the majority of countries in the region;
- (c) excellent communication in terms of flights, infrastructure and services in the city of Santiago and in Chile in general also contribute to the achievement of *[its]* goals;
- (d) Chile's foreign policy is favorably oriented towards integration, multilateralism and the development of free trade;

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<sup>13</sup> For example: receipt, transmittal, review, search and examination, handling, publication, assignment or transfer of rights to licenses, renewal and/or storage.



- (e) Chile has the advantage of longstanding and cumulative experience in hosting the headquarters of many other international organizations, a factor which could benefit WIPO in terms of possible synergies with other organizations;
- (f) Chile has resolutely embarked on the path to sustainable development that is based, *inter alia*, on innovation;
- (g) Chile attaches great importance to IP as a priority tool for stimulating innovation and has accordingly endeavored to boost the entire system by setting up INAPI
- (h) our IP offices have made achievements and improvements on several fronts which could contribute to the fulfillment of the mandate of the WIPO EO in Chile; and
- (i) INAPI has the advantage of acting as the sole ISA/IPEA in the region that uses Spanish as an official language, according to the PCT Treaty. This factor could encourage more accessions from countries in the region, increase regional revenue from its services and thus reduce the costs of the WIPO Office.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE**<sup>14</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):

Financial and budgetary sustainability

51. Prior to their establishment, all specialized agencies of the United Nations system with headquarters in Santiago had to comply with the preliminary condition of signing the respective headquarters agreements which define the special regulatory framework of their presence and operation in Chile. Given the special status of these agencies as members of the United Nations system, the parties had to rely on the “Basic Agreement on Technical Assistance between the Government of the Republic of Chile, the United Nations and its Specialized Agencies”<sup>15</sup> as the general or primary framework governing all specific agreements during each negotiation and drafting process. In general, this instrument determines the minimum content of every headquarter agreement with UN system agencies and every cooperation agreement with Chile. An agreement with WIPO, a specialized agency of the United Nations specifically tasked with promoting the use of IP as a means of stimulating innovation and creativity, would fall within this regulatory framework. Consequently, a headquarters agreement between the Government of Chile and WIPO should be based on the provisions of the aforementioned agreement. Such provisions should determine the scope and specificity of the WIPO headquarters agreement.

52. The conditions and prerogatives for establishing a WIPO EO in Chile, including the privileges and immunities to be granted to such an office and its diplomatic personnel as well as the property, funds and correspondence of the headquarters, will be defined by mutual agreement between the parties to the headquarters agreement. Such conditions and privileges shall be established on the basis of the “best deal” conferred and recognized by Chile for other international organizations on its territory.

53. Any condition or prerogative agreed upon with WIPO by the Government of Chile involving budgetary expenditure must receive the prior approval of the Ministry of Finance.

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<sup>14</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: “Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation”.

<sup>15</sup> The agreement was concluded on January 15, 1957 and, in addition to the Republic of Chile, it was signed by the United Nations, the International Labour Organization, the United Nations Food and Agricultural Organization, the United Nations Educational Scientific and Cultural Organization, the International Civil Aviation Organization, the World Health Organization, the International Telecommunications Union and the World Meteorological Organization.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Colombia**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

#### Colombia’s leadership in intellectual property

1. Colombia’s efforts to develop its IP policy have resulted in an improvement of good practices in this area, making it a regional leader, with some of its results being spread through south-south cooperation. The following are some of the initiatives that Colombia has been leading.

#### *Regional Internships and Courses*

2. Working with WIPO, the National Copyright Directorate (DNDA) has played a leading role in offering regional internships and courses. These are intended for officials of copyright offices in Latin America and the Caribbean, allowing high-level officials in the region to acquire knowledge and training on copyright and related rights, collective management of those rights and procedures for inspection, monitoring and control.

3. In addition, since 1990 the DNDA offers training and outreach on copyright and related rights to the general public. As at December 31, 2015, these efforts had benefited 112,379 people. During this period, a total of 2,094 courses, totaling 3,601 hours of training, were offered. It is worth noting that in the period from 2011 to 2015, the interest of Colombians in training on copyright and related rights increased significantly; statistics show that the number of people trained in the last 5 years represents 47% of all those trained in 25 years. During the reference period, 53,059 people were trained in 3,601 hours, through 981 courses.

4. Moreover, in cooperation with WIPO, the Superintendency of Industry and Commerce established the Intellectual Property Academy (API) which, since its inception in 2011, has focused its efforts on increasing the use and exploitation of IP by system users: entrepreneurs (SMEs), universities (lecturers,

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

students and researchers) and craftspeople, among others. The API has organized more than 1,000 events and has trained more than 30,000 people across the country. (See statistics in Annex III on training, Tables 29 and 30).

#### *Virtual Courses*

5. Today, the National Copyright Directorate offers 7 basic courses on copyright and related rights; the courses are free and virtual. They were designed and developed by the National University of Colombia in 2012, following the guidelines and standards set by the National Learning Service, SENA.

6. In 2013, 2014 and 2015, the courses were made available to the public, with the participation of people around the world and especially from other Latin American countries, including officials from other IP offices of the region.

7. It is important to note that during the years in which the courses have been on offer, 3,043 people have obtained certificates of participation (for certification, participants must score at least 60 per cent) and 4,597 students were active on the platform during the 3 batches. (These students performed more than three activities on the platform but did not score enough to receive the certificate).

#### *Enforcement*

8. Given the important role of artistic creativity and innovation in the productivity indices of different countries for several years now, it has become urgently necessary to adopt increasingly effective enforcement mechanisms. In this area, Colombia has different institutions to deal with civil and criminal matters and implement alternative dispute resolution mechanisms.

9. With the entry into force of the current General Code of Procedure (Law No.1564 of 2012), the DNDA was vested with jurisdiction over copyright and related rights. Likewise, the Superintendency of Industry and Commerce (SIC) was tasked with matters relating to the infringement of industrial property rights and unfair competition. This change in national legislation means that the aforementioned institutions can hear and determine civil matters arising from IP disputes, addressing them according to specialty, without infringing on the jurisdiction of civil judges.

10. Several countries in the region have requested and participated in internships and specialized courses in the jurisdictional powers of Colombian institutions, which made it possible to share technical knowledge, documentation and best practices.

#### *Mediation and Arbitration*

11. The DNDA established the Fernando Hinestrosa Center for Mediation and Arbitration in 2012. The center's statistics for mediation procedures since its inception show progress, suggesting that this mechanism meets a need within the copyright sector and is becoming an important tool for the restoration of relations within the chain of production of literary and artistic works.

12. The statistical results show a soaring number of requests for mediation, from 31 applications in 2013 to 368 requests in 2015 (see statistics in Annex III on mediation, Tables 40, 41 and 42).

13. Given the positive experience of the Center for Mediation and Arbitration, it is even more important to definitively establish the center, implement the "Framework Cooperation Agreement on the provision of services for alternative dispute resolution methods", signed between the DNDA and WIPO on 1 May 2014. It is expected that this agreement, would make it possible for requests for mediation to the WIPO Arbitration and Mediation Center from parties based in the Latin American region to be processed by the Center for Mediation and Arbitration.

#### *Patents*

14. Regarding the registration of industrial property rights, the Superintendency of Industry and Commerce has been working to improve processing efficiency and speed. These improvements have been reflected in the reduction of time for making substantive decisions on patent processes, from 65 months (four years) to 22 months in 2015. (For all the relevant statistics, see Annex III, Table 6.)

### *Registration of Marks*

15. In trademarks, decision time has remained at an average of six 6 months. However, in August 2014, the Superintendency of Industry and Commerce implemented a tool that allows applicants to access the registration of a mark in less time, without contravening the principle of priority. This tool has enabled the SIC to grant mark registrations in two months (for all statistics, see Annex III, Tables 21, 22, 23 and 24).

### *Technology and Innovation Support Centers*

16. Colombia currently has Technology and Innovation Support Centers (TISCs), created to facilitate access by Colombian innovators to technology information services and other related services. The main objective of TISCs is to facilitate access to information technology and build capacity to use it effectively for innovation and economic growth. The program started in August 2014 and so far, 18 TISCs have been established in six departments of the country. (See TISC statistics in Annex III, Table 31.)

This successful initiative is the result of joint efforts by the Government of Colombia and WIPO.

### *Registration of works*

17. As a country, Colombia is keen to reduce paperwork and attain global standards in the implementation of e-government. This includes procedures for the registration of works. The DNDA is the agency responsible for the national copyright register, which can be accessed in person or online.

18. The procedure, either in person or online, lasts fifteen (15) working days from the date on which the application is filed with the DNDA and is free of charge. In 2015, the registry office of the DNDA received 86,354 applications for registration and formally registered 69,599 works. (See statistics for registration of works in Annex III, Tables 43 and 44.)

### *Registry application*

19. With the advancement of technology, particularly mobile access to all kinds of services, Colombia has decided to incorporate this technology in the registration of works, making available a tool for Colombian artists. Thus, it has developed, as a first step, an application (app) that allows the registration of two types of works that are easier to access in this way: photographs (artwork) and video (audiovisual work).

20. The app for the registration of photographic and audiovisual works is already available for iOS and Android systems. The official launch took place in early December 2015 in Bogota.

### Colombia's interest in hosting a WIPO External Office

21. WIPO external offices represent a fundamental strategy for Colombia, bringing IP services and technical cooperation closer to stakeholders in the country, resulting in the protection of creations and innovation. In recent years, Colombia has launched projects aimed at boosting innovation in order to improve the economic conditions of the country in sectors such as manufacturing, agriculture, services, and others. However, it is necessary to create new support programs to complement national efforts and allow further progress in generating and protecting innovation.

22. While the mechanisms implemented so far have shown remarkable results, it is important to continue working on strengthening IP in the country in order to generate sustainable growth that can guarantee national competitiveness and a transition into areas other than the production of raw materials (commodities) while enhancing the creation of added value.

23. Colciencias is the Administrative Department of Science, Technology and Innovation in the country (an institution with the powers and prerogatives of a government ministry). It has examined the state of innovation in Colombia and identified strengths and weaknesses, which are inputs for the formulation of strategies. The strengths identified are: (a) enabling regulatory environment for business; (b) political will for innovation; and (c) increased public resources for science, technology and innovation. The

weaknesses identified are: (a) low levels of productivity; (b) low level of business participation in innovation; and (c) small innovation system lacking a strong business center.

24. With its biodiversity and multiculturalism, Colombia has a wide range of genetic, biological resources and traditional knowledge to be exploited commercially and used in research processes. Thus, there is an urgent need for training and designing activities aimed at leaders, officials and communities for a public policy in line with international discussions on IP, in which collective rights are guaranteed and transparent processes are structured for the necessary access to traditional knowledge, genetic resources and cultural expressions.

25. Conversely, Colombia has identified the important role played by culture and artistic expressions, especially in two areas: firstly as a tool for reconciliation and secondly as a tool to promote the development of activities that help improve the quality of life of all citizens who were linked to illegal activities, thereby facilitating their reintegration into productive activities. To this end, Colombia believes that encouraging new creations, generating innovation and the realization of ideas in the productive sector are more than necessary in the current situation, at the threshold of post-conflict processes.

26. At the regional level, Colombia has demonstrated that it has strengthened its IP institutions and adopted programs and activities that have positioned it as a regional leader, as highlighted throughout this proposal. Colombia has the potential, political will and institutional commitment to act as a multiplier of its best practices in the region, becoming a strategic focal point for the countries of South America, Central America, the Caribbean and North America in establishing activities that disseminate IP.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

27. To determine the general and specific objectives of the WIPO external office in Colombia, the importance of supporting WIPO's mission, as expressed in its nine strategic goals, was considered through each of the proposed activities that align with the objectives.

WIPO mission: Promoting innovation and creativity for economic, social and cultural development of countries through an effective and balanced international intellectual property system.

Maximize and strengthen Colombia's intellectual property through the inclusion of normative activities, techniques and practices that increase the competitiveness of artistic creations and innovations to contribute

Support and strengthen the international IP system through the implementation of strategies and activities which enhance the visibility and promotion of WIPO and its treaties, in order to achieve greater strength and effectiveness in the relations between WIPO and the Latin American community, enhancing the capacity of

Encourage the development of complementary objectives, activities and strategic goals of WIPO, so that they can be centralized and replicated in Colombia to carry out their proposed programs.

Objectives  
WIPO external  
office in  
Colombia

Activities for  
specific  
objective I

Activities for  
specific  
objective II

Activities for  
specific  
objective III

Activities for  
specific  
objective IV

Activities for  
specific  
objective VII

28. General objectives

- (1) Maximize and strengthen Colombia's intellectual property through the inclusion of normative activities, techniques and practices that increase the competitiveness of artistic creations and innovations to contribute to economic growth and sustainable development.
- (2) Support and strengthen the international IP system through the implementation of strategies and activities which foster the visibility and promotion of WIPO and its treaties, in order to achieve greater strength and effectiveness in the relations between WIPO and the Latin American community, enhancing the capacity of developing and disadvantaged countries in the region.
- (3) Encourage the development of complementary objectives, activities and strategic goals of WIPO, so that they can be centralized and replicated in Colombia to carry out their proposed programs.

29. Specific objectives

- (1) Work with stakeholders to coordinate and strengthen IP programs that promote innovation, science and technology.
- (2) Develop strategies and activities that contribute to the construction, development and sustainable use of appellations of origin, scientific advances, artistic works and all IP rights for social inclusion and development.
- (3) Promote and support organizations and stakeholders in enhancing traditional knowledge, genetic resources and cultural expressions in relation to IP.
- (4) Strengthen the IP enforcement program in the country and replicate successes in the region.
- (5) Work with the private and public sectors to develop activities to support SMEs in facing IP challenges in Colombia.
- (6) Support institutions, civil society, industry sectors, NGOs and general interest groups to develop activities which promote the update of the regulatory framework and strengthen staff capacity in IP.
- (7) Promote and encourage accession to WIPO treaties and global services in Colombia and the region.
- (8) Create better methods of communication and stronger links between WIPO and the Member States of the region.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

30. Proposed activities

For Objective No. I:

- Strategy for the promotion and enhancement of patent applications in Colombia: This consists of a program of advice to companies, academic institutions and government agencies, among others, with innovation projects and training in patent processing. This strategy will also make it possible to devise funding scenarios for innovation projects and approach organizations familiar with IP and science and technology to market their products and procedures.
- A study to determine the difficulties of using the Patent Cooperation Treaty (PCT): This aims to develop strategies to increase PCT use in Colombia: conduct surveys and studies to determine

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

the obstacles to PCT use experienced in Colombia. In this way, strategies and training could be structured to encourage more PCT use.

- System of patents for innovation: Generating meeting points to increase contact with academia, consumer groups, professional associations and industry, actual and potential users of the patent system in Colombia, to promote the strengths and opportunities of a balanced patent system.
- For business innovation in Colombia: A project aimed at entrepreneurs, through which a diagnosis determines a company's level of innovation and prepares a legal strategy for IP protection.
- Program for research promotion: Aimed at research centers, technological development centers, universities and others. It identifies ongoing technological and scientific research and establishes methodologies that seek to support research processes aimed at producing patents.
- IP academic program: This program aims to demonstrate, enhance and raise awareness of IP in areas such as schools, universities and institutions, based on two approaches: (a) a study to identify weaknesses in the academic IP programs; and (b) based on the study, design an academic program for schools, universities and tertiary educational institutions that allows the dissemination of IP for users and future professionals, increasing the number of Colombians who know about IP.
- Creation of a center for IP studies: Share case studies, case law, regulations and workshops to help strengthen the study of intellectual property by all stakeholders.

For Objective No. II:

- Creation of a forum that addresses the discussions of the 45 recommendations of the WIPO Development Agenda in order to accelerate the closure of intra-regional gaps in sustainable development: With the support of government bodies, non-governmental organizations, civil society and industry. The forum will aim to discuss in depth the most important aspects of IP and make recommendations on accelerating the development, adaptation, transfer, dissemination and improved access to technology and knowledge for developing legal, productive and sustainable economies in these countries.
- Regional laboratory for the implementation of facilitation mechanisms: With the coordination and support of government entities representing science and technology, centralize strategies for the appropriate use of IP in implementing facilitation mechanisms in developing countries.
- Support for copyright-based businesses: On the understanding that culture is a driver of economic growth, this activity seeks to create strategies for copyright-based ventures so that they can be consolidated as small and medium enterprises, which could receive capacity building in different areas of IP.
- Through CREANET, promote the display of works created by authors for persons interested in cultural industries: The National Copyright Directorate makes available to Colombian creators a service portal to support entrepreneurship called CREANET. With the support of a WIPO external office, it would become a space for viewing the works of authors in general and those created by people who at some point were linked to illegal activities and whose creations target cultural industries, thereby generating social inclusion.

For Objective No. III:

- Training for Trainers program on IP, traditional knowledge, genetic resources and cultural expressions: This is a training program aimed at government agencies and public officials through in-person and virtual seminars with the participation of WIPO experts to train officials and major government entities on protecting these rights.
- Open and distance learning program for awareness-raising and enhancement of knowledge on IP in matters associated with genetic resources in the agricultural industry, plant varieties, and agrobiodiversity.

- IP training programs for local, indigenous, native islander and Roma communities: It aims to provide training on the processing of appellations of origin, working from the innovation of crafts and local products, with the support of the SIC and the DNDA.
- Support administrators or “Regulatory Boards” to ensure compliance of appellations of origin and advise organizations holding collective marks.
- Training programs for local, indigenous, native islander and Roma communities on IP and traditional knowledge, genetic resources and cultural expressions.

For Objective No. IV:

- Mediation and Arbitration Center available to the region: To serve as virtual (broadband and screen) and physical location for hearings and dispute resolution in cases submitted to WIPO in the region. Support WIPO for the establishment of an office to coordinate mediations and arbitrations led by the WIPO Arbitration and Mediation Center.
- Training program for officials with judicial powers: This aims to provide judicial officers of the DNDA and the SIC with training and equipment to help them apply IP criteria.
- Technical cooperation program for regional judiciaries: The assignment of judicial functions to administrative authorities is exceptional and innovative and is unlike any of the roles played by copyright offices in the Latin American region. In this regard, the DNDA, working in partnership with the WIPO external office, can:
  - Share its experience with other copyright offices in the region, through interning, conferences or training activities.
  - Share case studies and case law that will help enhance the study of copyright in the Latin American region, which can be useful both for member countries of the Andean Community, with which Colombia shares an Andean Community Regime, and for other countries in the region. Analyzing case law contributes to the study of copyright in academic contexts (students, researchers, lecturers and trial lawyers) and helps enforcement authorities (judges, prosecutors and customs authorities).

For Objective No. VII:

- Program to promote the Madrid System: Establish promotional strategies and contact between companies, the WIPO external office and public institutions in charge of promoting exports to increase use of the Madrid System in micro, small and medium enterprises through funding.
- Center for addressing Madrid System concerns: Serve as a receiver and transmitter to the International Bureau of complaints and concerns of users regarding system failures and as information point on system improvements and modernization.
- Program to promote industrial designs and the Hague System: (a) Disseminate and create understanding of the objectives and purposes of the diplomatic conference for the adoption of the new design law treaty (DLT) and the potential benefits of Colombia’s accession to the Hague System and its subsequent use by Colombian designers and design companies; (b) collaborate with public institutions in drafting national norms that must be enacted or amended for Colombia to join the Hague System.
- Program to promote the Lisbon System: Disseminate and create understanding e the aims and objectives of the Geneva Act, explaining the potential benefits of Colombia’s accession to the Lisbon System and its subsequent use by beneficiaries of Colombian geographical indications. Finally, collaborate with public institutions in drafting national norms that must be enacted or amended for Colombia to join the Lisbon System.

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO’S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on “Rationale for Hosting an External Office”]*

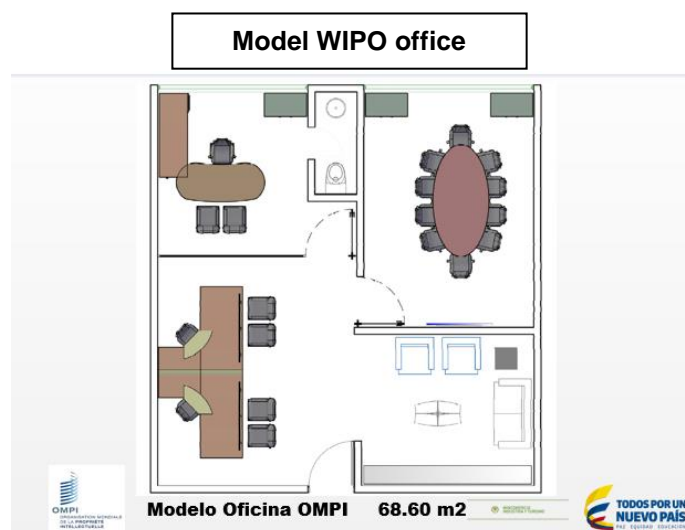


**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

31. Regarding Colombia interest in hosting a WIPO external office, such an office would be located at the headquarters of the Superintendency of Industry and Commerce (SIC) in Bogota at Carrera 13#27-00, in the Bochica building. The building is part of the Tequendama International Center (CIT), which is part of what is known as the International Center of Bogota, which comprises a hotel and the business center.

32. Additionally, the office would be a 3-minute walk from the following entities: National Copyright Directorate (DNDA), the Ministry of Commerce, Industry and Tourism and the National Planning Department. It is also located 15 minutes from the historical center of the city where the following sights will be found: Palace of Government, Congress, Ministry of Interior, Ministry of Foreign Affairs and all major institutions. Finally, it is 25 minutes away from El Dorado International Airport which has departures to over 70 national and international destinations.

33. Colombia makes the following offer that includes office rental costs of offices and maintenance of common areas, equipment and mechanical, electrical and public services totaling approximately 75,820 US dollars. Installation costs are estimated at 54,396 US dollars and annual operating costs for maintenance of utilities and rent of the Office are estimated at 21,424 US dollars per year.



34. Costs for equipping the office of the director, two staff members and meeting rooms

|  | ITEM   | COLOMBIAN PESO | US DOLLARS |
|--|--|----------------|------------|
| <b>PURCHASE, FITTING AND INSTALLATION OF EQUIPMENT</b> |  |                |            |
| 1  | Supply and installation of coordinator type workstation type | 2,500,000.00   | 752.44     |
| 2  | Supply and installation of two workstation for professionals | 4,000,000.00   | 1,203.90   |
| 3  | Supply and installation of three 2X1 filing cabinets         | 1,800,000.00   | 541.75     |

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

|   | ITEM  | COLOMBIAN PESO | US DOLLARS |
|---|---|----------------|------------|
| 4   | Supply of three keyboard holders  | 450,000.00     | 135.44     |
| 5   | 13 5-bladed armchairs with fixed arms and casters   | 5,000,000.00   | 1,504.87   |
| 6   | Two visitor-type chairs   | 600,000.00     | 180.58     |
| 7   | Three footrests   | 300,000.00     | 90.29      |
| 8   | Three metal trash cans  | 195,000.00     | 58.69      |
| 9   | Auxiliary room sofa   | 4,000,000.00   | 1,203.90   |
| 10  | Coffee table for auxiliary room   | 6,000,000.00   | 1,805.85   |
| 11  | Meeting table for about 10 people and their network points  | 10,000,000.00  | 3,009.75   |
| <b>CIVIL WORKS AND TECHNOLOGY</b>               |   |                |            |
| 12  | Supply and installation of mineral fiber ceiling 60x60 cm, plus self-assembling structure                         | 3,000,000.00   | 902.92     |
| 13  | Supply and installation of imported roller blind without valance. REF: Solar screen 10, cream                     | 2,000,000.00   | 601.95     |
| 14  | Supply and Installation of 3/4" EMT pipe  | 380,000.00     | 114.37     |
| 15  | Cabling, supply and installation of lights  | 4,500,000.00   | 1,354.39   |
| 16  | UTP cabling run minimum CATEGORY 6A for 15 double posts. Certified.   | 6,000,000.00   | 1,805.85   |
| 17  | Installation of metal perimeter conduit with division, grounded to earth, for voice, electrical and data cabling. | 2,500,000.00   | 752.44     |
| 18  | Installing double face plate metal conduit for jack RJ45 type couplers for voice and data cabling                 | 200,000.00     | 60.19      |
| 19  | Installation and connection of RJ45 feedback-type connectors minimum category 6A for 13 double network points     | 800,000.00     | 240.78     |
| 20  | Installing double-face metal plate conduit for Lewinton currents, regulated red and unregulated beige             | 300,000.00     | 90.29      |
| 21  | Installing a rack panel patch<br>Supplied by SIC, category 6A minimum with 24 RJ45 type ports                     | 300,000.00     | 90.29      |
| 22  | Installation and connection of category 6A minimum RJ45 couplers for a Patch Panel.                               | 350,000.00     | 105.34     |
| 23  | Supply and Installation of Patch Cord Certified category 6 A minimum  | 600,000.00     | 180.58     |
| 24  | Laying, installation and wiring of optical fiber cable  | 15,000,000.00  | 4,514.62   |
| 25  | Laying, installation and connection of regulated electrical connection  | 9,000,000.00   | 2,708.77   |
| 26  | Installation and connection of one electric board   | 10,500,000.00  | 3,160.23   |
| 27  | Supply, installation, configuration and commissioning of one switch   | 8,000,000.00   | 2,407.80   |
| 28  | Installation and adjustment of two bathrooms  | 25,000,000.00  | 7,524.36   |
| 29  | Refurbishment of floor as per materials   | 15,000,000.00  | 4,514.62   |
| <b>PURCHASE AND INSTLLATION OF IT EQUIPMENT</b> |   |                |            |

|  | ITEM   | COLOMBIAN PESO        | US DOLLARS       |
|--|--|-----------------------|------------------|
| 30                                       | TV, about 40 inches                                    | 5,500,000.00          | 1,655.36         |
| 31                                       | Mac or similar high-end computer                       | 5,500,000.00          | 1,655.36         |
| 32                                       | Two office computers for professionals                 | 6,000,000.00          | 1,805.85         |
| 33                                       | Three high-end Avaya telephones                        | 10,500,000.00         | 3,160.23         |
| 34                                       | Two multipurpose printers                              | 1,500,000.00          | 451.46           |
| <b>UTILITIES AND FIXED MONTHLY COSTS</b> |  |                       |                  |
| 35                                       | General stationery for one year                        | 1,000,000.00          | 300.97           |
| 36                                       | Water for one year                                     | 1,600,000.00          | 481.56           |
| 37                                       | Electricity for one year                               | 1,600,000.00          | 481.56           |
| 38                                       | Internet for one year                                  | 3,000,000.00          | 902.92           |
| 39                                       | DIRECTV for one year                                   | 1,800,000.00          | 541.75           |
| 40                                       | Rent for one year                                      | 63,000,000.00         | 18,961.40        |
| <b>LICENSES</b>                          |  |                       |                  |
| 41                                       | Microsoft Office Professional licenses for three teams | 6,000,000.00          | 1,805.85         |
| 42                                       | Microsoft Windows 8.1 Licenses for three teams         | 6,000,000.00          | 1,805.85         |
| <b>INSURANCE</b>                         |  |                       |                  |
| 43                                       | Equipment insurance premium                            | 680,000.00            | 204.66           |
|  | <b>TOTAL</b>   | <b>251,955,000.00</b> | <b>75,832.04</b> |

35. In addition to the above, taking into account quality standards and certification of technical standard NTC-5906/2012 of the Mediation and Arbitration Center of the DNDA, WIPO may have, if necessary and subject to availability, access to rooms for meetings, training, arbitration, mediation and legal advice, through which it is possible to coordinate mediation and arbitration of the WIPO Arbitration and Mediation Center. These facilities are fully equipped in the DNDA, with the technical specifications below.

| ROOM  | SPECIFICATIONS   |
|---|--|
| <b>MEETING ROOM</b><br><br>Multipurpose. It can serve both for the activities of the WIPO external office and for the activities of the Center for Mediation and Arbitration. | <ul style="list-style-type: none"> <li>- Video format electronic screen, matte white, maximum height 170 cm, minimum height 120 cm.</li> <li>- 3000 ANSI lumens projector, native resolution WXGA video format (1280 X 800), ports: HDMI1, VGA1, S-Video, RCA. Bulb life in normal mode 3000 hours and 5000 hours in economy mode.</li> <li>- Fixed holder for video projector.</li> <li>- Two modular concealable desktops, pressure system for aerodynamic opening. Power supply: two RJ45 points, 1 VGA + audio, 1 HDMI + audio. Color: black.</li> <li>- HDMI cable 15m.</li> <li>- VGA switches, 4 entry ports and 1 exit port, with audio.</li> <li>- Two ceiling speakers, minimum 6", white, minimum power 40w.</li> <li>- Amplifier with at least one channel with at least 80w rms.</li> <li>- Automated system for controlling electric curtain, the video beam, sound levels and video input or sources, to be placed on wall. It must include infrared receptors allowing activation of equipment through automation or any other manner.</li> <li>- Stainless steel panel with 8 programmable buttons and/or mechanism allow management teams to centralize all devices with one control panel.</li> <li>- Manual blackout covering an area of approx. 11 m length by 2.4m height.</li> <li>- Rectangular table to seat 10.</li> <li>- 10 executive-type armchairs.</li> </ul> |
| <b>TRAINING ROOM</b><br>Multipurpose. Especially for training and outreach.   | <ul style="list-style-type: none"> <li>- Video format electronic screen, matte white, maximum height 170 cm, minimum height 120 cm.</li> <li>- 3000 ANSI lumens projector, native resolution WXGA video format (1280 X 800), ports: HDMI1, VGA1, S-Video, RCA. Bulb life in normal mode 3000 hours and 5000 hours in economy mode</li> </ul>   |

| ROOM  | SPECIFICATIONS   |
|---|--|
|   | <ul style="list-style-type: none"> <li>- Fixed holder for video projector</li> <li>- Two modular concealable desktops, pressure system for aerodynamic opening. Power supply: two RJ45 points, 1 VGA + audio, 1 HDMI + audio. Color: black.</li> <li>- HDMI cable 15m.</li> <li>- VGA switches, 4 entry ports and 1 exit port, with audio.</li> <li>- Four ceiling speakers, minimum 6", white, minimum power 40w.</li> <li>- Amplifier with at least one channel with at least 80w rms.</li> <li>- Automated system for controlling the electric curtain, the video beam, sound levels and video input or sources, to be placed on wall. It must include infrared receptors allowing activation of equipment through automation or any other manner.</li> <li>- Stainless steel panel with 8 programmable buttons and/or mechanism allow management teams to centralize all devices with one control panel.</li> <li>- Manual blackout covering an area of approx. 2.4m in height.</li> <li>- HD 1080p camera with USB port.</li> <li>- Wireless lapel microphone.</li> <li>- Wireless hand microphone.</li> <li>- Minimum 2-channel mixer and outlets to computer and room speaker or corresponding amplifier.</li> <li>- General wiring, labor installation, configuration programming and tuning of system for the training room.</li> <li>- 40 lecture-hall type chairs.</li> <li>- 12 executive-type armchairs.</li> </ul>   |
| <p>ARBITRATION ROOM 1</p> <p>Can serve both as judicial hearing and arbitration room.</p> | <ul style="list-style-type: none"> <li>- Two modular concealable desktops, pressure system for aerodynamic opening. Power supply: two RJ45 points, 1 VGA + audio, 1 HDMI + audio. Color: black.</li> <li>- HDMI cable 15m.</li> <li>- VGA cable, 40m.</li> <li>- VGA switches, 2 entry ports and 1 exit port, with audio.</li> <li>- Two ceiling speakers, minimum 6", White, minimum power 40W.</li> <li>- Amplifier with one channel with at least 80 W rms.</li> <li>- 50" Plasma TV, LCD or LED ports: HDMI 1, VGA 1 or appropriate converters, USB 1, Audio (RCA, PLUG, etc.) and audio output.</li> <li>- Fixed wall holder for television set.</li> <li>- Software for digital audio and video recording. DVR control. Minimum requirement: can be activated or deactivated by one operator. Video archiving must be in a standard format (.avi,.mpeg,.mp4,.flv, etc.).</li> <li>- Professional matrix for video or DVR signals with at least 4 composite video entry ports via BNC, 4 stereo video entry ports, output: 1 BNC output, 1 VGA output and 1 RCA output. Optional: 1 Ethernet port, 1 USB port.</li> <li>- Dome-type camera, minimum resolution 480.</li> <li>- Microphone for conference chairperson, designed for Surface placement and highly ergonomic, unidirectional, on/off Button has priority switch to block delegates' microphones.</li> <li>- Three delegates' microphones, designed for Surface placement and ergonomic, unidirectional, on/off button.</li> <li>- Central conference unity with capacity to control 5 units management of TCP/IP for control from PC. LCD frontal display with status and configuration menu, maximum no. of active microphones (1/2/4) selector and indicators, entry and output ports: 2 RCA output ports enabled for long transmission, 1 entry and output port for recording, 1 line input with volume control, RS-232 ports.</li> <li>- Two lectern-type tables and three working-group type tables.</li> <li>- Nine chairs.</li> </ul> |
| <p>ARBITRATION ROOM 2</p> <p>Can serve both as judicial hearing and arbitration room.</p> | <ul style="list-style-type: none"> <li>- Two modular concealable desktops, pressure system for aerodynamic opening. Power supply: two RJ45 points, 1 VGA + audio, 1 HDMI + audio. Color: black.</li> <li>- HDMI cable 15m.</li> <li>- VGA cable, 40m.</li> <li>- VGA switches, 2 entry ports and 1 exit port, with audio.</li> <li>- Two ceiling speakers, minimum 6", White, minimum power 40W.</li> <li>- Amplifier with one channel with at least 80 W rms.</li> <li>- 50" Plasma TV, LCD or LED ports: HDMI 1, VGA 1 or appropriate converters,</li> </ul>   |

| ROOM  | SPECIFICATIONS   |
|---|--|
|   | <p>USB 1, Audio (RCA, PLUG, etc.) and audio output.</p> <ul style="list-style-type: none"> <li>- Fixed Wall holder for television set.</li> <li>- Software for digital audio and video recording. DVR control. Minimum requirement: can be activated or deactivated by one operator. Video archiving must be in a standard format (.avi, mpeg, mp4, flv, etc.).</li> <li>- Professional matrix for video or DVR signals with at least 4 composite video entry ports via BNC, 4 stereo video entry ports, output: 1 BNC output, 1 VGA output and 1 RCA output. Optional: 1 Ethernet port, 1 USB port.</li> <li>- Dome-type camera, minimum resolution 480.</li> <li>- Microphone for conference chairperson, designed for Surface placement and highly ergonomic, unidirectional, on/off Button has priority switch to block delegates' microphones.</li> <li>- Three delegates' microphones, designed for Surface placement and ergonomic, unidirectional, on/off button.</li> <li>- Central conference unity with capacity to control 5 units management of TCP/IP for control from PC. LCD frontal display with status and configuration menu, maximum no. of active microphones (1/2/4) selector and indicators, entry and output ports: 2 RCA output ports enabled for long transmission, 1 entry and output port for recording, 1 line input with volume control, RS-232 ports.</li> <li>- Equipment rack compatible with the equipment installed in rooms with space for two additional computer towers.</li> <li>- Two lectern-type tables and three working-group type tables.</li> <li>- Eight chairs.</li> </ul> |
| <p>MEDIATION ROOM<br/>Multipurpose. May be mediation or meeting room.</p> | <ul style="list-style-type: none"> <li>- HP Compaq Pro 4300 PC.</li> <li>- Samsung ML – 2010 printer.</li> <li>- Three modular concealable desktops, pressure system for aerodynamic opening. Power supply: two RJ45 points, 1 VGA + audio, 1 HDMI + audio. Color: black.</li> <li>- One rectangular working table to seat eight.</li> <li>- 8 chairs.</li> </ul>  |
| <p>Multipurpose. May be mediation or meeting room.</p>                    | <ul style="list-style-type: none"> <li>- One round table.</li> <li>- 4 armchairs.</li> </ul>   |

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Ecuador**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

Ecuador: A country committed to knowledge

1. One of the key goals of Ecuador in recent years has been to move from the economics of “finite resources” to that of “infinite resources”. This means that it seeks to be more of an exporting country than an importing country, so as to build an economy based on knowledge and creativity born of the talent of its citizens. Natural resources are finite and perishable but Ideas, innovation, creativity and culture have, in principle, no ethical limitations.
2. The proposal seeks to move from an approach of cognitive capitalism to a “social economy of knowledge”. Given that knowledge is normally viewed as a public good, it is not prey to the exclusion and rivalry that characterize private goods. It is an infinite resource that can be distributed freely and easily in the appropriate conditions. Ecuador’s choice has been translated into practice by the change in the production model and the associated industrialization processes.
3. Hence, Ecuador is undergoing a process of profound change in its “System of Science, Technology and Innovation and Ancestral Knowledge”, seeking the endogenous development of knowledge in the country. The new system aims to: generate, adapt and disseminate scientific and technological knowledge; recover, strengthen and enhance ancestral knowledge; and develop technologies and innovation to boost domestic production. The challenge of this system is to find not only a model of potential and ongoing relationships between science and technology, but also to harness common knowledge and skills for science, technology and – especially – innovation, beyond a purely productive approach, and incorporating social relevance; and to foster the co-creation of value for a truly

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

comprehensive network of governmental and nongovernmental institutions, production units and the academic community.

4. In these efforts, Ecuador is concentrating on two systems: education and innovation, seeking to ensure that the ultimate goal of innovation is not profit maximization but the creation of an economy that will satisfy needs, safeguard rights and build individual, collective and territorial capacity.

5. Accordingly, the following subsystems have been developed as part of social innovation: human talent; research; financing and infrastructure for science and innovation; and management of property rights.

6. The institution charged with implementing changes in higher education, science and technology and innovation is the Ministry of Higher Education, Science and Technology and Innovation (SENESCYT) created by the Law on Higher Education (LOES) of 2010.

7. The higher education system has been strengthened to graduate professionals with a high capacity for integration into the productive system and who can generate knowledge from academia and use it to develop of scientific and technological research that can be applied and implemented by the productive sector, with a focus on the needs that drive the Good Life in Ecuador. The results are already visible. For example, by 2015, there was an increase of 220 per cent in the number of universities that publish in Scopus as compared to 2010.

8. A first step in this process of strengthening education was the assessment and classification of all Ecuadorian universities into 5 categories according to their level of performance. As a result of this evaluation, 26 universities were identified as not meeting the quality standards: academics, academic efficiency, research, organization and infrastructure. A subsequent evaluation found that 14 of the 26 universities did not meet the conditions for academics, lecturers and infrastructure governing operation as an institution of higher education. These universities were closed.

9. In addition, significant resources have been allocated to higher education and scientific research:

10. Scholarships: Ecuador awards the largest number of scholarships a year in relation to its population (2.27 per 10,000 people) in Latin America. From 2007 until the end of 2015, it awarded a total of 11,501 scholarships for undergraduates and graduates to study abroad. After completing their studies, 3,385 fellows have returned to Ecuador and 99 per cent are working in the country. Thirty-five per cent work in public or private universities; 20 per cent in private companies linked to the production and service sectors; 18 per cent in the health sector and the remaining 27 per cent in public research institutes, in autonomous bodies and as auto-entrepreneurs. There are currently 14,276 trainees abroad. Of that number, 11,334 are state-funded and 2,942 are funded by universities, to which they can return as lecturers. The Organic Law on Higher Education (LOES) has influenced this trend. The Ecuadorian government grants the following scholarships through SENESCYT:

- (a) *Globo Común* scholarships: higher education with high academic standards at the international level, with the aim of strengthening Ecuadorian talent in various areas of knowledge;
- (b) Scholarships for graduates: provides scholarships for training of Ecuadorians to study at the quaternary level (master's, doctorates and medical specialties);
- (c) Research Grants 2015: helps to fund quaternary studies in universities and study abroad for Ecuadorian natural persons, so that they can become researchers in Ecuador's public research institutes, and for people wishing to join the research projects of universities, polytechnics and Public Research Institutes;
- (d) University Lecturer Grants: grants for doctoral studies in universities and study abroad, to raise the academic level of national universities and polytechnics and to transform them into research centers that can boast international-quality education;
- (e) Postdoctoral Fellowships: provide grants for research stays to people who are finalizing their doctoral studies, are part of a national research project, and seek to strengthen their research and scientific capabilities;
- (f) Scholarships for the High Performance Group (HPG) aim to provide scholarships to the best-rated high school students to study in the best universities worldwide;
- (g) Financial Aid: aims to financially support Ecuadorians who wish to pursue higher education but

lack the necessary financial resources or are in vulnerable situations.

11. Investment in Education: With regard to investment in higher education as a percentage of GDP (currently 2.2 per cent of GDP), it is important to note that never before has the Ecuadorian State had invested so much in higher education. Since 2007, the State has allocated 9.601 million US dollars to higher education.

12. Strengthening universities, technical and technological institutes: The previous system made for inefficient resource distribution favoring lower-quality universities and discriminating against better-quality and larger universities. Nowadays, resources are distributed based on the following criteria: quality, academic excellence and efficiency.

13. Evaluation and accreditation of universities: The process of external evaluation follows these stages: documentary evaluation, site visit, preliminary report corrections phase, appeals phase and public hearings. The institutional evaluation model treats institutions of higher education as structured and functional academic units.

14. Increasing lecturers'/researchers' salaries: the regulation of lecturer's careers and salary scales Teachers currently in force in Ecuador has increased the remuneration of lecturers in universities and public polytechnics. Previously, the salary of a senior lecturer was 1,281 US dollars. Currently, the minimum salary of a senior lecturer is 2,967 US dollars and the maximum is \$ 6,122 US dollars.

15. In addition to the above, the State created 4 new universities of excellence: the Yachay University for Research on Experimental Technology; the Amazon Regional University, Ikiam; the National University of Education; and the University of Arts, which are now essential pillars of the social, productive and cognitive transformation of the country, a milestone in the history of the higher education system.

- *Yachay University for Research on Experimental Technology*: it was created with the aim of generating scientific research, developing technology and producing and disseminating knowledge, to address social needs in an interdisciplinary and transdisciplinary environment, in order to train creative and innovative professionals with a high sense of humanity who would proactively contribute to the development of Ecuador and the region. This university was established in the City of Knowledge, the first city planned for technological innovation and knowledge-intensive business. It is aimed at developing corporate capacity in order to strengthen the national technological base, strengthen the social economy of knowledge and promote the development of science.

- *Ikiam Amazon State University*: it aims to train specialized human talent in life sciences, earth sciences and the science of human settlements; create and transfer knowledge associated with the renewable and nonrenewable natural heritage so as to contribute to the establishment of the knowledge society nationally and internationally. Located in the Amazon, Ikiam was created as an integrated system of science, technology and innovation that meets the changing needs of the productive matrix in Ecuador.

- *University of the Arts*: it aims to train professionals in the arts to be in full command of their field and to become an international benchmark for the quality of its offer of artistic training, research, development, production and dissemination and a guarantor of the full exercise of the cultural rights of Ecuador.

- *National University of Education*: established to contribute to the development of human talent in the educational system. It is recognized as a national and international reference for the training of teachers and other education professionals with a commitment to ethics and who are able to participate in the transformation of the education system with culturally relevant and scientifically sound solutions.

16. Another project currently under way is the "Prometheus Project". This initiative of the Ecuadorian government seeks to strengthen research, teaching and knowledge transfer on specialized topics by linking researchers and high-level lecturers (living abroad) to universities, polytechnics, public research institutes and other institutions (both public and co-funded) in the development of research and teaching projects in priority sectors.



17. Another important aspect of education is the creation and implementation of the “Millennium Educational Units” program. In 2005, Ecuador joined 147 countries to sign the Millennium Declaration, containing the Millennium Development Goals (MDG) to be achieved by 2015. In the field of education, the outstanding goals are to ensure that boys and girls alike complete primary education, and thus achieve equal access of boys and girls to all levels of education and eliminate inequality, focusing efforts on gender parity in primary and secondary education. In Ecuador, the achievements of the “Millennium Educational Units” program so far are as follows:

- Constructed: 59
- Under construction: 54
- Planned for construction: 212

18. Location criteria: the possible locations of new Millennium Educational Units have been selected based on the following technical criteria:

- focus on historically neglected sectors;
- meet urban and rural student demand; and
- improve academic quality and local conditions.

19. Locations are prioritized according to the following factors:

- poverty level of the population;
- lack of availability of educational services; and
- low academic performance in national tests (SER).

20. This set of reforms seeks to create the most favorable academic and intellectual environment for academic research, culture, science, critical thinking and cutting-edge knowledge.

21. The economic effort in the form of scholarships, student loans, etc. would have very little impact on the strategy of creating a new paradigm for the growth of Ecuador if the country does not move from an outdated intellectual property system to a system that makes for free access to intellectual property.

22. This system of knowledge management that Ecuador intends to establish will enable and encourage the development of creative activity and socio-economic innovation, facilitate technology transfer, democratize access to knowledge/culture and make a clean break with cognitive dependence, generating added value. This process is extremely important for a country with huge genetic resources and traditional knowledge and with great potential, given its geographical location, for the development of creativity and research in all branches of knowledge. As mentioned above, Ecuador stands out as one of the most biodiverse countries in the world; it therefore seeks to preserve the natural and ancestral heritage on which research is conducted. Moreover, it seeks to harness the great wealth inherent in research on biological and genetic resources, ensuring that the benefits derived from this research are shared equitably.

23. Thanks to the political will of all stakeholders, especially the government, the National Assembly is currently debating the bill on the Organic Code of the Social Economy of Knowledge, Creativity and Innovation, known as Ingenios, which seeks to create the legal and institutional framework for making the transition from the primary economy that the country currently has to an economy whose main feature would be new wealth-generating activities based on knowledge and human talent. In this wise, the bill seeks to promote knowledge and entrepreneurship, while guaranteeing the protection of rights of creators. This is a global first in legislation.

24. The Ingenios Code is a project for collaborative construction, i.e., collaborative creation between citizens and institutions through information technologies. Thus, for the first time in the region and in Ecuador, the project design phase saw the involvement of civil society through the implementation of a tool for collaborative participation online, thereby allowing the general public to contribute a number of recommendations and comments on the text using the “mediawiki” software. The results were encouraging, with over 1,800,000 visits and more than 38,000 edits as from publication of the text. The Ingenios Code wiki was a forum that allowed citizens to directly edit the text of the proposed draft law.

25. In this process of national transformation, the Ecuadorian Institute of Intellectual Property (IEPI) plays a key role because it is responsible for the registration of trademarks and patents for innovation being generated by Ecuadorian companies, universities, researchers and other national and international

actors. It is also one of the institutions responsible for promoting the benefits of using intellectual property systems. This process seeks to position knowledge as a key activity within society that must be protected and promoted through public policies, programs and projects on intellectual property.

26. The new system involves freedom of research as the basis of all scientific activity while respecting ethics, nature, the environment and using and increasing ancestral and local knowledge. Accreditation and scientific research are established, such that the labor needs of researchers can be addressed by an appropriate regulatory framework. This purpose is consistent with the main aim of WIPO's external offices: "lead the development of a balanced and effective international intellectual property system that enables innovation and creativity for the benefit of all". In addition, with regard to intellectual property, the new system is based on two main pillars. The first is a dialogue of knowledge, which implies the promotion of everyday knowledge and traditional knowledge, while always seeking to ensure that they are compatible with the scientific knowledge that is being created. The second pillar is, fittingly, a modern intellectual property system consistent with current and future needs, with enhanced recognition of rights that were not covered by the previous system. This pillar also involves creating incentives for the generation of patents and intellectual works in universities.

27. Within this new system, the IEPI is additionally empowered to become not only a registry, but an institution responsible for dissemination, promotion and assistance to sectors interested in intellectual property issues. Additionally, the IEPI will have a direct link with the systems of higher education and innovation in science and technology through the Ministry of Higher Education, Science, Technology and Innovation (SENESCYT), which is responsible for coordinating and directing policies on these issues.

28. That is why the central work of a WIPO external office in Ecuador would be precisely to participate as a central player in the development of creativity and innovation, protecting human initiatives and bringing the benefits of such development closer to the general public.

#### Ecuador: A country that wishes to host a WIPO External Office

29. To achieve this transformation, such that national intellectual property systems are harmonized with international systems, it would be desirable to locate a WIPO external office in Ecuador. This office would be important for several reasons, which are explained below.

30. Firstly, it would provide ongoing support in the implementation of WIPO-administered global intellectual property systems. In addition, it would strengthen the capabilities of the IEPI in the implementation of WIPO-administered international IP systems and its quest to bring the services offered by WIPO to stakeholders at the national level.

31. Secondly, the establishment of a WIPO external office would not be for the exclusive benefit of Ecuador. If this application is accepted, this would be the first and only Spanish-speaking external office in the region and it would strengthen technical capabilities and assist in achieving the set objectives. Accordingly, given the geographical location of Ecuador, which allows for greater proximity with both the northern and southern countries of the continent, this would facilitate the development of outreach and promotion activities for intellectual property, WIPO and international IP systems in Latin America and the Caribbean. In this sense, the external office would help ensure that WIPO's plans and programs being developed in Ecuador and other countries in the region are effectively implemented in coordination with the external office.

32. Another attractive aspect of this proposal is that linking with the academic, innovation and science and technology sectors through SENESCYT would facilitate the implementation of technological surveillance, the transfer of technology to sectors identified above and technological pairing. The fact that the guiding principle of public policies for innovation and development also underpin the work of the IEPI is of the utmost importance, as it will develop and implement projects in this area quickly and directly compared with other countries of the region.

33. As to the relationship with the rest of the continent, Ecuador is seeking to intensify and deepen South American integration through the Union of South American Nations (UNASUR) and other integration initiatives in the region, such as the Andean Community of Nations (CAN) and the Southern Common market (MERCOSUR).

## **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

### **PURPOSE(S)<sup>2</sup>:**

34. The objectives of the external office in Ecuador would be as follows:

#### *WIPO global services*

- (i) promoting WIPO global services; and
- (ii) supporting WIPO's permanent customer service.

#### *Services to the private sector*

- (iii) providing service to users and applicants of the PCT, Madrid, and Hague systems, databases and the Arbitration and Mediation Center; and
- (iv) work with the private sector in Ecuador and the region for global cooperation projects.

#### *Regional activities of WIPO and the UN*

- (v) assist headquarters in the implementation of activities in the region; and
- (vi) cooperate with UN organizations represented in Ecuador and the region.

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

[See section on "Purpose(s)"]

### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

35. [The proposal suggests] that both Ecuador and Latin America would benefit greatly from the establishment of a WIPO external office located, as explained above, in a strategic position making for proximity to most countries continent (Colombia, Peru, Venezuela, Bolivia and Panama), especially in the implementation of technical assistance and capacity building for each of the national intellectual property offices, promoting WIPO systems and services and strategies that bring intellectual property closer to interested sectors.

### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

#### **Infrastructure**

36. With regard to the infrastructure necessary for the operation of a WIPO external office, the cost of an office of about 95 sq. m in the main financial and commercial district of Quito is approximately 175,000 US dollars per year, including all expenses for the services necessary for its operation. It is important to note that the IEPI has its offices in this area and it would be advantageous for a WIPO external office to be located in the same district to facilitate coordination between the two offices. The cost of furnishing

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

the office to employ 5 people is approximately 20,000 US dollars, including all necessary equipment and tools. As to staffing, 5 employees are proposed: a director, an expert, two P5 staff members and an employee on a short-term contract.

| Projected expenditure | Year 1     |
|-----------------------|------------|
| Rental and utilities  | \$ 175,000 |
| Equipment and Tools   | \$ 20,000  |
| TOTAL                 | \$ 195,000 |

*Approximate budget implementation of a regional office WIPO (year 1)*

37. Ecuador is prepared to contribute to this expenditure, with the exception of the salaries and remuneration of the personnel described above, in order to obviate the risk that the establishment of this office could be impracticable for WIPO from the financial point of view and constitute an additional burden for the Organization.

38. Additionally, it is possible for the office to be located in Quito, in the district previously mentioned. It would be in one of several buildings in which the IEPI operates or it could be located in the Yachay City of Knowledge, where the IEPI also has an office of 100 sq. m that could be made available for the external office. The Yachay City of Knowledge is two hours by road from Quito Airport and just two hours from the border with Colombia.

39. From a financial standpoint, it is possible that once the external office is established in Ecuador, a fund could be constituted from public and private contributions. Such a fund would be administered by the office and facilitate management within the framework of the set goals and objectives. It is important to note at this juncture that the IEPI is self-managed, i.e., the budget of the National Office largely depends on the fees collected for applications filed. The number of applications has been increasing recently, so a percentage of that income could be earmarked for the operation of the office and for funding activities as from 2017. [*the IEPI budget is contained in a table in the proposal*].

#### Security

40. In Ecuador, both public institutions and international organizations may contract the services of security companies. These companies are regulated directly by the Ministry of the Interior, which is responsible for monitoring, formulating, implementing and evaluating public policy in this sector in order to guarantee the internal security and governability of the State, with due regard for democracy and civil participation, so as to contribute to well-being. The IEPI has the following security mechanism in its Quito offices.

1. Three 24-hour security posts in the *Forum 300* building (main building) and one in the *Siglo 21* building.
2. Seven 12-hour posts: six in the *Forum 300* building and one in the Alpullana building.
3. The total monthly cost for security is 26,538.58. The cost of each security post is 1,393.84 US dollars for a 12-hour post and 2,787.66 US dollars for a 24-hour post.

41. It is important to note that the operations center of the security company providing the service is five minutes away from the IEPI offices. This means a quick response to emergencies, which have fortunately not occurred in the IEPI office so far.

42. The buildings are also equipped with a camera system for monitoring the buildings and offices. Visitors must register at reception and show their national identity cards, which are retained and exchanged for a magnetic card that allows access only to the office or floor where they are expected. After the visit, the identity document is returned in exchange for the magnetic card. All IEPI staff also have magnetic card allowing access through the main entrance and to the car park and elevator, which grants access only to the floors the IEPI occupies.

43. Finally, the Police also provide assistance to all public institutions and international organizations. It would be highly advisable to consider entering into a new agreement with the Police for more surveillance than is normally available for such institutions, so as to offer even greater security to members of the external office staff.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**Egypt**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

*[Proposal to establish a WIPO external office in Cairo] to serve Egypt and other Member States from the region in predefined areas of Intellectual Property and Development, including technical cooperation, capacity-building, and IP service provision. [It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### **RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:**

National context:

1. Egypt officially launched its National Sustainable Development Strategy 2030.
2. The Strategy is pinned upon a number of axes, one of which focuses on Innovation, Knowledge, and Scientific Research, towards the establishment of a creative, innovative, and knowledge society. A number of goals address related issues, including the goals of raising the number of nationally-generated patents both domestically and internationally, advancing Egypt’s ranking on the global innovation index, enacting well-adapted intellectual property laws, as well as issuing legislations to govern science, technology and innovation, including the transfer of technology. Accordingly, national policies and programmes are being put in place to support innovation, ranging from financing, through providing incentives for investment, and up to supporting industry and job creation.
3. In the same vein, Egypt launched its National Strategy for Science, Technology, and Innovation 2030. The Strategy aims at establishing a functional science and technology base that generates knowledge and drives innovation, feeding into sustainable development. The process of implementation will move on two tracks: First, creating an enabling environment for innovation in the field of scientific research, including through fostering the use of the intellectual property regime. In addition, the Strategy targets encouraging investments in science and technology, linking up to industry, development plans,

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

and societal needs, and creating partnerships with relevant actors and stakeholders. Second, knowledge generation, and transfer and localization of technology.

4. It is to be noted that Egypt prioritizes the fields of energy production from renewable sources, water management, health, agriculture and food security, environmental protection and preservation of natural resources, ICT, education, and the tourism industry.

#### Intellectual property in Egypt:

##### Legislative and Legal Infrastructure:

###### *a. Egypt's New Constitution 2014:*

5. The Constitution of Egypt adopted by a popular referendum in January 2014 sets the tone for the establishment of a knowledge economy, placing emphasis on fostering scientific research, innovation, and creativity as per Article 23.

6. It specifically dedicated an Article (Article 69) on Intellectual Property Protection committing the State to 'protect all types of intellectual property rights in all fields, and establish a specialized agency to uphold such rights and their legal protection as regulated by Law.' Article 227 stipulates that 'The Constitution and its preamble and all its provisions constitute an integral text and an indivisible whole, and its provisions constitute one coherent unit.' Accordingly, Article 69 is seen within a wider context of Constitutional provisions placing obligations on the State in the areas of the right to health (Article 18), the right to education (Articles 19 and 20), the right to a clean and safe environment (Article 46), the right to culture (Article 48), that includes ensuring access, supporting competition (Article 27), freedom of scientific research and sponsoring researchers and inventors (Article 66), freedom of artistic and literary expression, including sponsoring of creative artists and authors and protecting their productions (Article 67).

7. Based on the above, the Constitution has drawn linkages and established the balance required between private rights and the public interest. This comes in line with the premise that intellectual property regimes should be adapted to the development levels and needs of each country, whereby protection and enforcement balance out with access and consumer protection and anticompetitive practices.

###### *b. Legal Framework:*

8. The main legal framework governing intellectual property rights in Egypt is Law no. 82 for 2002 on Intellectual Property.

##### Institutional infrastructure:

9. Law no. 82 for 2002 designates national authorities responsible for its implementation, within their respective fields of work and mandate, namely:

10. The Egyptian Patent Office (Academy of Scientific Research and Technology, Ministry of Scientific Research), Ministry of Agriculture, Ministry of Culture, Ministry of Information and Communication Technology, Ministry of Information (abolished and replaced by the Radio and Television Union), Ministry of Trade and Industry, Trademark and Industrial Designs Office (Ministry of Internal Trade), Ministry of Interior, Ministry of Justice.

###### - The National Committee on Intellectual Property:

Established by a Prime Ministerial Decree in 2007, under the auspices of the Ministry of Foreign Affairs. Membership composed of the afore-mentioned national authorities, in addition to the Ministry of Environmental Affairs, and the Regional Institute for Intellectual Property (Faculty of Law, Helwan University).

- The Regional Institute for Intellectual Property, granting diplomas and graduate studies to Intellectual Property practitioners and law students.

- National Academy on Intellectual Property (under construction): envisioned to serve a two-pronged purpose: training and capacity building for intellectual property practitioners, and granting graduate academic degrees in intellectual property studies.

#### Cooperation with WIPO:

11. Drawing from its interest in advancing the Intellectual Property Rights agenda, from a development perspective, Egypt is keen to sustain and advance cooperation with WIPO in upscaling its institutional and academic infrastructure as well as fostering cooperation and sharing of experiences with countries of the region.

#### Egypt as a Hub for Field Offices representing Regional Organisations and UN Entities:

12. Egypt hosts a multiplicity of country and regional field offices, representing entities from within and outside the UN system, serving either the Arab or the African region, in addition to catering to national policy priorities.

13. The network of UN Offices in Egypt includes 26 Offices, 15 out of which serve as regional offices. UN Agencies functioning through regional and country offices in Egypt include for example the Rome-based Agencies (FAO, WFP, and IFAD), UNESCO, UNIDO, ITU, UNAIDS, WHO, UNICEF, UNEP, to name a few. In addition, Egypt hosts around 14 Arab entities, and 6 African entities, most notably the African Development Bank, the African Export-Import Bank, and the Regional Investment Agency under COMESA.

14. This wide network provides a wealth of expertise at the country and regional levels as well as a well-established experience in conducting relations with such international entities.

15. Memoranda of Understanding and Host Country Agreements govern the privileges, immunities, mandates, and scope of work of each of those offices on mutually agreed terms.

16. Drawing from the above contextual presentation, and being conscious of African priorities and development aspirations, and its areas of competitiveness, Egypt is well-placed to host a WIPO External Office to serve countries of the African continent, on a demand-driven needs basis, and in accordance with their national levels of development.

#### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

##### **PURPOSE(S)<sup>2</sup>:**

17. Scope of work and mandate should cover intellectual property and development, as per the WIPO Development Agenda recommendations, in particular in reversing the brain drain to brain gain, serving African aspirations as outlined in Agenda 2063: the Africa We Want, and in line with the Global Sustainable Development Agenda. Activities should ensure that intellectual property rights protection and enforcement 'contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.' (TRIPS, Article 7). In addition, African priorities in the area of the preservation and protection of their traditional knowledge and traditional cultural expressions should be met with a view to accentuate the African comparative advantage and raise Africa's competitiveness in this domain, channeling the outcomes towards achieving sustainable development.

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup>** (including regional activities if applicable<sup>3</sup>):

18. A detailed mandate and scope of operations should be developed based on further discussions over a host-country agreement.

19. Potential areas of cooperation may also include:

- (a) Support to the creative industries with a view to transforming them into intellectual property assets feeding into the economy.
- (b) Exploring means and ways to enhance absorptive capacity in innovation, taking into consideration that innovation covers a wide spectrum of areas including research and development, targeted investments, trade, competition policy, etc.
- (c) South-South cooperation initiatives.

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Rationale for Hosting an External Office].*

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

20. A detailed mandate and scope of operations should be developed based on further discussions over a host-country agreement.

*[No indication of proposed contribution provided].*

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".



## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**El Salvador**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

Geographical ambit of the Office: Central America, the Dominican Republic and the Caribbean. The geographical location of El Salvador makes it a hub in Central America and the Caribbean, strengthening communication and seamless connections between WIPO and this geographical area.

*[The proposal makes reference to the “Geographical ambit of the Office”. It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. El Salvador is a developing country that has been building a policy and regulatory framework to foster the use of intellectual property (IP) as a tool for its people, in order to develop a more productive and educated country.
2. Accordingly, in light of the proposal set out below, it would disseminate and facilitate the provision of WIPO services, promoting inter-agency and South-South cooperation and raising awareness of international treaties such as the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.
3. Similarly, the location of a WIPO office in El Salvador would, among other things, enhance lateral cooperation among countries of the Central American region and serve as a link to other international agencies and/or IP offices in Central American, the Dominican Republic and the Caribbean, which could provide specialized technical assistance. It would strengthen and promote the protection of IP rights and public intellectual property policy strategies, benefiting [the] people and the territories within the ambit of the External Office.
4. The powers of the National Office (Intellectual Property Registry) would be maintained. However the National Intellectual Property Office located in the National Registration Center would collaborate in WIPO IP outreach and awareness-raising programs and would increase awareness, understanding and respect in relation to intellectual property.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

## **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities]*

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

#### **Tasks and activities to be developed**

5. Foster closer cooperation to promote intellectual property development, strengthening cooperation between the countries of Central America, the Caribbean and the Dominican Republic.
6. Widen the scope of intellectual property to meet capacity-building needs and enhance cooperation for Central America, the Dominican Republic and the Caribbean.
7. Promote WIPO treaties and global services, such as the Patent Cooperation Treaty, the Madrid Agreement Concerning the International Registration of Marks and the Hague Agreement concerning the international registration of industrial designs and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, among others.
8. Encourage and promote use of the WIPO mediation and arbitration service, strengthening institutional projects of the National Registration Center of El Salvador relating to an Arbitration Center and alternative dispute resolution at the regional level.
9. Assist states in Central America, the Dominican Republic and the Caribbean with intellectual property matters, particularly as regards cooperation and institutional capacity-building.
10. Encourage support and strengthening of collective for copyright and related rights management bodies in Central America, the Dominican Republic and the Caribbean.
11. Promote the establishment of a regional IP academy for Central America, the Dominican Republic and the Caribbean.
12. Assist with the use of intellectual property for fostering technology transfer and support technology and innovation centers, strengthening the regional CATI-CARD network.
13. Other activities approved in the WIPO Program and Budget.

### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Proposed scope of activities"]*

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

Location

San Salvador: premises of the National Registration Center (CNR), next to the National Intellectual Property Academy.

Diplomatic privileges and treatment

14. A proposal will be submitted for consideration to the Chancellery of the Republic of El Salvador to afford the director of the WIPO External Office privileges that are no less favorable than those the director may enjoy at WIPO headquarters, that is, the prerogatives granted to personnel of diplomatic missions in the country, including the director's spouse and minor children. All this will be in accordance with current regulations for the resident diplomatic corps in El Salvador.

15. In accordance with international law as applicable in respect of diplomatic missions established in the country and in keeping with [El Salvador's] relevant legislation, the premises of the WIPO External Office shall be inviolable; such inviolability shall encompass its records, property and assets.

Exemptions from income tax and other taxes

16. The Ministry of Finance of El Salvador will submit for consideration a proposal that WIPO diplomatic staff be exempted from taxes on salaries, emoluments and allowances paid by WIPO, among other exemptions, all in accordance with the tax legislation of El Salvador and related laws.

17. Permits allowing the WIPO staff member holding the post of Director to import a vehicle and household goods in accordance with the relevant laws, enshrined in the relevant national and international legislation, will be processed and submitted for consideration to the appropriate authorities.

Security of WIPO officials

18. The necessary steps will be taken to guarantee the protection of WIPO officials, by signing memoranda of understanding with the National Civil Police to provide adequate protection.

Immigration

19. Steps will be taken so that through the appropriate ministry, the government of El Salvador will facilitate the entry, stay and exit of persons invited into El Salvador by the WIPO office for official purposes, in compliance with Salvadoran immigration laws.

20. Authorizations to allow spouses and dependants of WIPO officials working in El Salvador will be processed provided they meet the relevant legal requirements.

Administrative and other related matters

21. Costs relating to medical insurance and civil liability insurance for motor vehicle use will be borne by WIPO, in accordance with applicable national legislation

CNR contribution

- Local administrative staff
- Provision of External Office premises
- Support for IT, mechanical, electrical services, human resources and administrative expenses necessary for the functioning of the office.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

Budget

- The CNR will submit a detailed financial proposal for hosting the WIPO office.
- The financial document is at the authorization stage.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

India

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. India has chartered a path to develop knowledge-based economy with high level of emphasis on innovation and technology upgradation. Following pointers would set out the rationale for establishing a new External Office in India.

2. India is the second most populous country in the world and also emerged as the fastest growing economy in the world in 2015. The 2015 Global Innovation Index report has chosen India as an example of an innovation achiever in Central and Southern Asia in the group of lower-middle-income countries. The report presents India as a representative 'innovation achiever' by providing a narrative of how the country has shaped its innovation policy over the years and a perspective on what has worked for India.

3. India is at the top in Global Innovation Index (GII) Rankings for Central and Southern Asia. India is among the 8 innovation achievers in the World outperforming their peers on the overall Global Innovation Index score during 2011–14. The Government of India is making concerted efforts to update the data regarding various parameters, which will enhance India's position in the overall rankings of the GII Index.

4. The 'Make in India' programme of the Government of India has given a fillip to manufacturing in India. It aims to foster an innovation ecosystem in India and would help India in achieving world leadership in knowledge economy and technology.

5. The 'Startup India' mission has unleashed entrepreneurial energy among start-ups, as young and bright minds are raring to move ahead. Giving a spur to IPRs of startups, the Government of India has launched a scheme to facilitate IPR protection to startups for patents, trademarks and designs from the stage of filing to final disposal (including grant or registration) of the IPR applications.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization's program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

6. The 'Digital India' Initiative provides a platform for people to display their talent and share ideas on spectrum of topics. The digital revolution has also kicked in innovations, and more and more innovations are expected in India in the sectors like education, agriculture, healthcare and environment in the near future. As a result, the number of IP filings is likely to increase at an exponential level.

7. Technology innovation will have a disruptive impact on outdated traditional models, bringing in welcome changes in tune with the times. Innovation is happening in several sectors in India from pharmaceuticals, automotive, energy, healthcare to media, governance and education. India is at the forefront in terms of IT and IT enabled services. India has received immense praise for service innovation in the past few years; at the same time it aspires to harness the power of product innovation to significantly contribute to increasing demand for Global IP Services.

8. India is working on leveraging the demographic dividend and bridge the innovation gap between the developing countries and the developed world. Real, sustainable economic development and growth in India will come from indigenous innovations, technologies, products and services.

9. India will soon come out with its National IPR Policy that shall weave in the strengths of the Government, research and development organisations, educational institutions, corporate entities including MSMEs, start-ups and other stakeholders in the creation of an innovation-conducive environment. Thus, even as India is already witnessing a spurt in IPR filings for patents and trademarks, it is poised at the cusp, ready to take the leap in all aspects related to IPRs.

10. Overall IP filings and, particularly domestic filings, in India has been consistently on the rise. For example, patent filings by residents have increased from 18.45% in 2005-06 to 28.22% in 2014-15. EO can motivate and encourage domestic applicants for patents in India to file more and more international applications through PCT by providing interactive support, necessary guidance and access to resources. This will also result in enhancing WIPO's financial resources.

11. In Trademarks, filings have been going up over the years, and crossed the figure of 2,00,000 in the year 2013-14; this year, the figure is expected to easily cross 2,50,000. Indian filings have been around 95% of total filings over the last few years. Large number of these Indian applicants, who remain confined to domestic protection, can be motivated to protect their trademarks internationally through WIPO mechanism of Madrid system that has shown encouraging results in India, if direct facilities and resources are available from the proposed EO of WIPO in India.

12. India, through substantial reduction of fees for IPR filings by MSMEs, has already facilitated IPR protection for MSME sector which contributes in a big way for India's industrial progress by providing innovative products and services. Many departments of Government of India have initiated specific programmes to boost IPR promotion among MSMEs which would perfectly complement the WIPO objective set out for MSMEs, if EO is established in India.

13. Thus, in both the short and long terms, it would be a win-win situation for both India and WIPO by locating a new EO in India.

#### Needs of IP Users in India

14. Patent Applications: Number of Patent applications filed in India has increased from 17,466 in 2004 to 45,802 in 2015, a jump of 162%. India's ranking has also improved from 11 to 7 over the period of last 10 years in terms of filing applications. This upward trend is likely to continue as the number of applications increase. It may also be pertinent to mention that almost 75% of the applications are filed by foreign applicants.

15. Membership of PCT: The opportunities afforded by globalization and the digital revolution mean that many more Indian companies are aspiring to gain a foothold in global markets. WIPO's Patent Cooperation Treaty (PCT) offers them a cost-effective and efficient way to protect their cutting-edge technologies in about 148 countries.

16. India became a member of the PCT in 1998. In that year, just 14 international applications were filed by Indian inventors under the PCT; by 2014 that figure had risen 100 times to 1,428. To ensure that Indian companies benefit fully from India's membership of the PCT, the Patent Office of India is actively embracing and promoting the use of PCT-related services to expand access to a broader range of cost-effective services that simplify and streamline the process of protecting patents internationally.

17. International Search Authority: In October 2013, the Indian Patent Office became an International Searching Authority and International Preliminary Examining Authority (ISA/IPEA) under the PCT, joining 16 other countries in fulfilling that role. Indian companies now have easier access to local high-quality IP services in addition to those already available from other ISAs with acquiring ISA/IPEA status. With its own patent database and access to others around the globe, this offers top quality patent search and preliminary reports at extremely competitive prices. 1173 requests for ISR and 30 requests for IPEA have been received in ISA/IN till 31st December 2015.

18. Madrid Protocol: With the accession of India to the Protocol Relating to the Madrid Agreement concerning the International Registration of Marks in July 2013, Indian companies also have access to a simple, cost-effective and user-friendly means of protecting their brands in global markets. The Madrid System has become a gateway to global markets for Indian applicants and also opens the door to foreign companies seeking to establish operations in the Indian market. Till 31st December 2015, 20,094 international applications designating India were received at the India's Trademarks Registry, and the number is likely to increase manifold in coming years.

### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

#### **PURPOSE(S)<sup>2</sup>:**

19. The overall objective of India seeking to host an External office is to develop a balanced and effective international IP system that enables innovation and creativity for the benefit of India, WIPO as well as other relevant stakeholders. WIPO opening an External Office in India would also enhance the quality of service of WIPO, and also promote its unique role as a Global Service organization

20. An External Office in India would also reinforce WIPO's core functionality in following ways:

- (i) Promotion of, and support for, WIPO's Global Intellectual Property (IP) Systems,
- (ii) Effective delivery of technical assistance and capacity building activities,
- (iii) Promotion of WIPO's treaties, and
- (iv) Implementation of effective communication and outreach strategies.

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

#### **Proposed Functions of External Office in India:**

21. Based on preliminary assessment, [India] envisages that the External Office in India could undertake the following functions:

- (i) One of the main functions of WIPO is to provide Global IP Services. Overwhelming proportion of the total financial resources of the WIPO comes from these services. Executing Technical Assistance for Developing Countries and Least Developed Countries is another key function of WIPO. WIPO derives around 96% of its revenue from fees for services rendered under its Global IP Systems Viz. Patent Cooperation Treaty, the Madrid System for Marks, the Hague System for designs, the WIPO Arbitration and Mediation Centre, etc. The PCT and Madrid contribute to about 77% and 16% of the total revenue of WIPO. As India is a member of both PCT and Madrid Systems, a WIPO office in India would build a conducive environment for creating more interest in these Systems, thus resulting in more IP filings and consequent increase in the income of WIPO.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

- (ii) An essential part of the services that WIPO provides in respect of its Global IP Systems consists of information and assistance services to users of the Systems. For example, in 2015 the PCT Information Service within the PCT Legal Division of WIPO received 11,192 total inquiries (emails, calls and faxes), that is, an average of 932 inquiries per month or 45 per day. 47% of those inquiries in 2015 came in by phone, so approximately 438 per month. The origin of phone calls could be determined in 2015 for 91.7% of calls. Of the 5,458 calls received in 2015 for which [India] could determine their origin, 456 calls (8.35%) were from Asian countries. External Office in India can perform a vital service in supporting the Organization's Global IP Systems in the Asian time zones at a very affordable manner.
- (iii) A WIPO External Office would provide a valuable addition to WIPO's general customer response network. If a person calls the general number of WIPO before business hours in Geneva, the call could be automatically received and answered, in India.
- (iv) External Office in India would be able to provide technical support in relation to various technical assistance programs administered in the Global Infrastructure Sector of WIPO such as the establishment of Technology and Innovation Support Centers (TISCs) that make available patent information and other scientific and technical information to IP Offices, universities and research institutions throughout India and other developing countries. Providing intensive technical support through an External Office in India may be much more cost efficient through experts attached to the proposed External Office, rather than through the deployment of experts from the Headquarters.
- (v) The proposed EO could save substantial cost for WIPO for carrying out various Capacity Building activities such as organization of Conferences, Training seminars, WIPO Summer Schools, technical training for patent or trademark examiners, study visits and training at Indian Patent offices. This is bound to reduce budgetary requirements of WIPO, especially for travel and other logistical arrangements.

#### Objectives of the proposed External Office in India

22. Following are the objectives of the proposed EO in India:

- (i) Promote WIPO's Global Services such as the PCT and Madrid systems, and also coordinate with Government for accession to other Systems in the coming years;
- (ii) Provide efficient and timely services to users and applicants of the PCT, Madrid systems, global databases such as PATENTSCOPE, as well as the WIPO Arbitration and Mediation Center services;
- (iii) Collaborate with Department of Industrial Policy and Promotion(DIPP), Indian IP offices including that of Controller General of Patents, Designs, Trademarks and GIs as also Registrar of Copyrights, Indian Industries, Business houses, Industry Associations and Chambers of Commerce to develop and promote WIPO's global partnership projects such as WIPO GREEN and WIPO RE:SEARCH;
- (iv) Coordinate with Department of Industrial Policy and Promotion and the Indian IP offices including that of Controller General of Patents, Designs, Trademarks and GIs as also Registrar of Copyrights, and assist WIPO HQ in undertaking activities for the development of the WIPO knowledge database "IP Advantage";
- (v) Cooperate with the United Nations agencies present in India to organize outreach program activities as part of inter-agency cooperation;
- (vi) Assist the HQ in coordinating with IP experts and policy makers from India in order to share India's experience in the use of IP systems for innovation through the participation of such experts in meetings; and
- (vii) Support WIPO's Round-the-Clock service during the allotted time frame.



Linkage between WIPO Strategic Goals & Objectives of proposed EO in India:

| WIPO Strategic Goals  | Objectives of proposed EO in India |
|---|------------------------------------|
| II Provision of Premier Global IP Services  | Yes                                |
| III Facilitating the Use of IP for Development  | Yes                                |
| VII Addressing IP in Relation to Global Policy Issues   | Yes                                |
| VIII A Responsive Communications Interface between WIPO, its Member States and All Stakeholders | Yes                                |
| IV Coordination and Development of Global IP Infrastructure                                     | Yes                                |

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

23. The opening of a WIPO External Office (EO) in India would add value, efficiency and effectiveness to the program delivery in a coordinated manner. The proposed EO would complement the work undertaken at the WIPO's Headquarters in Geneva. This will be done keeping in mind that there is no duplication of work, and there is an optimization of WIPO resources. Such an office will be cost effective responding to the growing need for IP services in India; hence playing an important role in the overall economic development of the country and strengthening India's knowledge-based economy. The proposed office will form an integral part of WIPO's Results-Based Management (RBM) and regulatory framework.

24. India believes that establishment of a new External Office in India would add immense value to WIPO's current setup, by way of following advantages:

- (i) It will create a strong communications interface with the local stakeholders in India and the same cannot be created by occasional visits and missions. EO is likely to contribute towards intense cooperation between WIPO & Government of India to meet demands from users of WIPO services;
- (ii) It will help result in considerable savings on travel expenditure, as there would be less number of missions that the WIPO HQ teams need to make for undertaking various activities in India;
- (iii) The presence of EO in India will help in holding of more activities such as seminars and workshops, thus strengthening capacity-building and provision of technical assistance activities in India;
- (iv) WIPO's geographical coverage will become more comprehensive and global with enhancement of its global customer network by providing WIPO's services which WIPO HQ alone cannot achieve; and
- (v) EO in India would constitute an integral part of a WIPO global office network as a means of providing timely and efficient services to stakeholders both in India and outside.

25. Overall, the beneficiaries of WIPO Services in India will have higher degree of satisfaction and accomplishment of work, thus enhancing the image and reputation of WIPO as the premiere Global IP Service Provider.

26. The time difference between India and the WIPO HQ in Geneva is four-and-a-half hours in winter and three-and-a-half hours in summer. As a result, currently only few hours of the standard work day overlap between these two locations is possible. This has been placing a significant constraint on timely and efficient communications between WIPO HQ and Indian institutions. Presence of a WIPO EO in India would address this serious drawback in the engagement of WIPO with India.

27. Presently there is only one External Office in the Asia and the Pacific Region i.e. Singapore. The presence of this EO in Singapore has no direct benefit to India, as it caters at best to the ASEAN region only. As the demand for IP services in India is rising exponentially, the proposed EO in India would be well placed to fulfill the growing demand from India's IP regime, and also benefit the overall objectives of the WIPO.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

Financial Sustainability/ Budget Neutrality

28. Government of India has offered gratis suitable premises for the proposed office. It will also provide basic furniture and equipment, as *[well as]* appropriate security arrangements to operationalize the office. Once the decision to establish an EO in India is taken, privileges and immunities similar to those accorded to other UN Specialized Agencies will also be considered.

29. Resources and Cost Efficiency: A major benefit of establishing an EO in India would be the financial and in-kind contribution made by the Indian Government. The gratuitous provision of the premises will remove WIPO's long-term liability as far as premises are concerned. Then, India would facilitate as also work in tandem with WIPO to operationalize the office and use it to further the cause of IPRs in India and the entire region.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Iran (Islamic Republic of)**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. Due to the unique capacities for intellectual productions in [the Islamic Republic of Iran] and the impressive achievements of the Islamic Republic of Iran in the field of intellectual property at regional as well as international levels, to the extent that Iran is ranking first in recent years in the region. These achievements have been attained substantively due to the national emphasis on protection of the development of science, technology and intellectual productions in the 20 years Development Prospective Document (Horizon 2020), the Comprehensive Scientific Roadmap of the Country, the Rules of the 3rd, 4th, and 5th Five Years Economic Development Plans which led to quantitative and qualitative growth of students, researchers and universities.
2. In order to achieve these goals and the emphasis given in the mentioned documents to development and promotion of IP in [the Islamic Republic of Iran], the State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran (Intellectual Property Center) as the competent authority for the registration of industrial properties and the national focal point of the Islamic Republic of Iran at WIPO has notified publicly and privately the importance of IP, especially during the last 15 years.
3. In this regard, in addition to organizing joint programs and events with WIPO, it has organized more than 300 workshops and seminars around the country in cooperation with the Science and Technology Parks, Province Chambers of Commerce, universities and other relevant authorities and agencies.
4. In this regard, it must be added that for the scientific growth and development of the country and in order to benefit from intellectual productions, the Science and Technology Parks which have an important role in commercialization of the ideas, have had a very rapid growth so that [the Islamic Republic of Iran] have now almost in all provinces the Science and Technology Parks. The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran for raising awareness of intellectual property among the public and private, in addition to the national IP training, has had the international IP training, including the workshop for the examiners of the industrial property office of Afghanistan and

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

recently, has received a request from IP Office of Tajikistan concerning the training of the examiners of IP office of this country by Intellectual Property Center of the Islamic Republic of Iran.

5. Iran (Islamic Republic of) has had an excellent cooperation with the Economic Cooperation Organization (ECO) and hosted the third session of the coordinating committee of ECO on IP in Tehran this year. In this session, the Islamic Republic of Iran proposed the organization of the IP workshop in Persian and English for participants from all ECO Member States that was adopted in the session of the ECO Regional Planning Council.

6. Considering the above-mentioned activities and due to more than 90 years of experience of the Islamic Republic of Iran for the registration and protection of IP and the most prominent IP position that Iran stands in the region, the countries of the region have a positive approach to IP pool of expertise in the Islamic Republic of Iran.

7. However, due to the above-mentioned capacities and promotion and development of IP in the Islamic Republic of Iran and needs and applications for the national and international registration and protection of industrial properties during the recent years that have significantly increased, as indicated clearly in the statistics published by WIPO, the patents, trademarks and industrial designs applications have significantly increased in 2013 and 2014, and the Patent Office and Industrial Design Office of Iran is in the list of the top 20 offices of the Member States of WIPO because of the increasing rate of the applications and also in 2014, Iran ranked first in the region in this regard.

8. It is worth to be mentioned that the increase in applications has been due to the promotion of the public awareness of IP and creation and development of the culture of respect for IP in [the Islamic Republic of Iran] and also providing the strong legal infrastructures, including the up-to-date and comprehensive rules and regulations in the field of industrial property and adhering to the IP Conventions during the last 10 years, including the international registration systems, namely the Madrid Agreement and Protocol Concerning the International Registration of Marks (The Madrid System), the Lisbon System for the international Registration of Appellations of Origin ( the Lisbon System) and recently, The Patent Cooperation Treaty (the International Patent System).

9. Therefore, due to the increase in applications, needs based on the exploitation and commercialization of these properties have increased and it is obvious that the establishment of the WIPO External Office in the Islamic Republic of Iran, considering the description of its activities, could promote increasingly IP and ensure the advance of the goals of the World Intellectual Property Organization in Iran more than ever.

10. Iran (Islamic Republic of) is a founding member of the United Nations (UN), Economic Cooperation Organisation (ECO), Non-Aligned Movement (NAM), Organisation of Islamic Cooperation (OIC), and Organization of the Petroleum Exporting Countries (OPEC). Offices of international organizations represented in Tehran are as follows: UN, United Nations Office on Drugs and Crime (UNODC), United Nations Population Fund (UNFPA), ECO Cultural Institute, ECO Secretariat, Food and Agriculture Organization (FAO), Parliamentary Union of the OIC Member States Secretariat, International maritime Organization (IMO), Islamic Educational, Scientific and Cultural Organization (ISESCO), United Nations Industrial Development Organization (UNIDO), UNIDO South-South Center, United Nations Information Centres (UNIC), United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), UN- Habitat, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Assistance Mission in Afghanistan (UNAMA), United Nations Assistance Mission for Iraq (UNAMI), World Food Programme( WFP), World Health Organization (WHO), United Nations High Commissioner for Refugees( UNHCR), United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Secretariat of the Asian Parliamentary Assembly, International Committee of the Red Cross (ICRC).

11. Given the privileged scientific position of Iran (Islamic Republic of) and since several Iranian universities have the Master of intellectual property rights; the establishment of WIPO External Office in Tehran can play a key role in advancing the goals of the World Intellectual Property Organization in Iran.

#### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

##### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities"]*

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

12. Proposed scope of activities of the WIPO Iran Office:
13. Local support services for WIPO'S Global IP Systems. One of the principal activities of this office after its establishment in the Islamic Republic of Iran is the close cooperation with the National Office(Intellectual Property Center) in helping the better and more effective enforcement of the systems of the World Intellectual Property Organization, including the Madrid, Lisbon and PCT systems of which the Islamic Republic of Iran is a Member, and also providing the registration services to applicants by the above-mentioned systems in cooperation with the International Bureau of WIPO;
14. The provision of technical support in relation to the various technical assistance programs administered in the Global Infrastructure Sector of the Organization;
15. General capacity building and other development cooperation activities.
16. The provision of technical assistance and advice to the owners of the intellectual properties in order to exploit the IP for the development of the country and also the transfer of technology. It must be mentioned that the Islamic Republic of Iran has some joint projects with WIPO, including the carpet project and the start of implementation of technology and innovation support centers (TISC) project;
17. Assisting in the commercialization of IP and facilitation of communication between industry and authorities of the intellectual productions;
18. Responding to the daily-increasing importance of innovation and creativity and the role to be played by IP in a knowledge-based economy in Iran.

**VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Proposed scope of activities"]*

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

19. Facilities available for the establishment of the WIPO External Office in the Islamic Republic of Iran:
  - (a) The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran which is, in accordance with the Article 52 of the Law on Registration of Patents, Trademarks and Industrial Designs, the competent authority for Industrial Property and the National Focal Point of the Islamic Republic of Iran at WIPO and the Unions of the relevant conventions, ensures provision of all the facilities for the establishment of the WIPO External Office in the Islamic Republic of Iran. There is a separate suitable building of 500 square meters just next to the seat of the Intellectual Property Center in Tehran that will be allocated to this purpose and could be expanded in later stage, if need will be.
  - (b) Regarding the Administrative expenses of this Office, according to the Article 63 of the Law on Registration of Patents, Trademarks and Industrial Designs, it is possible to use 50 percent of the foreign exchange earnings from International Registrations Systems of Industrial Property for the promotion and equipment of the Office. The State Organization for Registration of Deeds and Properties of the Islamic Republic of Iran ensures provision of all the expenses and needs of the WIPO External Office in Iran, according to its legal authority, through using basic and other revenue sources.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Kenya**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

A WIPO External Office located in Kenya would be easy and convenient to utilize by other regional WIPO members owing to Kenya's:

- Central location in the eastern seaboard of Africa.
- Connectivity to the regional countries especially by air transport whereby Nairobi is less than four hours flight from most African capitals.
- Regional economic hub status.

*[It is not explicit which countries are covered by the proposal nor from which countries support has been received]*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: "any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing")*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

#### Observance of the Principles Governing the Establishment of WIPO External Offices

1. Given Kenya's political, economic and social stability, its cordial relationship with WIPO, and its commitment to international/regional cooperation, hosting of the WIPO External Office by Kenya will provide an enabling environment for the observance of the core principles governing establishment of WIPO External Offices, that is:

- (a) Adding value, efficiency and effectiveness to program delivery in a coordinated manner so as to complement the work being undertaken by WIPO Headquarters and to avoid duplication;
- (b) Responding effectively and adequately to local priorities, specificities and felt needs;
- (c) Being cost effective; and,

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: "The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization's program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]".

- (d) Forming an integral part of WIPO's Results-Based Management and Regulatory Framework.

### Kenya's Intellectual Property Background

#### *Political, Economic and Social Stability*

2. Kenya is developing country located in East Africa with a population of 45.5 million, which increases by one million a year. Kenya has made significant structural and economic reforms that have contributed to sustained economic growth in the past decade. Her development challenges include poverty and inequality, and vulnerability of the economy to internal and external shocks.

#### Political Context

3. Devolution is rated the biggest gain from the August 2010 constitution, which ushered in a new political and economic governance system. The new system is transformative and has strengthened accountability and public service delivery at local levels. The government's agenda is to deepen implementation of devolution and strengthen governance institutions, while addressing other challenges including land reforms and security to improve economic and social outcomes, accelerate growth and equity in distribution of resources, and reduce extreme poverty and youth employment.

#### Economy

4. Kenya's economy grew by an estimated 4.9% in the first quarter of 2015, compared to 4.7% in the same period in 2014, according to Kenya National Bureau of Statistics. Agriculture, infrastructure, financial services and ICT contributed to the growth, but manufacturing and tourism declined. The economy grew by 5.4% in 2014 and by 6% in 2015, supported by lower energy costs, investment in infrastructure, agriculture, manufacturing and other industries. A stable macroeconomic environment, continued investment in infrastructure, improved business environment, exports and regional integration will help sustain the growth momentum.

5. The government has also maintained fiscal and monetary discipline, despite increasing pressure from the devolution process and rising public sector wage bill. Total public debt has increased but remains sustainable, while inflation and interest rates remained stable. The stock exchange weakened due to net foreign investor sales, while the Kenya shilling weakened against the US dollar and other major currencies.

6. With the increased competitiveness of the manufacturing sector which will be a key driver of growth, exports and job creation, Kenya is emerging as one of Africa's key growth centers and is also poised to become one of the fastest growing economies in East Africa.

#### *Kenya-WIPO Relationship*

7. Kenya is a founding, and active, member of the World Intellectual Property Organization (WIPO). Kenya is party to the main international treaties/agreements on IP administered by WIPO.

#### *Kenya's IP System*

8. Kenya recognizes the Intellectual Property (IP) system as an important tool for trade, incentive for investment and thus a catalyst for national growth in this world's liberalized economy. Consequently, as a commitment to regional and international co-operation, Kenya is actively involved in formulation and implementation of regional/international policy on IP system, and is party to the main regional/international treaties/agreements on IP. Nationally, Kenya has factored IP into its Constitution and other developmental frameworks under Vision 2030.

9. Kenya has conformed to the requirements of the TRIPS Agreement and has IP legislation providing for protection of virtually all main types of IPRs: patents, utility models, industrial designs, innovations, and trademarks (including service marks and geographical indications), copyright and related rights, and plant breeders' rights. Development of the National IP Policy and National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, 2009 is being finalized.



*Kenya's Membership to International IP Treaties/Arrangements*

10. As a commitment to regional / international co-operation, Kenya is actively involved in formulation and implementation of regional/international policy on IP. Kenya is party to the main international treaties/agreements on IP including the following.

1. Paris Convention for the Protection of Industrial Property (1883);
2. Nairobi Treaty on the Protection of the Olympic Symbol (1981);
3. Madrid Agreement Concerning the International Registration of Marks (1891) since 26<sup>th</sup> June 1998;
4. Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989) since 26th June 1998;
5. Patent Co-operation Treaty (PCT) of 1970 since 1994;
6. Lusaka Agreement establishing ARIPO of 1976;
7. Harare Protocol for the Protection of Patents and Industrial Designs of 1982
8. WIPO Treaty Establishing WIPO of 1970;
9. International Union for the protection of New Plant Varieties (UPOV); and
10. Agreement on Trade-Related aspects of Intellectual Property Rights (TRIPS Agreement) of 1995.

*Kenya's Membership to Regional IP Treaties/Arrangements*

11. As a commitment to regional co-operation, Kenya is actively involved in formulation and implementation of regional policy on IP. Kenya is party to the main regional treaties/agreements on, or impacting on, IP including the following:

1. Lusaka Agreement establishing ARIPO of 1976;
2. Harare Protocol for the Protection of Patents and Industrial Designs of 1982;
3. Treaty for the Establishment of the East African Community, 2007 (EAC Treaty);
4. Treaty for the Establishment of the East African Community Common Market, 2010 (EAC Common Market Protocol)
5. Treaty for the Establishment of the Common Market for Eastern and Southern African (COMESA Treaty).
6. African Union Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources, 2000 (AU Model Legislation).

*Kenya's Signatory to Regional/International IP Treaties/Arrangements*

12. Kenya is signatory to the various regional/international treaties/agreements on, or impacting on, IP including the following:

1. Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore, 2010 (Swakopmund Protocol);
2. Singapore Treaty on the Law of Trademarks, 2006; and
3. Copyright Law Treaty.

*Kenya's Constitution vis-a-vis IP*

13. The Constitution obligates the State to support, promote and protect the IPRs of the people of Kenya. It includes IP in its definition of "property" and apportions IPRs as the role of National Government.



14. It further clarifies that the State shall (a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage; (b) recognise the role of science and indigenous technologies in the development of the nation; and (c) promote the intellectual property rights of the people of Kenya (c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities.

15. The Constitution obligates Parliament to enact legislation to (a) ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage; and (b) recognise and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.

#### *Kenya's IP Policy Frameworks*

16. Two national policies are being developed:

(a) National Intellectual Property Policy and Strategy (NIPPS) that aims to strengthen the management and administration of its intellectual property system and to encourage innovation and creativity in Kenya. NIPPS is informed by vision 2030, Kenya's long term development plan, the new constitution and existing national development policies including the STI policy, trade policy, industrialization policy, agricultural sector development strategy, energy policy, seed policy and herbal products industry policy, among others.

17. In line with its objectives, NIPPS covers:

- (1) Promotion of creativity and innovation for the creation of intellectual capital for sustainable development;
- (2) Strengthening of the legal framework for protection of IPRs;
- (3) Strengthening of the institutional framework for administration and management of IPRs;
- (4) Promotion and facilitation of commercial exploitation of IPRs and technology transfer;
- (5) Strengthening of the legal and institutional frameworks for enforcement of IPRs;
- (6) Development of adequate human resource capacity (technical and legal) for the administration, protection, commercialization and enforcement of IPRs;
- (7) Creation of public awareness on IP issues for the general public and identifiable groups;
- (8) Development and promotion of I P Services industry; and
- (9) Promotion of research on IP related issues.

18. NIPPS is presented in two parts: National IP Policy and National IP Strategy. The national IP policy will be implemented in tranches of five years strategic plans. The National IP Strategy (2013-2018), will be the first tranche and will address a total of 37 strategic issues which were identified during the IP audit. For this, 42 programs and projects have been formulated.

19. NIPPS is at the 6th draft stage awaiting final validation workshop and its subsequent adoption.

(b) National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, 2009 whose goal is to enhance the recognition, preservation, protection, and promotion of sustainable use of Traditional Knowledge (TK), Genetic Resources (GR) and Traditional Cultural Expressions (TCEs) in Kenya. Its objectives include preservation, protection and development of traditional knowledge, genetic resources and traditional cultural expressions for multiple applications and use; documentation, use and dissemination of the same; acknowledgement, protection and benefiting of the sources and/or custodians equitable sharing of accrued benefits. It is guided by sound principles including respect; full disclosure; Prior Informed Consent; Equitable Benefit Sharing; access; and sustainable use. The respective bill is being developed.

20. This Policy and anticipated legislation therefore will enhance mainstreaming of TK, GR and TCEs into national development planning and decision making processes at all levels with a view of ensuring that Kenya's rich cultural heritage, which is imbedded in TK, GR and TCEs, contributes to Kenya's development goals.

21. The Policy is at its final draft awaiting final adoption.

#### *Kenya's IP Institutional Arrangement*

22. As regards administration of IPRs:

(i) Industrial Property Rights is the mandate of the Kenya Industrial Property Institute (KIPI) currently under the Ministry of Industrialization and Enterprise Development (MoiED), established by the Industrial Property Act, 2001. The Act also mandates KIPI to promote innovative and inventive activities, to disseminate industrial property information to the public, to screen technology transfer agreements and licenses and to offer training in industrial property rights;

(ii) Copyright and Related Rights are administered by the Kenya Copyright Board (KECOBO) currently under the State Law Office, established by the Copyright Act, 2001. The Act also mandates KECOBO to direct, co-ordinate and oversee the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights recognised by the Act and ensure the observance thereof; license and supervise the activities of collective management societies as provided for under the Act; devise promotion, introduction and training programs on copyright and related rights, to which end it may co-ordinate its work with national or international organisations concerned with the same subject matter; organise the legislation on copyright and related rights and propose other arrangements that will ensure its constant improvement and continuing effectiveness; enlighten and inform the public on matters relating to copyright and related rights; maintain an effective data bank on authors and their works; and deal with ancillary matters connected with its functions under this Act; and

(iii) Plant Breeders Rights are administered by the Kenya Plant Health Inspectorate Service (KEPHIS) currently under the Ministry of Agriculture, established by the Seeds and Plant Varieties Act, Cap 326 of the Laws of Kenya.

23. Enforcement of IPRs is coordinated, or done, by the following statutory institutions:

(i) The Anti-counterfeit Agency (ACA), established by the Anticounterfeit Act, 2008. The Act mandates ACA to enlighten and inform the public on matters relating to counterfeiting; combat counterfeiting, trade and other dealings in counterfeit goods in Kenya in accordance with this Act; devise and promote training programmes on combating counterfeiting; co-ordinate with national, regional or international organizations involved in combating counterfeiting; carry out any other functions prescribed for it under any of the provisions of this Act or under any other written law; perform any other duty that may directly or indirectly contribute to the attainment of the foregoing; and

(ii) The Kenya Copyright Board (KECOBO).

24. Other institutions mandated by law to undertake, in the course of performance of their main statutory functions, IP enforcement and dispute resolution activities include Industrial Property Tribunal (IPT), established by the Industrial Property Act, 2001; Kenya Bureau of Standards; Weights and Measures; and Kenya Revenue Authority.

25. These institutions have developed, in line with National Vision 2030, respective strategic plans to guide, monitor and evaluate achievements in order to realise their respective statutory mandates.

26. Currently, KIPI, KECOBO and ACA are being merged into one IP Institution to enhance easy support, promotion and protection of IPRs.

#### *Kenya's IP Legislation*

27. Aspects of intellectual property rights are protected in Kenya under various pieces of legislation, the main ones being the following:

The Industrial Property Act, 2001 covers Industrial Property Rights, that is patents, utility models, industrial designs and technovations;

The Trade Marks Act, Chapter 506 of the Laws of Kenya, covers trademarks, service marks, collective marks, certification marks and geographical indications;

The Copyright Act, 2001 covers copyright and related rights comprising literary (books, poems, etc.) and artistic (paintings, music, etc.) works as well as audio-visual works, sound recordings and broadcasts;

The Seeds and Plant Varieties Act, Cap 326 of the Laws of Kenya covers plant breeders rights, which comprise of new plant; and

The Anti-Counterfeit Act, 2008 provides for coordinated-enforcement of IPRs.

28. In addition, pieces of legislation, establishing the other institutions mandated by law to undertake IP enforcement activities including Kenya Bureau of Standards, Weights and Measures, and Kenya Revenue Authority, also apply. Kenya has drafted a “Bill” aimed at improving the protection system for geographical indications, other than that provided for under the Trade Marks Act.

#### *Utilization of IP System by Kenyans: Institutional IP Policies*

29. Given the elaborate IP System in Kenya, Kenyan institutions (especially those involved in R&D including the academia) are internalizing its utilization for institutional and national development through development on institutional IP policies. Although most public research and development institutions and universities have developed their institutional IP policies, still much has to be done to facilitate their implementation and proper use. There is need to develop capacity in those institutions that have developed IP policies to facilitate implementation, and assist those that have not yet, to develop and facilitate implementation of the same.

#### *Utilization of IP System by Kenyans: Public Awareness in IP*

30. Despite the elaborate IP System in Kenya, its utilization for national development by Kenyans, although improving with time, is relatively low. For example the number of applications and grants, especially from the Kenyan innovators, is significantly low compared to countries like South Korea, Singapore and Malaysia with which Kenya benchmarks on economic development. The level of commercial exploitation of intellectual property rights is also relatively low. This situation has been attributed to, in part, low level of public awareness that has been identified as the main challenge facing the promotion of IP generation, protection, commercialization and enforcement as well as technology transfer. Although various IP institution have outreach programs and have made efforts to create public awareness, more need to be done in disseminating the information through various systems including print and electronic media.

### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

#### **PURPOSE(S)<sup>2</sup>:**

*[See section on “Proposed scope of activities”].*

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

#### **Facilitation of Functions of the WIPO External Office.**

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: “The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO’s approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ”.

31. Given Kenya's elaborate IP system (policy, legal and institutional frameworks) as indicated above, hosting of the WIPO External Office by Kenya will facilitate optimal performance of the functions of the WIPO External Office, especially:

- (a) Collaboration of WIPO External Office with National IP Offices to Support and Advance WIPO's Program Delivery;
- (b) Enhancement of Innovation and Creativity;
- (c) Promotion and Support for WIPO's Global Intellectual Property System;
- (d) Delivery of Technical Assistance and Capacity Building Activities;
- (e) Raising Awareness, Understanding and Respect for Intellectual Property;
- (f) Assistance for Using IP as a Tool for Promoting Development and Transfer of Technology;
- (g) Provision of Policy and Technical Support to National IP Offices to Increase use of IP

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

##### Benefits to the Region from Kenya's hosting the WIPO External Office.

32. In line with the core principles governing establishment, and the functions, of the WIPO External Offices, several benefits will accrue to region, to enhance its IP system and facilitate its effective and efficient utilization by the society, inter alia:

- (i) Technical Assistance and Capacity Building (enhancement of policy, legal, and institutional frameworks including human resource training and development);
- (ii) Creation of Public Awareness in IP (facilitating its full utilization and respect of the IP system);
- (iii) Enhancement/Development of National and Institutional IP policies (promoting IP-based development and facilitating IP management and technology transfer) ; and
- (iv) Creation of direct and indirect jobs.

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

33. Kenya will avail for the WIPO External Office the necessary office space in any of the following locations:

- (a) The UN diplomatic enclave in Giriri, Nairobi.
- (b) Within the Nairobi Central Business District.
- (c) In the industrial area.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Mexico**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

*[The proposal suggests that] establishing a WIPO external office in Mexico would meet the need for a regional office in Latin America and the Caribbean.*

*[It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. Mexico has the advantage of being located in North America, sharing a border with the United States, Guatemala and Belize. This makes for easy access to countries in Central and South America and the Caribbean. Large Mexican cities have adequate connections with the region. Additionally, Mexico has coasts in the Pacific and the Atlantic oceans, which has fostered a closer relationship with Caribbean and Asia-Pacific countries.
2. The Mexico external office would have the geographical proximity to provide advice to national offices in the region, making WIPO's work more efficient and avoiding duplication.
3. Mexico has a population of about 119.5 million people (2015 inter-census survey, INEGI), which is a considerable target population for the activities of a WIPO external office.
4. Mexico offers an international environment with 115 accredited foreign missions from around the world, 21 of them from Latin America and the Caribbean, as well as the presence of 44 international and regional organizations. In addition, the external office would benefit from the presence in Mexico of the Intellectual Property Attaché of the United States Patent and Trademark Office (USPTO), who serves as representative for the Central American and Caribbean region. It is considered that this favorable environment would increase WIPO's interaction and visibility through the external office.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization's program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

Contribution of Mexican institutions to facilitating the work of the Mexico external office

5. Having regard to sub-paragraph 7(i) of the guiding principles, the WIPO external office in Mexico would cooperate fully with the Mexican Industrial Property Institute (IMPI) and the National Copyright Institute (INDAUTOR) and benefit from the experience gained in its relationship with other countries through agreements and memoranda of understanding (MOUs).

6. IMPI has garnered 22 years of experience since it was created as an agency of the Ministry of Economy and has helped to foster the development of other IP offices of the region. This has given it first-hand knowledge of other countries' systems and enabled it to identify their needs, propose corrective action and strengthen their offering at the national, sub-regional and regional levels. Through IMPI, Mexico has carried the following activities in the region, which the Mexico external office could perform:

- Support System for the Management of Patent Applications for the Central American countries and the Dominican Republic (CADOPAT). Since 2006, IMPI has supported 13 IP offices in Latin America, the Caribbean and other regions through the CADOPAT system, a mechanism for sharing patent examination results. To date, it has managed more than 1,700 applications submitted by beneficiary offices. The greatest support has been given to El Salvador, Costa Rica, Colombia, Belize and the Dominican Republic.
- Organization of regional internships, seminars and meetings to share experience and best practices seeking to strengthen the institutional framework of the region's national IP offices (IPOs). IMPI participated in the organization of various training programs in Mexico from 2013 to 2015, covering topics such as trademarks, patents and enforcement of IP rights. Forty-four IMPI officials have participated in such programs as presenters. Officials from other countries in the region that benefited from these activities were primarily from Colombia, Peru, Costa Rica, Cuba, Guatemala and Chile [*refer to graph "Officials trained in Mexico" in the proposal*].
- IMPI Expert Missions. From 2013 to 2015, 17 IMPI officials, recognized by WIPO as experts on certain IP issues, participated in cooperation activities that involved travel to other national IPOs in the region, to provide training and share experience. Thirteen of these activities were conducted with countries in Latin America and the Caribbean (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Peru, the Dominican Republic and Uruguay).
- Exchange of information and advice. This has benefitted officials from the national IPOs to provide training and training multipliers, mainly in patent search and examination, on the PCT system and international trademark classifications. Mexico is in constant communication with the national IPOs of Latin America and the Caribbean to share its experience in different areas of IP, including the design of public IP policy.
- Support for the Spanish translation of the International Classification of Goods and Services for the Registration of Marks (Nice Classification) and the International Classification of Figurative Elements of Marks (Vienna Classification). This translation is very useful in processing trademark applications as it significantly accelerates processing. It is shared with Spanish-speaking offices in the region.
- IMPI has signed 43 MOUs relating to IP cooperation, of which 15 have been signed with national offices of Latin America and the Caribbean (Argentina, Belize, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Panama, Paraguay, Peru, the Dominican Republic and Uruguay).
- IMPI also has experience on copyright infringements in trade, which could be exploited by WIPO through the external office for sharing with interested countries.

7. Since 1996, the National Copyright Institute (INDAUTOR) is the administrative authority responsible for protecting and promoting copyright; promoting creativity; managing and monitoring the public copyright register; acting as custodian of Mexico's cultural heritage and promoting international cooperation and exchange with institutions responsible for the registration and protection of copyright and related rights.

8. INDAUTOR's responsibilities include the registration of works, transfer contracts and licenses; authorizations to collecting societies; reservation of rights for the exclusive use of magazines or periodicals, names of individuals or groups engaged in artistic activities and characteristic human figures, both fictional and symbolic, and obtaining an International Standard Book Number (ISBN) and International Standard Serial Number (ISSN) for periodicals.

9. In 2015, the Institute recorded 48,606 works, 4,316 contracts, 8,379 reservations, 3,325 legal advisories on copyright, 29,891 ISBN and 1,985 mediation hearings for dispute resolution. It also participated in 187 national and international fora, including courses, workshops and conferences to train, disseminate and promote copyright and related rights.

10. INDAUTOR has designed, developed and implemented information systems to streamline management procedures and services, including the following:

- The CitAutor system, which gives high-volume users personalized attention, setting the date, time and number of procedures beforehand, without affecting other users.
- A system by which users check their online transactions, focusing on transparency in service. In 2015, about 6,000 checks were recorded.
- A databank of legal consultations to facilitate the immediate release of information regarding administrative enforcement of the Federal Copyright Law and its Regulations. In 2015, INDAUTOR had more than 2,000 consultations.
- The "Computer Kiosk" program, which allows requests to be completed and printed before being submitted to the corresponding desk, attended to more than 2,600 users in 2015.

11. INDAUTOR seeks to promote a culture of respect for copyright and afford legal certainty to the legitimate owners of those rights. To that end, it undertakes the following activities:

- It incorporates a chapter on "Civics and Ethics" to foster respect for copyright in free textbooks from the Ministry of Public Education (print run of almost 3 million copies).
- It prepares and disseminates brochures in Braille for visually impaired people, in order to make the information services and procedures of INDAUTOR accessible.
- It publishes brochures on the copyright and the registration of works in indigenous languages.
- It organizes "Manitas a Obra", a national children's drawing contest which allows children to express their ideas and protect their works.
- It implements the "Guía Autorín" program for minors on the essential concepts of copyright law and the requirements for the registration of works.
- It distributes the educational table game "*Mi Primer Obra, mi Primer Registro*" to encourage registration of works created by children. It was replicated by the Dominican Republic, Guatemala and Panama.
- It organizes a competition for the best thesis on copyright.

12. INDAUTOR has participated in the exhibition at WIPO headquarters during the meeting of the Advisory Committee on Enforcement and shared its experience with WIPO Member States.

13. The Government of Mexico will make available to WIPO the experience of IMPI and INDAUTOR in outreach comprising the organization of conferences, roundtables and debates on various IP issues to support the work of the Mexico external office.

### Other Institutions

14. There is a very active IP community in Mexico that includes, among others, the Mexican Association of Intellectual Property; the National Association of Business Lawyers, A.C. (IP Committee); the International Chamber of Commerce (IP Committee) and the Mexican Bar Association, A.C. (Copyright Committee and International IP Affairs Committee).

15. In academia, various prestigious international universities have curricula on IP. They include the National Autonomous University of Mexico, the National Polytechnic Institute, the Autonomous Technological Institute of Mexico, the Pan American University, Anahuac University and the La Salle University.

16. The presence of associations and academic institutions would ensure the availability of IP professionals who could be involved in training activities organized by the external office. Also, the presence of such institutions would guarantee participation in events to promote or strengthen capacities in intellectual property with a view to promoting development (Program 20).

17. Similarly, the country has several centers focused on technological development, such as the National Center for Genetic Resources of the National Institute of Forestry, Agriculture and Livestock (INIFAP), which is the second institution in Latin America and the Caribbean recognized as International Depository Authority (IDA) for the Collection of Microorganisms and whose experience could be exploited by the external office.

18. The research centers in Mexico would facilitate the efforts of the WIPO external office to conduct *in situ* exercises that allow linkages between the scientific and academic sectors, as well as outreach, training and encouragement of innovation and creativity.

### Mexico and WIPO

19. Mexico has been a member of WIPO since 1975. It has participated in various WIPO committees. Mexican officials have chaired various WIPO bodies, including the Assemblies of the Berne, Paris and Madrid Unions, the WIPO Performances and Phonograms Treaty and the WIPO Conference. They have also served as vice-presidents in the Committee of Experts of the Nice Union, the Diplomatic Conference on the Lisbon System and the Standing Committee on the Law of Patents.

20. Under the Federal Copyright Law of 1996, Mexico has legal frameworks in line with the international agreements to which it is party; such frameworks could be shared with the countries of the region through the Mexico external office.

21. Mexico's international activities relating to IP are very dynamic. Mexico is party to 20 of the 25 treaties and agreements administered by WIPO, reflecting its commitment and experience in IP and copyright:

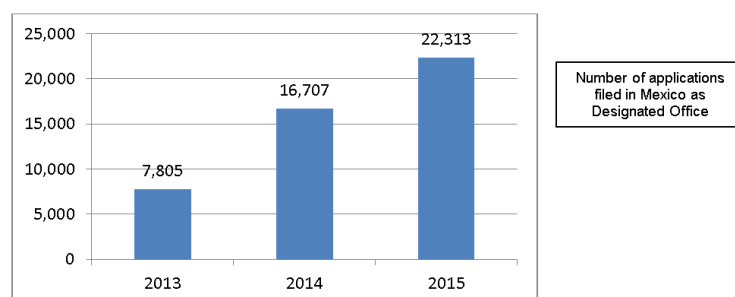
| TREATY                          | SUBJECT  | DATE               |
|---------------------------------|--|--------------------|
| Paris Convention                | Protection of industrial property  | September 7, 1903  |
| Rome Convention                 | Protection of performers, producers of phonograms and broadcasting organizations | May 18, 1964       |
| Lisbon Agreement                | Protection of appellations of origin and their international registration        | September 25, 1966 |
| Berne Convention                | Protection of literary and artistic works  | June 11, 1967      |
| Phonograms Convention (WPPT)    | Protection of phonograms   | December 21, 1973  |
| WIPO Convention                 | Membership in the Organization   | June 14, 1975      |
| Brussels Convention             | Distribution of program-carrying signals transmitted by satellite                | August 25, 1979    |
| Nairobi Treaty                  | Protection of the Olympic symbol   | May 16, 1985       |
| Patent Cooperation Treaty (PCT) | Patent processing cooperation  | January 1, 1995    |
| UPOV Convention                 | Protection of plant varieties  | August 9, 1997     |



| TREATY   | SUBJECT  | DATE  |
|--|--|---|
| Vienna Agreement                               | International classification of the figurative elements of marks   | January 26, 2001  |
| Locarno Agreement                              | International classification of industrial designs   | January 26, 2001  |
| Nice Agreement                                 | Classification of marks  | March 21, 2001  |
| Budapest Treaty                                | International recognition of the procedures for the deposit of microorganisms                                  | March 21, 2001  |
| Strasbourg Agreement                           | International patent classification  | October 26, 2001  |
| Copyright Treaty (WCT)                         | Protection of copyright  | March 6, 2002   |
| Performances and Phonograms Treaty (WPPT)      | Performance and phonograms   | May 20, 2002  |
| Beijing Treaty on Audiovisual Performances     | Audiovisual performances   | June 26, 2012 (signed only); ratification process ongoing |
| Protocol Relating to the Madrid Agreement      | International registration of marks  | February 19, 2013   |
| Marrakesh Treaty for visually impaired persons | Obligatory limitations and exceptions for persons who are blind, visually impaired or otherwise print disabled | July 29, 2005 (ratified but not yet in force)             |

22. Mexico acts as receiving office of the Patent Cooperation Treaty (PCT) and designated office of origin for the Madrid System, which has given it extensive experience in the operations of these systems.

23. Mexico is a recent signatory to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol). Since that instrument entered into force in Mexico on February 19, 2013, there have been a total of 46,825 requests. Mexico went from the 16<sup>th</sup> largest overall user of the Madrid Protocol in 2013 to the 10<sup>th</sup> in 2015.



24. Mexico has offered its support to WIPO to promote the accession of more countries in Latin America and the Caribbean to the Madrid system. The presence of the external office in Mexico would allow the Organization to replicate the success that the Madrid Protocol has had in [Mexico].

25. It can be seen that Mexico's experience in relation to international IP treaties would allow it to cooperate with the external office to:

- (i) promote the accession of new countries to WIPO-administered treaties to national IPOs in Latin America and the Caribbean; and
- (ii) facilitate the implementation of such treaties and their administration.

26. Additionally, through IMPI, Mexico maintains close cooperation with some of the most important national IPOs at the international level: the European Patent Office; USPTO; the Japan Patent Office; the State Intellectual Property Office of China; and the Korean Intellectual Property Office, which could be useful for a WIPO external office.

## PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

### **PURPOSE(S)<sup>2</sup>:**

27. Mexico expresses its interest to host an external office which contributes to the work of WIPO, addresses the needs and priorities of the countries of the region and supports WIPO's efforts to promote and protect IP rights. The office would fulfill the following purposes:

- (1) support the work of WIPO in Latin America and the Caribbean;
- (2) improve coordination between WIPO and the countries of the region;
- (3) promote cooperation between WIPO and national offices responsible for IP and copyright;
- (4) keep abreast of IP assistance needs in the region;
- (5) implement projects timely and efficiently to promote understanding, respect and strengthening of IP; and,
- (6) promote technical assistance and the sharing of knowledge and best practices in the region.

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

28. From Mexico, the WIPO external office could achieve the following:

- Generally and without limitation, it could focus its work on achieving compliance with the Strategic Goals: Goal I (balanced evolution of the international normative framework for IP); Goal II (provision of premier global IP services; Goal III (facilitating the use of IP for development, taking into account the objectives of each country); and Goal VI (international cooperation on building respect for IP) and the relevant indicators in Programs 3 "Copyright and Related Rights"; 9 "Africa, Arab, Latin America and the Caribbean, Asia and the Pacific, Least Developed Countries" and 20 "External Relations, Partnerships and External Offices" of the Program and Budget.
- Attend to users of global IP services provided by the Madrid, PCT, Hague and Lisbon systems and strengthen cooperation activities for the development of the region in accordance with Strategic Goal II.
- Provide legal advice on the different forms of IP protection, such as trademarks, patents and industrial designs.
- Assist with the development of national strategies and plans for innovation and IP and contribute to building the capacity of national IP institutions in coordination with WIPO Headquarters, with due regard for Program 20 of the Program and Budget.
- Support the WIPO Arbitration and Mediation Center in spreading services for settling international commercial disputes through arbitration and mediation.
- Organize training for government officials responsible for developing public policies on IP and for IP rights management and protection professionals.
- Encourage the use of IP as a tool for promoting development and technology transfer.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

- Enable WIPO to see first-hand the needs of IP users in the region, facilitating the development of ad hoc mechanisms to contribute to the growth of the region.
- It would make for easier identification of the areas and the type of support required by Latin America and Caribbean countries as regards the legal framework and functioning of national IP offices. This would impact WIPO's work in the area of advice for drafting laws on patents, trademarks, industrial designs and geographical indications and IP enforcement.

#### VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:

29. The external office in Mexico could offer the following benefits:

- It could enhance cooperation mechanisms and programs according to the needs of the countries of the region.
- It could promote the use and development of the PCT, Madrid, The Hague and Lisbon systems.
- It would endeavor to increase awareness, understanding and respect for intellectual property. To this end, it would conduct outreach activities that meet the needs of each country in the region, taking into account previous experience and best practices. Starting from Mexico, there would be an improvement in the impact of outreach programs promoted by WIPO, for example, through activities to mark World Intellectual Property Day every April 26.
- It would contribute to stimulating creativity through the various awards that WIPO gives to inventors, creators, entrepreneurs and children and would have a positive effect on IP and copyright, thereby advancing WIPO's work.
- It would help to support the WIPO Academy, encouraging cooperation with academic IP institutions in the region and the organization of training courses. Such courses include the WIPO Summer School in Mexico, which every year welcomes some 35 students from different countries. In this way, WIPO's academic programs could be strengthened and the number of benefitting students would increase with courses in Spanish and English.
- It would buttress the dispute settlement mechanism for users of the IP system, through WIPO's Arbitration and Mediation Center.
- It would be operating in a time zone complementary to that of WIPO headquarters, given the day-to-day work that requires cooperation with WIPO and the services provided under the treaties it administers. Thus, WIPO's various procedures, programs and activities would be streamlined, leading to an increase in the number of users of the international IP system in Latin America and the Caribbean.

30. The Mexico external office could help creators and innovators gain a better knowledge and understanding of trademarks, patents and industrial designs systems, enhancing the services offered by WIPO and increasing the number of users who already perform creative and innovative activities in Latin America and the Caribbean.

31. Establishing a WIPO external office in Mexico would achieve the following:

- meet the need for a regional office in Latin American and the Caribbean;
- complement the work of the network of existing external offices;
- provide WIPO with first-hand knowledge of the needs of the region's IP users;
- facilitate the implementation of activities and projects initiated at WIPO headquarters, in line with strategic and program priorities;
- stimulate capacity-building on copyright issues

- serve as a platform to facilitate increased dissemination of treaties and global IP services such as the PCT, Madrid and Hague systems and thereby increase revenue;
- address the need for maximizing innovation and creativity in the region and the contribution of IP in a number of countries that require a stronger presence of WIPO and its programs;
- facilitate greater involvement of IP authorities in WIPO's work;
- take into account the financial sustainability criteria referred to in the guiding principles;
- significantly reduce costs arising from transatlantic travel and increase the presence of WIPO in the field;
- benefits may be derived from the experience of IMPI and INDAUTOR;
- the support of other actors, including universities, collective management organizations and journalists to improve knowledge of IP for development.

32. In sum, a WIPO external office in Mexico would meet the requirements set out in Program 20: (1) add value, efficiency and effectiveness to program delivery in a coordinated and complementary to the work at headquarters; (2) different functions in response to local priorities and specificities; (3) cost-effectiveness; and (4) being an integral part of WIPO's results-based management and regulatory framework, all with a view to improving the productivity and efficiency of the network of external offices.

33. Also, the work of the WIPO external office in Mexico could entail best practices and lessons learned that can be shared with headquarters and other offices within the network.

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup>** (such as for example office space, coverage of utility costs and/or cost of security, etc):

#### Financial and fiscal sustainability

34. In line with the guiding principles on WIPO external offices, Mexico's proposal is guided by the need to rationalize resources in establishing external offices and ensuring their financial and fiscal sustainability. Hence, the establishment of a WIPO external office in Mexico would not involve expenses on the part of the Organization in terms of infrastructure, facilities and equipment. This is because Mexico will provide WIPO with the following:

- (1) A physical space of about 96 square meters in the IMPI headquarters building for 2 offices, 1 meeting room and 4 cubicles, in an appropriate and easily accessible area. The cost of renting this space, which Mexico would cover, amounts to 50,000 Swiss francs per year.
- (2) Office furniture and computer equipment for use by staff of the external office.
- (3) Private telephone line.
- (4) Basic stationery items for the work of the office.

35. The following shared services would be provided:

- (1) satellite and digital connection;
- (2) videoconferencing room and equipment;
- (3) multipurpose auditorium;
- (4) security services
- (5) parking spaces for vehicles of external office staff and visitors;

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

- (6) administrative services;
- (7) maintenance and cleaning services; and
- (8) technical support.

36. The WIPO office staff would enjoy the same privileges and immunities as international civil servants, in accordance with the laws and regulations in Mexico.

37. Additionally, through Mexico's Funds-in-Trust at WIPO (FIT-MX) there can be joint funding of cooperation activities and technical assistance offered by WIPO in Latin America and the Caribbean. Thus, Mexico's efforts as a supplier and recipient of cooperation could multiply WIPO cooperation in the region through the external office.

38. A WIPO external office in Mexico would allow its officials quicker and better travel to different countries in the region, with consequent savings on travel and daily subsistence allowances compared to travel by officials resident in Geneva who have to participate in seminars, conferences and activities to promote IP.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Morocco**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

*[n/a The proposal states, as an objective,] to develop an IP culture, with a view to enhancing the efficiency and performance of such programs nationally and regionally.*

*[It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

National Industrial and Commercial Property System

Legal framework

1. The legal and regulatory framework of intellectual property in Morocco is the result of developments over the last 100 years (1916-2016), as influenced by constant changes in the protection of industrial property rights worldwide. In addition to its national legislation, Morocco, which is a WIPO Member State, is also a signatory to several conventions and agreements on, *inter alia*, international instruments for the protection of industrial property rights.

*National strategy for the development of industrial and commercial property (PIC):*

2. The PIC 2016-2020 strategy is designed to harness industrial and commercial property to Morocco’s development and emergence in keeping with the goals outlined in national sectoral strategies. This strategy is based on a legal system that guarantees maximum legal security while aligning itself to the highest international standards. It also seeks to implement new mechanisms for the utilization and protection of rights. Furthermore, it seeks to strengthen the role played by WIPO through local activities that promote all the components of Morocco’s economic fabric and the provision of diversified and adapted services.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

*Registration activities and indicators:*

3. Registration activities have been on the increase especially for trademarks (11,000 new trademarks per year) and industrial designs (1,400 applications per year). Although the number of applications for patents has stabilized at 1,000 over the last five years, it should be noted that there has been a revolution in the quality of applications filed in Morocco.

4. This performance is also reflected at the international level by the positive trend in Morocco's indicators, as reflected in the indicators published by WIPO in December 2015: Morocco is 67<sup>th</sup> for national patents and first in Africa for resident patent applications per unit of GDP, 46<sup>th</sup> for national trademarks and 9<sup>th</sup> in the category of countries with equivalent income, 22<sup>nd</sup> for industrial designs and 7<sup>th</sup> in the world for design filings per unit of GDP.

*National and international cooperation:*

5. OMPIC has developed a network of stable and solid partnerships with the national institutions and agencies dealing with industrial and commercial property issues. The objective of these partnerships is to consolidate local activities that promote various components of Morocco's economic fabric.

6. Furthermore, through its strategy of openness, OMPIC is implementing a broad-based program of international cooperation with regional organizations and the national offices of different countries: WIPO, the European Patent Office, the Office for Harmonization in the Internal Market (OHIM), France, Spain, Turkey, Saudi Arabia, Mexico, China, Agadir Agreement countries (Egypt, Morocco, Tunisia and Jordan), etc.

7. At the regional level, the South-South cooperation in industrial property is marked by activities implemented with the African Intellectual Property Organization (OAPI), which essentially involving experience-sharing programs and joint participation in activities on training and promotion of industrial property in Africa.

Example of projects

*Network of Technology and Innovation Support Centers (TISC)*

8. This network currently has 43 agencies operating in R&D and innovation, with 58 focal points throughout Morocco. Its mission is the technological development of enterprises and the operationalization of research results.

*"ArabPat" platform*

9. This is a platform for the publication and sharing of patent documentation by the patent offices of Arab countries, initiated as part of cooperation among Agadir Agreement Member States (Egypt, Jordan, Morocco and Tunisia) and supported by the EPO, WIPO and OMPIC.

*"Namadij" Project*

This is a pilot project initiated by WIPO on industrial designs to encourage small and medium-sized enterprises that create designs to make strategic use of the IP system.

National System of Copyright and Related Rights

Legal framework

10. The BMDA, a collective management organization created by Decree No. 2.64.406 of 8 March 1965 and placed under the supervisory authority of the Ministry of Communication, "is the sole authority responsible for collecting and distributing copyright in all its existing and future forms". Thus, it:

- protects and manages copyrights and related rights as defined in Law No. 2-00 on copyright and related rights;
- ensures the collective management of copyright and related rights;

- initiates legal action to defend the moral and property interests of creators;
- establishes violations of the law by sworn officers of the BMDA;
- seizes phonograms, videograms and any other usable recording media, as well as any material used for unlawful reproduction;
- represents Morocco in international organizations dealing with artistic and literary property;
- ensures reciprocal representation of BMDA and similar foreign copyright bodies;
- coordinates with public authorities; and
- organizes advocacy and awareness campaigns to ensure a better understanding of intellectual property rights.

11. The law on copyright and neighboring rights was amended between July 1970 and May 2014. These developments attest to Morocco's interest in copyright and related rights in particular and IP in general. These reforms support the efforts of international bodies and agencies, especially those dealing with IP, particularly WIPO.

12. National strategy for development of copyright and related rights to improve rights perception:

- application of private copying provisions from March 2016;
- launch of a draft text to improve the status of the BMDA, composed of a board of directors in which rights holders are represented;
- progress on a draft decree to set up the inter-ministerial commission to combat counterfeiting and piracy;
- enhancement of rights collection throughout the country;
- national census of operators and users of BMDA services;
- strengthening of campaigns to combat piracy and counterfeiting;
- sector study for the development of the sector;
- contribution to strengthening of the relations of the BMDA with national institutional and professional partners;
- enhancement of the capacity of the human resources of the BMDA through training and further training; and
- implementation of an awareness program targeting authors and performers applying for BMDA membership ahead of the imminent application of the law on private copying.

### Cooperation

13. The BMDA has always enjoyed close relations with WIPO. In this regard, they have undertaken many joint activities, including the training of BMDA teams and the program launched in 2012 to implement the "Wipocos" computer platform. The BMDA also enjoys partnerships with other copyright organizations and societies in the world, including the International Confederation of Societies of Authors and Composers (CISAC), the Society of Authors, Composers and Publishers of Music (SACEM), the Civil Society of Multimedia Authors (SCAM), and the Society of Dramatic Authors and Composers (SACD). Partnerships projects with societies of authors in some African countries are being considered.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities"]*

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO



### Objectives of the WIPO external office in Morocco

14. The duties and actions of the WIPO external office in Morocco will focus on four main areas, namely:

#### *Contribution to the implementation of the WIPO strategy*

15. The objective is to ensure the execution of WIPO awareness programs, in tandem with the role of protecting and managing IP assets as a strategic development mechanism, as well as issues relating to IP rights violations. It also entails taking advantage of regional communication coverage to raise awareness of the role, activities and services of WIPO and initiate promotional action in conjunction with global IP systems (including the PCT, the Madrid System and the Hague System).

#### *Collaboration between the Government of Morocco and WIPO*

16. The goal is to adopt a collaborative approach that covers all aspects of IP rights protection, development and application, working with all stakeholders, national and regional institutions involved in IP issues and other specialized United Nations agencies and inter-governmental organizations active in Morocco. The second challenge is to support implementation of the national IP strategy. In this regard, a WIPO external office in Morocco will facilitate the sharing of data, experiences and best practices and the organization of joint activities to ensure the successful implementation of this strategy.

#### *Relay for WIPO actions in Africa*

17. The external office will serve as a WIPO relay office that supports both Morocco and the developing and least developed countries (LDCs) in Africa, through projects included in WIPO programs to build the capacities of national offices by providing technical support to enhance utilization of the IP system.

#### *Development of intellectual property skills*

18. This entails supplementing the training program developed by the Moroccan Academy of Industrial and Commercial Property (AMAPIC) to contribute to the development of human capital in various IP fields and promote the use of IP for technical and socio-economic development

### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Proposed scope of activities"]*

### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

#### Proposal from the Government of Morocco to host the WIPO External Office

19. The Moroccan Government is ready to support WIPO in facilitating the deployment and optimizing the operation of its external office in Morocco. In this regard, contributions could be provided in the following areas:

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[Footnote continued from previous page]

*have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ.*

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

*Provision of premises*

20. The Moroccan Government undertakes to provide to WIPO, free of charge and pursuant to a specific agreement, premises with all the elements and means needed for it to perform its duties under the best conditions. The premises will be as follows:

- Newly-constructed property with a surface area of approximately 350 m<sup>2</sup> and several rooms. The capital expenditure, maintenance and round-the-clock security expenses of the premises shall be borne by the Government of Morocco.
- These premises are situated near commercial centers and government institutions and services, adjoining the business districts. This will enable the external office to generate innovative and promising synergies at several levels with different partners.
- The site is equipped with modern IT infrastructure that meets the prerequisites for high connectivity (redundant Internet connections, computer rooms, telecommunications equipment) while ensuring a very high level of security and reliability that protect the system against cyber-attacks and intrusion (latest firewall technologies, anti-virus solutions). The WIPO External Office will also have access to the locally available training rooms and video-conference platforms.

*Privileges and immunities granted to the Office*

21. The immunities and privileges granted to WIPO external office staff will be similar to those accorded to staff of specialized United Nations agencies based in Morocco. The legal status of the WIPO external office in Morocco will be defined an agreement between the Government of Morocco and WIPO.

*Ease and freedom of communication*

22. Regarding official communication and the dissemination of all WIPO documents and publications, the WIPO external office may employ all appropriate means of communication, and has the right to use codes and to send and receive correspondence by courier or in sealed pouches that enjoy the same inviolability accorded to diplomatic couriers and pouches, in accordance with existing practices for United Nations representations in Morocco

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Nigeria**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

A WIPO External Office in Nigeria would also have the capacity to serve neighbouring African countries and beyond, if and when agreed.

*[It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. In recent years, Nigeria has pursued a diversification of its economy to encompass knowledge-based resources supported by innovation, culture and creativity. The exponential growth of the country's financial, communications, science and technology, services and entertainment sectors played a significant role in this new policy direction. Nigeria has one of the fastest growing telecommunications and creative markets in the world, including space-based communications monitoring - *NigComSat-1*, which was Nigeria's third satellite and Africa's first communication satellite.

2. Also, creative industries now constitute one of the fastest growing sectors of the global economy. Africa is well noted for its long and vast tradition of innovative and creative content. In that context, Nigeria has distinguished herself in the arts over the years, due to her immense diversity of people and culture. Nigeria is home to Nollywood, the largest film industry in Africa and the second largest in the world in terms of output. Nollywood produces about 180-200 low budget home videos monthly (approximately 2200-2400 movies per annum) which is viewed by over 300million people in Africa and around the world. Nollywood has an annual revenue stream of \$250–600million, with an annual investment rate of \$40–\$100million.

3. Nigerian music, film, literature and art resonates across Africa and around the world, facilitating a cumulative annual output of approximately \$2billion across film, music, Performing Arts, Fashion, Visual Arts, Advertising, TV and Broadcast, Arts and Antique, and Publishing – the total of which contributes 1.42% to the country's GDP. Nigeria's creative environment is also replete with literary giants whose works are renowned, such as late Professor Chinua Achebe, author and educationist, author of *Things Fall Apart* (1958) and *Arrow of God* (1964), with the former having sold over 8 million copies in

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization's program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

50 languages around the world and making him the most translated African writer; Professor Wole Soyinka, author, poet and playwright, whose works include *The Lion and the Jewel* (1959) and *Trials of Brother Jero* (1960), to mention a few. Prof. Soyinka was also the recipient of Africa's first Nobel Prize in Literature (1986).

4. In contemporary times, Nigeria's vibrant creative industry is driven by the youth. This dynamic, and the sector's exponential growth potential has incentivized continuous domestic and international investment in the creative industry, including the establishment of a Sony Music Entertainment Office in Nigeria on 25 February 2016, with a projection to expand its operational presence across Africa as part of a long-term strategy for key markets.

5. The rapid growth of the creative sector and challenges associated with harnessing its potentials profitably has engendered the growth of collective management of copyright in Nigeria. Nigeria presently has three approved Collective Management Organizations (CMOs). The three different CMOs represent authors and right holders in the music and sound recording industries; authors and right owners in the literary and publishing sector; and right holders in the vibrant audiovisual industry (including Nollywood) respectively. The establishment of these management structures promises to galvanize the industry into more positive engagement with user communities and increasing the prospects of revenue earnings to right owners and greater dissemination of works.

6. As part of the efforts to strengthen the promotion, protection and enforcement of IP rights, the Registry and NCC have carried out reform initiatives with the key objective of repositioning Nigeria's innovative and creative industries for greater growth; strengthening their capacity to compete more effectively in the global marketplace; as well as enable Nigeria to fully satisfy its obligations under the various International IP Instruments to which it has either signed, ratified or indicated interest to ratify.

7. In acceding to relevant international instruments, Nigeria has been guided by the thrust of its domestic and foreign policies within the framework of common development concerns. Nigeria has also had long standing cooperation and engagement with WIPO, including visits of three Director Generals of WIPO, Messrs. Arpad Bogsch, Kamil Idris and Francis Gurry. Nigeria was recipient of a WIPO Gold Medal in 1996, a recognition of the country's contribution to global IP issues and her domestic copyright policies and practices. Nigeria has also Chaired WIPO Committees and continually engaged in the organization's negotiations; participated in a number of WIPO Expert Missions aimed at strengthening the copyright regime in other developing countries, particularly in the African Sub-region; and hosted/collaborated with WIPO on important events at the national, regional and international level. A few of these include:

- (i) The African Regional Workshop on Reprography Jointly Organized by WIPO, IFRRO and Nigerian Government (Ibadan, 1995);
- (ii) WIPO Workshop on teaching of Intellectual Property in Africa (September 1999);
- (iii) Intellectual Property Workshop for Women Entrepreneurs in Africa (Abuja, August 2000);
- (iv) African Regional Consultative meeting on Protection of Broadcasting Organizations, and Audiovisual Performances (Abuja, October 2010).

8. Nigeria is a WIPO Member State and is party to the Berne Convention for the Protection of Literary and Artistic Works, Universal Copyright Convention (UNESCO), Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and the WTO TRIPS Agreement. Nigeria has signed all the WIPO administered Copyright Treaties (WIPO Copyright Treaty; WIPO Performances and Phonogram Treaty; Beijing Treaty on Audio-visual Performances; and the Marrakesh Treaty on Exceptions and Limitations for the Blind, Visually Impaired or otherwise Print Disabled Persons (Marrakesh Treaty)), a demonstration of intent, for which the NCC is currently engaged in the requisite processes for ratification and domestication of all the signed instruments in Nigeria.

9. In the Industrial Property field, Nigeria has an annual estimate of 35,000 Trademark registrations, 8000 (domestic and foreign) patent applications and 450 industrial design registrations. Nigeria's Industrial Property landscape has enormous potential for prolific growth if effectively harnessed and technically enabled. Current innovation drive in this field is principally focused on tertiary institutions and other knowledge resources that engage approximately 146 Universities, 125 Polytechnics, 120 Colleges of Education, over 300 Research and Development (R&D) establishments (including 38 Technology

Transfer Offices in tertiary Institutions and research Institutes across the Country), Small and Medium Enterprises (SMEs), science and innovation hubs/centers, ICT villages, the large broadcasting sector, and the political leadership.

10. The Registry and NOTAP have collaborated severally with WIPO and other Stakeholders to raise awareness, advance and strengthen performance in this sector. These include meetings, technical cooperation partnerships, capacity building initiatives, establishment of a Technology Innovation and Support Center in Abuja, and a new development plan with WIPO to address some identified issues such as assisting SMEs and R&D centers in the use and protection of IP, training for IP Examiners, opposition and enforcement officials, and the PCT and Madrid Union systems, to mention a few. The Registry is also currently pursuing large scale automation and digitization of its records and services, while for assured authenticity and to curb against counterfeiting and infringements, the Registry collaborates with the national currency minting press, Nigerian Security Printing and Minting Plc., to issue protected certificates.

11. In relation to other instruments specific to Industrial Property, Nigeria is party to the Paris Convention for the protection of Industrial property; the Nice Agreement concerning the International Classification of Goods and Services for the purposes of the Registration of Marks; the Patent Cooperation Treaty; the Patent Law Treaty; and the Trademark Law Treaty. Like the Copyright sector, Nigeria is also engaged in processes for the ratification of relevant industrial property instruments to which it is has signed or has expressed an interest to ratify.

### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

#### **PURPOSE(S)<sup>2</sup>:**

12. WIPO's External Office network has become integral to the delivery of the organization's services and objectives, serving both platforms of enhancing WIPO Services and promoting and disseminating IP as a valuable socio-economic tool, particularly Strategic Goal III– *Facilitating the Use of IP for Development*. The External Office would also add value to efforts towards evolution of the International Normative Framework for IP, enhance participation in the Global IP Services, facilitate international cooperation on Building Respect for IP, strengthen the interface between IP in relation to Global Policy Issues in the country, as well as facilitate in the implementation of relevant development agenda recommendations.

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

- (1) Collaboration with national IP Offices to support and advance delivery of WIPO's programs and national IP development objectives, including assistance with legal and regulatory frameworks;
- (2) Raising awareness, understanding and respect for IP;
- (3) Enhancement of innovation and creativity, including by promoting effective use of IP Services;
- (4) Undertaking specific development oriented activities to promote and build respect for IP;
- (5) Facilitate broad dissemination of IP knowledge;
- (6) Provision of capacity building and technical support to national IP Offices/Stakeholders to increase use of IP;
- (7) Promoting effective rights management;
- (8) Facilitate human and institutional capacity-building;

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: *"The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ"*.

- (9) Leveraging the close proximity to undertake targeted outreach and forge closer relationships with stakeholders;
- (10) Facilitate sustainable partnerships and connection of local content to global value chains; as well as promote/strengthen linkages between University/Research Institutes and Industries/private entrepreneurs;
- (11) Assist in harnessing the potential of culture and creativity for national/regional development;
- (12) Sharpen the visibility of creative works to consolidate on the already established international recognition of the creative industries as major indices of development;
- (13) Facilitate knowledge and understanding of IP protection in the digital Environment; and
- (14) Assist with data development.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

13. The establishment of a WIPO External Office in Nigeria will no doubt enhance the needed capacity to build knowledge-based economies through increased access and use of IP information. It would also draw transformative attention to IP issues and provide added impetus to the leaders' political will and commitment to mainstreaming IP into economic and development plans - with emphasis on culture, science, technology and innovation systems.

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

14. Nigeria is a thriving hub, partner and collaborator in international activities, with 119 diplomatic Missions abroad, 134 foreign diplomatic missions/trade posts in Nigeria, United Nations and Specialized Agencies outposts in Nigeria, sub-sub-regional and regional offices, multinationals and international organizations. To incentivize establishment of a WIPO External Office in the country, Nigeria will provide:

- A ready market and support system for the implementation of relevant WIPO Strategic Goals and Programs, and Development Agenda Recommendations;
- Government approved 400sq meter large office space in the secure Diplomatic Maitama District of the Capital City, Abuja, and in close proximity to several key institutions and social amenities. The large office space is in a prime location, and could also serve a multi-purpose role for the External Office, including training activities, conference services, knowledge events and more;
- Skilled human resources; and
- Accordance of standard Diplomatic and Consular Immunity for the Staff.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Panama**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

*[The proposal contains references to “Panama as regional WIPO Headquarters” and a “Regional Office for Latin America and the Caribbean”. It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. Following commitments at the multilateral and bilateral levels, the intellectual property regime in Panama has been modified, such that the country has drafted modern laws tailored to its commitments and national situation. In this vein, IP and plant variety laws were modified and a new copyright law was passed, strengthening Panama’s IP legal arsenal.
2. Panama’s system seeks to protect and encourage innovation in sectors that traditionally do not benefit from intellectual property, such as indigenous groups, with a *sui generis* law to protect traditional knowledge and folklore. Furthermore, Panama has drafted norms to protect Panamanian genetic resources used in research. Panama has also sought to add value to appellations of origin that may help the transformation of economic activity for vulnerable sectors and populations. Finally, the country has tailored compliance standards to address the new IP challenges faced by Panama and the rest of the region.
3. At present, Panama boasts IP laws and an efficient system for the enforcement of these laws which are among the most comprehensive in the region. However, in Panama, as in most of the region, further development of institutions, human resources and equipment through targeted technical assistance is necessary.
4. Panama has specialist institutions and qualified IP experts, including the Special Prosecutor for Intellectual Property and Information Security Crimes, with the rank of Senior Prosecutor, an IP department in the Colón Free Zone, the National Customs Authority and the Technical Judicial Police. Likewise, it has a Superior Court which hears IP disputes and an Interagency Intellectual Property Commission. These institutions oversee the harmonization, coordination and monitoring of IP policies

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.



and design protection and enforcement policies and guidelines that serve as a suitable deterrent against IP rights violations.

5. It is noteworthy that the laws passed as from 1994 to govern all areas of IP and modernized in 2012 have been applied daily by the competent authorities. The commitment of the Republic of Panama to strengthening IP rights contributes to its positive image among investors. This has boosted domestic and foreign investment in industries and services that are intensive IP consumers and producers. Moreover, research centers have increased in number and there is more research in national universities.

6. Panama has historically been a hub for almost all activities related to trade and human development. The country has a high level of financial, commercial and legal security in Latin America, allowing it to attract foreign investment and enjoy a prosperous and internationally recognized business climate. Its advantages have been recognized by the United Nations and it has been designated the regional headquarters of the UN. Panama hosts regional offices of 20 UN agencies, including the following:

- United Nations Development Programme (UNDP)
- United Nations Children's Rights and Emergency Relief Organization (UNICEF)
- United Nations Population Fund (UNFPA)
- UN Women
- Office of the United Nations High Commissioner for Human Rights
- Human Rights (OHCHR) Regional Office for Central America.
- United Nations Department of Security
- United Nations Office for Disaster Risk Reduction, Regional Office – Americas
- United Nations Office on Drugs and Crime Regional Project
- Office of the Resident Coordinator of the United Nations System in Panama
- World Food Programme – Regional Office (WFP)

7. Other international organizations, based in Panama include the following:

- International Labour Organization - International Programme on the Elimination of Child Labour
- International Organization for Migration - Administrative Center
- Ibero-American General Secretariat (SEGIB)
- Pan American Health Organization/World Health Organization, Panama Office
- Office for the Coordination of Humanitarian Affairs, Regional Office (OCHA)

8. Panama is classified as a stable and safe country, including urban areas, with appropriate indicators for establishing offices of this nature. It is a strategic communications and transport hub. Its advantages include the Panama Canal; modern ports in two oceans complemented by logistics; and an air hub linking the country nonstop with all countries in the region, Europe, Asia and the Middle East, and through these, with the entire planet.

9. Some time ago, Panama adopted a strategy for locating and guiding international organizations under the City of Knowledge project. To date, a large number of organizations already have established and functioning headquarters.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities"].*



**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

10. The Regional Office for Latin America and the Caribbean would be the base for providing legal and technical assistance to countries in the region, including in the following services.

- serving as a forum for the exchange of ideas and experience at the regional and sub-regional levels;
- adapting regulatory and legislative IP policy frameworks to the needs and characteristics of each country;
- promoting national innovation and IP strategies, consistent with national goals and development plans;
- human resources capacity-building to ensure the ability to cope with the wide range of requirements for the effective use of IP for the development of the region's countries;
- establishing programs and mechanisms adapted to countries' needs and strengthening mechanisms for technical cooperation among countries and between WIPO and countries;
- improving access to and use of IP information by IP institutions and the general public to promote innovation and creativity;
- improving the technical infrastructure and knowledge of IP offices and other IP institutions, making for better services (cheaper, faster and higher quality) to their stakeholders;
- promoting WIPO-administered international instruments to encourage accession and ratification by countries of the region;
- assisting with the creation and promotion of an efficient network of Technology and Innovation Support Centers (TISCs) and sub-regional networks;
- working with the different groups in countries of the region that are working to strengthen and promote IP;
- working closely with various governments and both existing and future sub-regional standing ministerial advisory mechanisms – among other tasks, it would be possible to coordinate cooperation activities aimed at raising awareness on IP and enhancing the IP capacity of the region's countries; and
- working closely with other WIPO external offices to implement various activities aimed at building a culture of respect and use of IP worldwide.

11. Thus, a WIPO regional office in Panama would contribute significantly and efficiently to the achievement of the objectives set out in paragraph 7 of the Guiding Principles Regarding WIPO External Offices:

- collaboration with the national IP office to support and advance the Organization's program delivery;
- enhancement of innovation and creativity, including by promoting effective use of IP services;
- raising awareness, understanding and respect for IP;
- the delivery of customer services to users of global IP services, including treaties and conventions administered by WIPO;
- assistance for using IP as a tool for promoting development and transfer of technology;
- the provision of policy and technical support to national IP offices to increase the use of IP; and

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: *"The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ"*.

- if approved by the PBC, any other activities which are beneficial to WIPO Member States.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

12. The location of a WIPO office in Panama is justified by the positive impact that this would have on the whole of Latin America. For example:
- a. Thanks to its geographical position, it offers the possibility of better targeting of WIPO cooperation and technical assistance to all the countries of Latin America. It can also coordinate cooperation between these countries.
  - b. It is possible to establish Panama as a center for technical training in IP for the countries of the region, thereby enabling both WIPO and the national office to economize resources.
  - c. It would strengthen the regional culture of respect and use of IP.
  - d. It can serve as a springboard for establishing master's and doctorate IP programs adapted to regional and national needs and offered in regional languages.
  - e. The Organization would be able to reduce its efforts to promote and disseminate other international instruments not ratified by some Latin American countries and subsequent implementation.
13. Moreover, establishing a WIPO office in Panama would have a positive impact on the country:
- improved training of Panamanian human resources;
  - strengthening a culture of respect and use of IP at the national level;
  - increased employment and growth incentives for Panamanian human resources on IP issues;
  - strengthening the country's IP institutions and its relationship with WIPO;
  - good atmosphere and improved country image with regard to respect for IP, both key to attracting investments that generate jobs and wealth; and
  - a platform to establish master's and doctoral programs in IP issues in the country's universities and a positive impact throughout the region

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

14. Panama has special economic zones whose fiscal and migratory benefits could be attractive for the establishment of the WIPO regional office. In addition, the country has the City of Knowledge, which serves as the regional headquarters of many international organizations, including the United Nations.

15. The City of Knowledge is composed first and foremost of its users, whose achievements define the success of the project. The City of Knowledge is unique in that it also offers a living environment and community services, with recreational, cultural, corporate and conference activities and facilities used daily by more than 5,000 people. These facilities are a friendly and safe environment adapted to productive and creative activities. Moreover, there are plans to construct a center to house UN agencies with a presence in Panama, which would adjoin and benefit from these facilities.

16. In its commitment to become a hub for international organizations, the Government of Panama offers the benefits set forth in Cabinet Decree No. 280 of October 13, 1970 to diplomatic and consular

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

missions, their foreign members and representatives of international organizations, including the following:

- freedom of communication for official purposes, correspondence, diplomatic and mail bags;
- immunity from jurisdiction; and
- exemption from social security provisions.

17. At the request of the interested party, these benefits may be reviewed and the fiscal and migratory benefits for the specific area in which the institution seeks to become established (Panama Pacific, City of Knowledge or any other area) may be presented

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

**Republic of Korea**

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

[n/a]

HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. The Republic of Korea wishes to host an External Office in order to meet the current demand for WIPO services and function as a regional base for launching further development projects. This will enable the Republic of Korea to share with less developed countries Korea’s experience with using IP to generate economic growth and transform itself from international aid recipient to international aid donor.

#### WIPO Korea Office as a hub for development projects

2. In 2004, the Korea Funds-in-Trust was established to strengthen the global IP system by promoting economic, social, and cultural development in places with limited resources. Over the past 12 years, the Republic of Korea has contributed about 10.5 million Swiss francs (equivalent to 10.8 million US dollars) to this fund, 1.3 million Swiss francs (equivalent to 1.4 million US dollars) of which were contributed last year alone. Thanks to the Korea Funds-in-Trust, the Korean Intellectual Property Office (KIPO) has held yearly appropriate technology (AT) competitions in a total of eight countries since 2011. Through these competitions, *[the Republic of Korea]* was able to discover under-utilized technologies that could be used to enhance the quality of life for people in less developed countries. The Korea Funds-in-Trust also supported last year’s WIPO Inter-Regional Workshop for Heads of Copyright Offices on Capacity Building, which took place in Seoul and was co-hosted by Korea’s Ministry of Culture, Sports and Tourism (MCST). This workshop helped build partnerships among the fifteen participating countries via exchanges of copyright-related information. Furthermore, through other funding sources, KIPO has implemented a variety of IP-sharing projects that afford AT to less developed countries and support them in automating their IP administration systems.

#### WIPO Korea Office as a hub for global IP education

3. The Korea Funds-in-Trust, in addition to other funding sources such as the Korea International Cooperation Agency fund, supports annual IP education courses for less developed countries. Such

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

courses include the KIPO-WIPO-KAIST-KIPA Advanced International Certified Course (AICC), the Workshop on Patent and Trademark Law & Examination, the Study Visit to the Republic of Korea for National IP Strategies and Outreach Activities, the WIPO Summer School on IP, the WIPO-SNU MIP Program, and the WIPO-QUT LL.M. Program.

4. Moreover, *[the Republic of Korea]* has produced IP education content tailored to people in various walks of life. Such content includes IP PANORAMA, a multimedia IP education platform for SMEs; "Getting Creative with Pororo," a series of animated IP education videos for children; IP Xpedite, an audio-visually enhanced version of WIPO's Distance Learning-101 (DL-101); IP IGNITE, an educational platform for learning the basics of international IP law and treaties; "Invention Savers Jin," a mobile game for educating today's youth on the foundational principles of invention; and "Teaching Materials on Respect for Copyright," a carefully designed educational tool aimed at young people aged 10-15.

#### WIPO Korea Office as a provider of around-the-clock customized services

5. In 2014, KIPO received the fifth largest amount of PCT applications of any IP office, as well as the fourth largest amount of patent applications. This shows that Korea has great interest in IP protection, and that the Korean demand for WIPO services is very high.

6. However, the eight-hour time difference between Korea and WIPO's Geneva headquarters poses a significant barrier to efficient communication. The fact that there is virtually no overlap between the working hours of Korea and Switzerland often results in delays in problem resolution. Another obstacle is the language barrier. Most Korean users experience serious difficulty in communicating with WIPO headquarters in English. As it stands, Korean is the fifth most commonly used language in PCT applications, and it is officially recognized as a PCT publication language.

#### The Korean Government's Focus on IP

7. Especially important is the fact that, ever since 2013, Korea has adopted "Creative Economy" as its core national agenda in order to enable the principles of creativity and innovation to drive the national economy by facilitating start-ups and opening up new jobs and markets. Moreover, *[the]* National Assembly strengthened Korea's position as a global IP powerhouse by establishing the national Patent Hub Committee, whose job is to turn Korea into a global patent hub. Thanks to "The Culture Creation and Convergence Belt," the Korean government's ambitious project to nurture the burgeoning content industry, both creators and the general public have placed an increased emphasis on the importance of copyright-related information and educational opportunities.

### PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

#### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities"].*

#### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

#### WIPO Korea Office as a hub for development projects

8. By establishing a WIPO Korea Office to serve as the hub for international development projects, the under-utilized technology of developed countries *[can more effectively be turned]* into essential

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

technology used for helping less developed countries achieve economic sustainability. A WIPO Korea Office would be immensely beneficial in allowing *[the Republic of Korea]* to implement bigger projects and longer-term strategies, as well as in enabling *[the coordination]* of efforts through a single channel.

#### WIPO Korea Office as a hub for global IP education

9. The WIPO Korea Office will serve as a hub for global IP education by providing online and offline customized education courses operated via proven teaching methods and qualified instructors. Korea has accumulated a great deal of experience in this regard, and wish[es] to use it for enhancing the IP capabilities of other countries throughout the world.

#### WIPO Korea Office as a provider of around-the-clock customized services

10. The WIPO Korea Office will provide around-the-clock service not only to Koreans but also international companies doing business in Korea, allowing them to take advantage of WIPO services face-to-face during Korea's core working hours.

11. When KIPO was appointed as an International Searching Authority and applicants were then able to submit PCT documents in Korean, the number of PCT application submissions drastically increased. In this regard, a WIPO Korea Office would likely spur an increase in demand for PCT, Madrid, and Hague services by promoting these systems and thereby generating greater revenue for WIPO.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

*[See section on "Proposed scope of activities"].*

#### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

##### Fully Supported by the Korean Government to Ensure Financial Sustainability

12. As the location of KIPO's branch office, as well as a multitude of other IP-related public institutions (i.e., the Korea Intellectual Property Association, the Korea Institute of Intellectual Property, etc.) and patent law firms, Seoul is a likely candidate for hosting the WIPO Korea Office. All office rent and operational costs will be covered by the Korean government, and WIPO will experience no additional financial burden apart from regular personnel expenses.

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**Romania**

**IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP**

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

At the submitting date [of the proposal], support letters for the proposal of the Government of Romania have been received from a group of 5 countries from the region (Albania, Georgia, TFYR of Macedonia, the Republic of Moldova and the Republic of Serbia).

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### **RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:**

1. Romania considers that the functioning of a sub-regional External Office in the Central European and Baltic States region will be beneficial both for WIPO and the Group’s Member States and will not prejudice in any way the rights and the conduct of relations by any other Member State in the region with WIPO HQ or the rights of any country with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ.

2. The countries in the sub-region are performing well economically, as they have recorded steady GDP growth over the last five years. Yet, such positive economic results are not fully mirrored when it comes to the number of IP applications. More efforts are needed to reverse any descending trend and further consolidate positive data with regard to IP applications.

3. The potential of the countries in the sub-region, in many areas relevant to the intellectual property field, is significant. They show a remarkable propensity to digital environment and Internet. According to Brainbench statistics, countries from the region are situated in the top 10 worldwide regarding skills in computer technical support, technical help desk, network technical support, computer electronics, telecommunications, LAN/WLAN communications, network design, ASP.NET, HTML, PHP, web development concepts and many others. They are also leaders in Europe and on top positions in the world in terms of Adult ICT literacy rate.

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.



4. As regards Internet speed, the Internet Society official rankings list several countries from the CEBS region on top positions in the world (see Table no. 3, based on November 2014 NetIndex Data; for more information, see: [http://www.internetsociety.org/map/global-internet-report/?gclid=COaytPj2\\_8oCFWLnwgodtpUNQA#download-speed-fixed](http://www.internetsociety.org/map/global-internet-report/?gclid=COaytPj2_8oCFWLnwgodtpUNQA#download-speed-fixed))

5. The great potential of the region as regards research and innovation is definitely demonstrated by the construction of the Extreme Light Infrastructure-Nuclear Power (ELI-NP) Research Centres<sup>3</sup>, being set in Măgurele town, near Bucharest and built on three pillars, including the world's most powerful laser, generating 10% of the sun's power on a square centimeter.

#### The ELI - nuclear physics facility

6. Two other facilities are dedicated to the study of secondary sources in the region, in Dolni Brezany, near Prague/Czech Republic, and to the attosecond pulses in Szeged/Hungary.

7. Therefore, from 2017 ELI-NP project will create in the region one of the most important laboratories in the world, to consistently investigate a very broad range of science domains, from new fields of fundamental physics, new nuclear physics and astrophysics topics, to applications in material science, life sciences and nuclear materials management.

8. Not the least, over the last years, the innovative work of representatives of specialists from the sub-region was acknowledged within prestigious trade fairs and international competitions worldwide. A considerable number of inventions received the gold medals and highest prizes and distinctions in international exhibitions of inventions.

9. The creative industries play an important role in the region [refer to table "Economic Performance of Copyright-Based Industries of Countries from the Region" in the proposal].

10. Based on the creativity, talent and skills of individuals and with a great potential in creating jobs and generating prosperity through the production and management of IP, these industries include advertising, architecture, art, handicraft, design, fashion, film, video, photography, music, visual arts, television and radio, publishing, software, video games and electronic publishing. Most of the studies in the field emphasize the faster growing potential of the creative industries than other sectors of the economy. Moreover, according to a recently published World Economic Forum study<sup>4</sup>, creativity will be on the third place in Top 10 skills by 2020, while in 2015 it was situated only on the tenth position.

11. SMEs represent a majority significant component of the private industry in the countries of the sub-region and they represent a potential powerhouse for economic growth. While during the first decade of transition they were more concerned with maintaining the value of their assets as compared to producing a profit, later on they started to become more dynamic, investing in growth and modernization. With rising GDP per capita and higher labor costs, the ability of the countries in the sub-region to attract foreign direct investment will inevitably decrease. Encouraging innovation among the SME sector, therefore, is particularly important in order to offset the loss of current advantages.

12. Counterfeiting and piracy still register disturbing rates in the region<sup>5</sup> [refer to the two graphics "Global Trends in Unlicensed Software Use" in the proposal]. There is recognition among countries of the region that "this poses significant threats to global trade, national economic growth, consumer health and safety and is a leading cause in the growth of organized crime and corruption (...) and that attacking the trade in counterfeit and pirated goods at the national, regional and global levels should be elevated as a top priority".

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<sup>3</sup> See: <http://www.eli-np.ro/>

<sup>4</sup> See: <http://www.weforum.org/agenda/2016/01/the-10-skills-you-need-to-thrive-in-the-fourth-industrial-revolution>

<sup>5</sup> See: <http://www.ccapcongress.net/archives/Regional/Files/Bucharest%20Declaration.pdf>.

Eastern Europe and Central Asia Regional Congress on Combating Counterfeiting and Piracy - the "Bucharest Declaration" of 12 July 2006



13. As the aspiration for more competitive economies can be fulfilled through research, development and innovation, as well as technology transfer, it is only natural for countries in sub-region to seek for improving their overall IP performance. They also need to continue combating counterfeiting and piracy, as more respect for IP will lead to greater economic growth.

14. While the large majority of the countries in the sub-region have joined the WIPO Systems, in particular the PCT, Madrid and Lisbon Systems, the full potential of the IP Systems in the region has not yet been fully achieved.

15. In relation to WIPO, the countries in the sub-region have asked for support with respect to the following:

- the development of tailored, long-term, results-oriented national IP strategies and plans aligned with national economic and cultural goals;
- developing research and innovation and reaping the benefits of the IP system, with a special focus on SMEs;
- the further development of the creative industries;
- promoting excellence for CMOs in transparency, accountability and governance;
- improving the fight against counterfeiting and piracy;
- increasing awareness of WIPO services and activities among a broader audience in the countries;
- enhancing the interaction between WIPO and all IP stakeholders from the countries;
- establishment of a common, reliable and broadly utilized platform for sharing various experiences in the IP field, facilitating better knowledge, awareness, and coordination between different IP stakeholders.

## **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

### **PURPOSE(S)<sup>2</sup>:**

16. The External Office in Bucharest/Romania would act as a WIPO Service Center for the sub-region, similarly to the other five existing WIPO External Offices.

17. Its overall objective would be to bring the Organization closer to the member States and stakeholders in the sub-region, in order to stimulate the promotion of innovation and creativity for the economic, social and cultural development of the countries, through a balanced and effective international intellectual property system.

18. As an integral part of the Organization, the External Office is supposed to contribute to the achievement of the Expected Results and to the achievement of the WIPO Strategic Goals<sup>6</sup>, by working with the majority of Programs at Headquarters.

19. More specifically, it will contribute, in coordination with the Headquarters, to the following Strategic Goals and their relevant Expected Results:

#### *Strategic Goal I: Balanced Evolution of the International Normative Framework for IP*

- Tailored and balanced IP legislative, regulatory and policy frameworks (I.2.)

#### *Strategic Goal II: Provision of Premier Global IP Services*

- Wider and more effective use of the PCT system for filing international patent applications (II.1.)
- Wider and more effective use of the Hague system, including by developing countries and LDCs (II.4.)

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<sup>6</sup>See: [http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget\\_2016\\_2017.pdf](http://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2016_2017.pdf)

- Wider and more effective use of the Madrid System, including by developing countries and LDCs (II.6.)
- International and domestic intellectual property disputes are increasingly prevented or resolved through WIPO mediation, arbitration and other alternative dispute resolution methods (II.8.)
- Wider and more effective use of the Lisbon system, including by developing countries and LDCs (II.10)

*Strategic Goal III: Facilitating the Use of IP for Development*

- National innovation and IP strategies and plans consistent with national development objectives (III.1.)
- Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition (III.2.)
- Strengthened cooperation mechanisms and programs tailored to the needs of developing countries, LDCs and countries with economies in transition (III.4.)
- Increased capacity of SMEs to successfully use IP to support innovation (III.6.)

*Strategic Goal IV: Coordination and Development of Global IP Infrastructure*

- Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity (IV.2.)
- Enhanced technical and knowledge infrastructure for IP Offices and other IP institutions leading to better services (cheaper, faster, higher quality) to their stakeholders and better outcome of IP administration (IV.4.)

*Strategic Goal V: World Reference Source for IP Information and Analysis*

- Wider and better use of WIPO IP statistical information (V.1.)
- Wider and better use of WIPO economic analysis in policy formulation (V.2.)

*Strategic Goal VI: International Cooperation on Building Respect for IP*

*Strategic Goal VIII: A Responsive Communications Interface between WIPO, its Member States and All Stakeholders*

- More effective communication to a broad public about intellectual property and WIPO's role (VIII.1.)
- Improved service orientation and responsiveness to inquiries (VIII.2.)
- Effective engagement with Member States (VIII.3.)
- Open, transparent and responsive interaction with non-governmental stakeholders (VIII.4.)

20. The External Office will also address the specificity of the region, namely the need to exploit the full potential of the IP system, and local priorities (use of IP by SMEs, enforcement of IP rights, developing new and innovative multi-stakeholder partnerships, topic-based cooperation in the region in order to support sustainable development and the implementation of the 2030 Development Agenda etc.).

21. It will also establish cooperation with various regional organizations (the European Union, the European Patent Office and the Office for the Harmonization in the Internal Market), the private sector, academia and NGOs, as well as with some other international organizations (e.g.: the INTERPOL, World Customs Organization).

**PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>7</sup>):**

22. Broadly speaking, in order to achieve the mandate presented above, the External Office would engage in the following type of activities: provide support services for WIPO's Global IP Systems; deliver capacity building activities in order to facilitate the use of IP for development; promote WIPO treaties, including the most recently adopted ones; provide more effective communications to a broad public, through a targeted outreach and closer relationships with stakeholders; support the creation of fora for exchange of experiences, lessons learned and best practices between countries in the sub-region.

23. Capacity building programs will be demand-driven and adapted to different country needs. Institutional capacity required to administer, manage and use intellectual property is to be consolidated through WIPO dedicated programmes.

24. Such collaboration will take place based on the specific requests of the national IP offices, in order to facilitate the implementation of national objectives in the IP field (elaboration of IP strategies, design of public awareness campaigns, etc.).

25. The international filing and protection systems of industrial property rights, as set up by WIPO, allow the applicants to take advantage of geographically extended protection. The External Office would provide training to stakeholders (SMEs, researchers in universities, etc.) in the use of the PCT, Madrid, Hague and Lisbon systems and WIPO's alternative dispute resolution services.

26. Moreover, an increased level of awareness by copyright owners of the need to establish a profitable copyright management climate can be achieved. As collective management organizations are often criticized, the External Office could assist them in implementing the TAG project, which can contribute to a better functioning of the legal creative market and provide benefits for both right holders and users.

27. Raising awareness, understanding and respect for IP activities will focus on:

- Public education, by using (among other means and ways) the large array of communication means such as the Internet, social media channels, TV spots, radio adverts, flyer distribution, etc.;
- Cooperation with public and private organizations to combat counterfeiting and piracy, engaging with the networks of Chambers of Commerce and Industry, with the Police and Gendarmerie forces, with Customs offices, attorneys, lawyers and judges (such activities could include, for example, the public destruction of pirated and counterfeit products);
- Assistance offered to national IP offices, such as for the elaboration of modern, attractive and complex packages designed for high-school and university curricula of IP courses;
- Coordination to undertake national and regional training programs for all relevant stakeholders;
- Exchange of information on enforcement issues between national authorities. The Office could act as a liaison point, supporting the establishment of a network for IP enforcement policy in the region, bringing together representatives of public and private organizations.
- Organization of special events to celebrate the World Intellectual Property Day on April 26th, each year.

28. The External Office would be called upon to encourage and provide assistance in the ratification and accession process of WIPO treaties and conventions by countries in the region, including the most recent WIPO treaties in the field of copyright and industrial property (namely the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Blind Persons, Visually Impaired or Print Disabled, as well as the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications). Since most of the countries in the region have not

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<sup>7</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

yet ratified the latest international legal documents, raising awareness, understanding and knowledge on the granted rights and the related obligations would be beneficial to the decision-makers.

29. The External Office would carry out activities aimed at filling any information gaps and promoting a better understanding and knowledge as regards IP, in general, and WIPO's services, in particular. Moreover, the proximity to the users would allow direct benefits via supplying fast, complete answers, fully adapted to the regional realities and to their inquiries.

30. The External Office would assist countries in the region to make effective use of the IP system in the context of their specific economic circumstances, as well as the promotion of their national plans of actions according to the 2030 Development Agenda. In more concrete terms, it could:

- Help the national authorities to address, from the IP perspective, the challenges that countries in the region are facing, such as climate change, food security, public health and the protection of biodiversity;
- Assist relevant authorities (e.g. ministries of research) in designing policies supporting research and innovation;
- Grant support for SMEs, research institutions and universities in order to obtain and protect IP rights and on IP evaluation and commercialization, including by creating and disseminating tailored information products;
- Offer consultancy in establishing new Technology and Innovation Support Centers (TISCs) in the region.

31. In a permanently changing environment, due to the fast-paced development of new technologies and business models, new policies may be needed to cope with latest developments. The External Office could share best practices in order to assist countries in developing new policies.

32. The External Office could assist national IP offices and other institutions (relevant ministries) in increasing the use of the WIPO statistical information, data basis and economic analysis in policy formulation.

33. The External Office could work with the WIPO Academy and other organizations and institutions in the region (the European Union, EPO, OHIM, etc.) in order to provide training to practitioners in the IP field.

34. The Office could create its own portfolio of contacts, including all stakeholders in the IP field, and encourage public-private partnerships, in order to stimulate cooperation in the field of protection, promotion and respect of IP.

35. Activities mentioned above may be undertaken through a variety of events: conferences, seminars, round tables at national and sub-regional, events providing constructive platforms for dialogue and exchange of relevant information; training sessions; public campaigns; IP contests; exhibitions; study visits; book releases; dissemination of promotional materials; public destruction of counterfeited and pirated products, etc.

36. Many of these activities can use modern means of communication, with broad range of exposure and impact, such as the Internet.

37. An ample advertising of WIPO will raise the level of awareness of all interested parties and of civil society in terms of its noble purposes, activities and services offered in the region.

#### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

38. The added-value of the WIPO External Office would consist in the proximity to the beneficiary/recipient of assistance (government, organizations, companies or individuals), which would stimulate their involvement upstream in the drafting of policies and would allow for a better responsiveness to their specific needs.

39. Romania is confident that the External Office in Bucharest will bring added value both to the Organization and to the countries in sub-region.

40. The Office will contribute to a better promotion of WIPO, as an international organization specialized in the IP field, as well as of its values and services. It will also enhance the Organization's responsiveness to the specific needs of the region, which may be conducive to more trust in the IP system.

41. For the countries in the region, in general terms, the added value of a sub-regional EO would consist in the proximity to the beneficiary/recipient of assistance (government, organizations, firms or individuals), which would stimulate their involvement upstream in the drafting of policies and would allow for better IP results.

42. In concrete terms, the foreseen benefits of the WIPO Bucharest/Romania Office are the following: a clear political message about the commitment of the CEBS member states to the further development of their intellectual property system; a more dynamic IP filing activity and a better return in the field; an enhanced coordination in fighting against counterfeiting and piracy (which will have a positive impact on the economic, social and cultural data); a more accurate assessment of the impact of IP policies and evolution of the IP system in the sub-region; a more enhanced cooperation of countries in the sub-region.

43. The External Office will also ensure cost effectiveness, both for WIPO and countries in the sub-region, as a more dynamic IP activity in the region will be achieved through less costs than if the same level and dimension of activities had been provided by the Headquarters.

44. Moreover, there will be savings in travel costs for the participants from the region in various events to be organized by the Bucharest Office (many countries from the region still do not have direct flights from capitals to Geneva and would be geographically located nearer to the Office's headquarters).

**INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>8</sup>** (*such as for example office space, coverage of utility costs and/or cost of security, etc*):

45. Romania considers that the establishment of the WIPO External Office for the sub-region will not impose any additional financial burden on Member States, other than the approved budget allocation.

46. The Government of Romania will grant a similar set of facilities as offered by those Member states already hosting other External Offices. According to estimates, the costs related to the operation of the Office will not hamper the financial and budgetary sustainability of the WIPO External Offices network.

47. The Office will benefit from the whole support of the State Office for Inventions and Trademarks and the Romanian Copyright Office in the carrying out of its activities. In this respect, as an *in-kind* contribution, OSIM will be ready to make available its network of 17 regional centers, distributed across the country (*see the map below*).

48. The network of regional IP Centers is in place since 1999 and it is currently located in 5 universities, 8 local Chambers of Commerce, 2 SMEs owners' associations and one inventors' association. The main purpose of these centers is to promote the values of industrial property among their stakeholders.

49. By request, OSIM can provide specialized logistic assistance to the IP attorneys and to the inventors' associations.

50. The centers act as intermediary links between OSIM and the local communities, the academic environment, the business environment, high-schools, inventors, local institutions.

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<sup>8</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "*Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation*".

51. In addition, the Romanian institutional partners of the Office will make efforts, at the national level, to raise extra-funding for different activities from the private sector, non-governmental entities or other stakeholders. Requests for financial support could also be submitted to the European Commission.

52. The relocation costs for WIPO staff to Bucharest, the rental fees for staff accommodation, the living cost in the capital city and the flight fares from/to Geneva (and to/from other capitals of the region) are affordable.

#### Privileges

53. WIPO External Office shall, in respect of its Premises, be accorded all the privileges and immunities stipulated in the Convention on the Privileges and Immunities of the United Nations, adopted in New York on 13 February 1946 and the Convention on the Privileges and Immunities of the Specialized Agencies adopted in New York on 21 November 1947 (ANNEX XV).

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

**NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:**

**Tunisia**

**IN ITS NATIONAL CAPACITY**  **ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP**

**IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:**

*[The proposal contains a reference to the “Tunisia Regional Office”. It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

**HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?**

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### **RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:**

1. The Nobel peace laureate for 2015, Tunisia offers wonderful opportunities thanks to its strategic location in the region and to its intellectual property skills and expertise.
2. In Tunisia, intellectual property rights are enshrined in the new Constitution, Article 41 of which states: “intellectual property is guaranteed”.
3. Tunisia has acceded to 14 WIPO-administered international treaties.
4. It is ranked 1<sup>st</sup> in North Africa and 2<sup>nd</sup> in the entire African continent, after South Africa, in the Innovation Index, according to statistics published by WIPO for 2015. It is also one of the top 50 most innovative countries, according to the Bloomberg Innovation Index 2016, which studied 80 countries. It ranks 46<sup>th</sup> globally, with a score of 51.18.

### **PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:**

#### **PURPOSE(S)<sup>2</sup>:**

- support services for the PCT System;
- support services for the Madrid System;

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<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.



- support services for the Hague System;
- support services for the Lisbon System;
- support services for genetic resources and traditional knowledge; and
- support services for copyright and related rights.

5. It is worth noting that literary and artistic property are protected in Tunisia, particularly in the new Tunisian Constitution which enshrines intellectual property rights, which encompass literary and artistic rights. Article 41 of the Constitution states: "intellectual property is guaranteed".

6. Tunisia has also adhered to the various WIPO-administered IP conventions.

7. Furthermore, awareness-raising in regard to literary and artistic property is an important aspect of the activities of the Tunisian Society for and Related Rights (OTDAV), with a view to achieving a clearer understanding and better use of copyright and related rights and building respect for these rights.

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

8. Cooperating with African countries and with the Pan-African Intellectual Property Office, whose headquarters is to be located in Tunisia pursuant to an African Union decision in 2013;

- Awareness-raising, promotion, innovation, creativity and support services within the framework of the PCT, Madrid and Hague systems;
- Supporting development and capacity-building activities;
- Research and collective management; and
- Offering arbitration and mediation to various parties.

### **VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:**

[See sections on "Purpose" and "Proposed scope of activities"].

### **INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):**

#### Privileges and immunities granted to the office

9. Tunisia is prepared to facilitate the establishment of a properly functioning regional office, in addition to granting the necessary privileges and immunities provided for in the Stockholm Convention establishing WIPO and those provided for in the Convention on the Privileges and Immunities of the Specialized Agencies signed in New York on November 21, 1947.

10. These privileges and immunities will be included in the agreement reached between WIPO and Tunisia, in accordance with Articles 12(1) and 12(3) of the Stockholm Convention establishing WIPO.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".



11. Tunisia is willing to grant the following privileges and immunities to the WIPO office:

- recognition as a juridical personality;
- the inviolability of its premises, its archives and in general any documents intended for official use belonging to them or held by them;
- the property and assets of the office shall be immune from search, requisition confiscation, expropriation and any other form of interference, whether by executive, administrative judicial or legislative action;
- archives and, in general all, documents belonging to them or held by them are inviolable, wherever located;
- communications facilities;
- the WIPO office will enjoy the privileges and immunities granted to specialized agencies of the United Nations system; and
- staff members will enjoy the privileges and immunities granted to staff members of specialized agencies.

Premises available for hosting the WIPO office in Tunisia

12. Tunisia will make available to WIPO, free of charge, office space of 160 m<sup>2</sup> in the center of Tunis. This location meets the criteria put forward by the Secretariat for choosing the location of the external office in Africa. It is one of the safest and most secure locations in Tunisia and is 7.5 km from the Tunis Carthage International Airport.

## PROPOSAL FOR THE HOSTING OF AN EXTERNAL OFFICE<sup>1</sup>

### NAME OF COUNTRY WISHING TO HOST AN EXTERNAL OFFICE:

Turkey

IN ITS NATIONAL CAPACITY  ON BEHALF OF A GROUP OF COUNTRIES / REGIONAL GROUP

### IF ON BEHALF OF A GROUP OF COUNTRIES /REGIONAL GROUP PLEASE PROVIDE A FULL LIST OF COUNTRIES / NAME OF REGIONAL GROUP:

*[The proposal contains a reference that] the foreseen EO in Turkey will have a regional dimension. [It is not explicit which countries are covered by the proposal nor from which countries support has been received].*

### HAS THE PRESIDENT OF THE GENERAL ASSEMBLY AND THE WIPO DIRECTOR GENERAL BEEN NOTIFIED IN WRITING?

Yes  No

*(As per the Guiding Principles regarding WIPO External Offices §2: “any Member State wishing to host an EO, in its national capacity or on behalf of a group of countries or Regional Group if so agreed by its members, should notify the President of the General Assembly and Director General in writing”)*

### RATIONALE FOR HOSTING AN EXTERNAL OFFICE<sup>2</sup>:

1. In 2008 the Turkish Government announced an action plan that IPR Protection is one of the main concerns for the economic development of Turkey. That declaration triggered a new development of the IPR system.
2. National policy documents such as the *Specialized Commission Reports* and the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> *Five Year Development Plans* comprise since 1995 statements concerning the need for setting-up training and education in IP programs not only in the university law faculties, but also in other related departments such as economics, management, engineering, arts and social sciences.
3. These policy documents emphasize mainly the need for more professional and academic staff in the field of IP, as well as the relatively low level of public awareness for IP matters and propose to be taken appropriate measures.
4. There are several coordination and supervisory bodies of the Government that deal in one or another way with intellectual property rights and with IP education.
5. The Coordination Board for Improvement of the Investment Environment has been continuously concerned with securing the appropriate climate for both domestic & international investors. This Coordination Board has been dealing with IPR related issues directly, as well as in its related technical IP committee. With the involvement of the private sector, NGOs and the most influential businessmen and tradesmen in Turkey, specific actions with timetables, performance indicators and responsible government bodies' action plans have been prepared. These action plans have been evaluated by the

<sup>1</sup> The Guiding Principles for WIPO External Offices (contained in document A/55/13 Prov.) are annexed for ease of reference.

<sup>2</sup> As per the Guiding Principles regarding WIPO External Offices §6: “The proposal ..... should provide the rationale and propose a mandate for the EO which reflects: any needs, the purposes, and the proposed scope of activities, including regional activities, if any; indicating the value added to the Organization’s program delivery, with particular regard to the considerations set out in Sections D [Financial and Budget Sustainability] and E [Geographic / Locational Aspects]”.

Steering Committee, which is composed also of NGOs and private sector representatives, before being sent to the Board of Ministers.

6. One of the Technical Committees of the Coordination Board for Improvement of the Investment Environment is the IP Committee. Each Technical Committee has its own action plan within the general statements and objectives of the Board. The 2010 Action Plan of the IP Committee provided for an action aimed at IP education in universities and proposed IP courses to be obligatory in the relevant departments.

7. In 2009 the Cabinet adopted a Ministerial Decision to establish the Turkish Design Council. A draft paper on Strategy was prepared and its discussion began in a Council meeting and will be finalized in the near future.

8. The Intellectual and Industrial Property Rights Coordination Board was established with a circular of the Prime Minister. Its objective is, *inter alia*, to coordinate the relevant governmental bodies in order to increase the effective enforcement and implementation of IPRs.

9. Undersecretaries of Ministry of Industry and Trade and Ministry of Culture and Tourism head the Council of the Board. The Council of the Board is composed of not only representatives of the government entities, but also of representatives of the private sector, including the Turkish Union of Chambers and Commodity Exchanges, which is the highest body representing the private sector.

10. In 2015, a comprehensive Intellectual Property Strategy Paper and an Action Plan was adopted, which foresees four priority development areas concerning capacity increase, IP commercialization, awareness and legislative development. These objectives are to be met under 51 actions. Simultaneously, a more specific paper on Geographical Indications Strategy and Action Plan was adopted in 2015, foreseeing development of an effectively functioning registration system through increased capacity and legislative enhancement.

11. Turkey has a constantly growing economy for the last decade. The average annual real GDP growth rate is 4.9% between 2002-2013. This has been one of the best figures attained in the world.

12. Turkey has well established institutions, government agencies and universities. It has more than 160 universities with at least one in each city. Many governmental and private research institutions have been operating in various cities of Turkey. The link between universities and the industry have been strengthened through various tools.

13. Being an EU candidate country and the process for becoming a full member has been a constant motivation to update and better its legislation, implementation thereof, including IP related ones.

14. In this general framework, the Turkish Patent Institute has an important role to play in undertaking work related to industrial property. In such a fast growing economy with increasing volume of trade, industrial property rights and their applications have had a huge impact on the competitiveness and innovation. Beyond proper application of the relevant laws in industrial property rights, the spread of knowledge among the relevant circles are critically important. In this regard, TPI has put its utmost effort in every possible way to enhance the IP knowledge domestically and internationally to the extent possible particularly with the countries in Central Asia, the Middle East and Balkans.

15. Turkey is a bridge between west and east. It is one of the most active countries in this region and beyond not only in terms of its trade volume, but also in terms of its cultural and social interactions with its neighbours. IP is no exception to that, not only with the EU countries, but also with Central Asian countries through the Economic Cooperation Organization (ECO), and the members of the Organization of Islamic Conference (OIC) as well as Balkan and Black Sea countries via Organization for the Black Sea Economic Cooperation (BSEC) with which it has close ties and relations. Both in ECO and the OIC, Turkey has brought forward IP related agenda items for the first time and has proposed project proposals related to IP to maintain and strengthen the cooperation between ECO and OIC Member States. For that, various conferences were held in Turkey, the first one in Turkey and other countries. Given its location, it has close contacts with the countries in Central Asia, Balkan and the Middle East also through its memberships of international organizations such as ECO, BSEC and OIC to which the countries from the region are also members.

## PROPOSED MANDATE FOR THE EXTERNAL OFFICE<sup>2</sup>:

### **PURPOSE(S)<sup>2</sup>:**

*[See section on "Proposed scope of activities"].*

### **PROPOSED SCOPE OF ACTIVITIES<sup>2</sup> (including regional activities if applicable<sup>3</sup>):**

16. It is strongly believed that establishment of an EO in Turkey would provide many benefits within its mandate and also complement WIPO's and TPI's efforts of firstly on the dissemination of the IP knowledge, raising awareness, respect for IP and further enhancement of innovation and creativity by promoting effective use of IP services.
17. The foreseen EO in Turkey will supplement the activities of the TPI, as well. The very first mandate of the EO will be to ensure the raising of knowledge on IP matters with all its aspects and delivery of programs in cooperation with the TPI. Currently TPI has been running programs mainly for the dissemination of knowledge such as regular training, Hezarfen project, University valley project and Technology Transfer Platform. The EO's contributions would be adding value with its experience and international perspective to all already running programs and for the newly created ones.
18. Turkey is one of the frequent users of the Madrid, Hague and the PCT Systems and it is expected that regular trainings on these Global Systems sometimes with tailored approach adapted to the needs of the business community by the EO would further increase the use of Global IP systems in Turkey.
19. In addition to supporting and promoting WIPO's Global Intellectual Property Systems, delivering technical assistance and capacity building activities and awareness enhancing activities, it is envisaged that the IP related educational activities would be given more importance by the EO in Turkey. The level of educational activities and endeavours related to the IP subjects in Turkey, even though has been increasing in recent years, not in a level commensurate with desired level. The very same situation is true for the countries in the region, either. Thus, for example, the intensification of cooperation with the WIPO Academy in this regard would be immensely vital and would prove to be helpful in the very structuring phase of the EO in Turkey.
20. The main part of the work undertaken by the EO in Turkey would be complementary to the program delivered by the WIPO Academy in many respects and would not duplicate the already initiated programs/services such as WIPO Distance Learning Courses and launching a master program on IP Law at a selected university in Turkey. First and foremost, since it will be more capable of determining and identifying the specific needs and requisites having the advantage of being in the field where the actual needs arise, the EO would work like an interface mostly between the WIPO Academy and the beneficiaries would be served in a more efficient and effective way without any duplication with the WIPO's related programs. The EO, being in constant contact with the domestic actors such as universities, Technology Transfer Offices and other relevant educational institutions in Turkey, would possess deeper knowledge on the priorities and needs of the stakeholders. This would secure to be able to respond to the needs in a more comprehensive and effective manner without any duplication. Being in the field and working with the stakeholders directly would inevitably be more cost effective for many reasons. No doubt, it will be much more effective and cost efficient to reach the targets identified in the programs with their performance indicators in WIPO's Program and Budget if the priorities and needs are identified locally by the EO.

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<sup>3</sup> As per the Guiding Principles regarding WIPO External Offices §10 and 10bis: "The mandate of an EO may include undertaking activities similar to the basic scope set out in paragraph 7 consistent with and in support of WIPO's approved program in a group of countries or regional group if those countries which are to be covered by the EO have so agreed. Such activities shall not prejudice the rights of any other country in that same region with regard to regular WIPO program activity, especially at the national level, including the delivery of any legal or technical assistance to those countries directly from WIPO HQ".

## VALUE-ADD OF THE EXTERNAL OFFICE TO WIPO'S PROGRAM DELIVERY<sup>2</sup>:

21. Turkey has been benefiting from the programs and assistance offered by WIPO. There has been no difficulty in establishing connection with the WIPO personnel. The activities carried out in cooperation with WIPO through the programs have resulted in success and satisfaction. However, there is always room for improvement of the programs designed and delivered by WIPO. The programs usually designed by the relevant divisions in WIPO such as Arab Bureau, some European Countries and Asian countries. When designing the programs including tools for delivery such as workshops, training modules, and assistance delivery, the very essence needs of the countries could not be entirely addressed or estimated given the fact that many countries are the potential beneficiaries and a central approach to contain all of their priorities and needs of each different country prove to be difficult. In the current situation where there is only limited number of EOs for certain countries, this challenge could only be solved effectively with intense communication between WIPO personnel in the relevant division and by traveling to the field/country where the delivery of the program is projected. These challenges could be overcome in a cost efficient and effective way through an EO in the country where the programs to be delivered and implemented.

## INDICATION OF PROPOSED CONTRIBUTION FROM THE HOST COUNTRY FOR THE OPERATION OF THE EXTERNAL OFFICE<sup>4</sup> (such as for example office space, coverage of utility costs and/or cost of security, etc):

22. Once the Member States and WIPO decide on the mandate of the EO in Turkey in consideration of the advantages it provides, the required human resources, financial resources, physical infrastructure and the location (either Ankara or Istanbul) where the EO can best fulfil its mandate would be jointly decided with the WIPO's services.

23. Turkey's location as well as *[its]* logistic and financial support to the offices of international organisations based in Turkey has constituted an incentive for those institutions to prefer Turkey for their headquarters and/or regional bureaus. In this respect, it goes without saying that, if so decided, the WIPO External Office would also benefit from this support.

[End of Annex and of document]

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<sup>4</sup> As per the Guiding Principles regarding WIPO External Offices §11bis: "Funding for EOs other than that provided by the host country or another country wishing to contribute to the functioning of the EO in question shall not impose any additional financial burden on Member States other than the approved regular budget allocation".