
Sub-Committee on Least-Developed Countries

WIPO-WTO JOINT INITIATIVE ON TECHNICAL COOPERATION FOR LEAST-DEVELOPED COUNTRIES

Note by the Secretariat

1. At the 25th session of the Sub-Committee on Least-Developed Countries held on 20 July 2001, the Secretariat was invited to report on the recently launched WIPO-WTO Joint Initiative on Technical Cooperation for Least-Developed Countries (LDCs).¹ At that meeting, some delegations expressed an interest in also obtaining information on the Joint Initiative in a written form. The purpose of this note is to respond to that request.

2. The Joint Initiative was launched by the Director-General of the WTO, Mr. Mike Moore, and the Director General of WIPO, Dr. Kamil Idris, at a ceremony held at the WIPO headquarters in Geneva on Thursday 14 June 2001. At the launching ceremony, which also involved representatives from least-developed countries, the two Directors-General signed a joint communication to be sent to all least-developed countries' governments, informing them of the initiative and inviting their active participation. The text of this joint communication is contained in the Annex to this note.²

3. The Joint Initiative is aimed at helping LDC Members of the WTO comply with their obligations under the TRIPS Agreement and make best use of the intellectual property system for their economic, social and cultural development. It is open to other LDCs as well. It is being carried out under the auspices of the WIPO-WTO cooperation agreement, which came into force on 1 January 1996. This Agreement, which provides for cooperation, *inter alia*, in the provision of technical assistance. The Joint Initiative builds on existing cooperation between WIPO and the WTO and on each organization's own existing technical assistance programmes.

4. Under the Joint Initiative for LDCs, the two Organizations, together with countries requesting assistance, and, where appropriate, donor countries, will endeavour to maximize the use of available resources in the coming critical period by ensuring that technical cooperation activities are efficiently planned and coordinated. The Joint Initiative envisages assistance in two phases:

- In the first phase of the initiative, the two Organizations will organize two regional workshops in the year 2002, one for the least-developed Sub-Saharan African countries and Haiti, and the other for the LDCs in the Asia-Pacific region. The objective of these workshops will be to ensure that officials from these countries are fully familiar with the basic concepts, principles, rights and obligations laid down in

¹ The Secretariat informed the Council for Trade-Related Aspects of Intellectual Property Rights on the launch of the Joint Initiative at the Council's meeting held on 18-22 June 2001. The TRIPS Council was also informed about the preparations of the initiative at its meetings held in November 2000 and April 2001 (documents IP/C/M/29 and IP/C/M/30).

² A WTO press release, dated 14 June 2001, was circulated in conjunction with the launch of the Joint Initiative. A press release was issued simultaneously by WIPO.

the TRIPS Agreement, in particular with a view to facilitating its implementation and identifying critical implementation challenges. Invitations to these workshops will be extended to all LDCs, whether or not members of the WTO and/or WIPO.

- These workshops, together with bilateral contacts, will also help to draw up a list of priority forms of assistance that should be provided under the Joint Initiative in the second phase, which will focus on country specific action plans.

5. Requests for technical cooperation under the initiative can be sent to either Organization.

ANNEX

The text of the joint communication signed by the two Directors-General on 14 June 2001

**Joint Initiative on Technical Cooperation
for Least-Developed Countries
provided by the World Intellectual Property Organization (WIPO)
and the World Trade Organization (WTO)**

Madam,
Sir,

We have the honor to address you on an important matter. As you are aware, the obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) will come into force on January 1, 2006, in the case of least-developed country Members of the WTO. For these countries, fulfilling this commitment poses a considerable challenge; however, it also presents numerous opportunities to utilize intellectual property for accelerating their economic, social, and cultural development.

We have the pleasure to inform you that the WIPO and the WTO are launching a joint initiative on technical cooperation to assist least-developed countries to meet this challenge. This joint initiative is being taken under the auspices of the Agreement Between the World Intellectual Property Organization and the World Trade Organization, which came into force on January 1, 1996. This Agreement provides, *inter alia*, that the two Organizations will cooperate in providing legal-technical assistance and technical cooperation related to the TRIPS Agreement for developing country Members of either of the two Organizations. The joint initiative is intended to build on the existing cooperation between the two Organizations and their existing programs in this connection.

In the first phase of the initiative, the two Organizations will organize two regional workshops in the year 2002, one for the least-developed sub-Saharan African countries and Haiti, and the other for the least-developed countries in the Asia-Pacific region. The objective of these workshops will be to ensure that officials from these countries are fully familiar with the basic concepts, principles and obligations laid down in the TRIPS Agreement, in particular with a view to facilitating its implementation and identifying critical implementation challenges. Invitations to these workshops will be extended also to those least-developed countries that are neither Members of the WTO nor Member States of the WIPO. These workshops, together with bilateral contacts, will also help to draw up a list of priority forms of assistance that should be provided under the joint initiative in the second phase, which will focus on country specific action plans.

Under this joint initiative, the two Organizations commit themselves to use available resources to provide, on request, assistance to enable least-developed country Members of the WTO to comply with obligations under the TRIPS Agreement within the applicable time limits. Our two

Organizations will provide technical cooperation, both individually and jointly, using both in-house resources and outside experts, and, wherever appropriate, in conjunction with donor countries. The joint initiative aims to facilitate enhanced utilization of programs both in respect of the provision of substantive intellectual property rights and in respect of procedures and remedies for their enforcement, which is an integral part of the TRIPS Agreement.

Please find annexed to this letter a list of the forms of assistance and cooperation that are available on request from your Government. This is not an exhaustive list and we will give consideration to requests for other forms of assistance that you may require, within the limits of our resources.

We hope that this initiative will enable your Government to utilize the resources and expertise of our two Organizations in implementing the TRIPS Agreement and making use of it for your country's benefit. Requests for technical cooperation under this initiative can be sent to either Organization.

This letter is being sent to the Permanent Representatives of least-developed countries to the WIPO and to the WTO and copies to their industrial property offices and copyright offices.

Accept, Madam, Sir, the assurances of our highest consideration.

Kamil Idris
Director General
World Intellectual Property Organization

Mike Moore
Director-General
World Trade Organization

ANNEX (to the Joint Communication)

FORMS OF ASSISTANCE AVAILABLE

Assistance Regarding Legislation

- Advice on compatibility of existing legislation with the provisions of the TRIPS Agreement
- Advice on the preparation of new legislation including the preparation of draft legislation with commentaries or explanatory notes or the preparation of comments and suggestions on draft laws or legislative provisions prepared by Governments
- Preparation of draft implementing regulations including schedules of fees and forms

Notification Obligations under the TRIPS Agreement

- Assistance in meeting the notification obligations under the TRIPS Agreement

Human Resource Development

- International, regional, sub-regional and national meetings to explain and discuss the provisions and implications of the TRIPS Agreement
- Training courses, fellowships, study visits, advisory missions and on-the-job training
- Special meetings and courses for policy makers/advisors, officials, judiciary and enforcement agencies (customs/police), attorneys, scientific, research and academic institutions, inventors and inventors' associations, etc.
- Assistance regarding technology transfer and licensing arrangements
- Teaching of intellectual property law

Institution Building and Modernization of Intellectual Property System

- Establishing and modernizing intellectual property offices
- Assisting the setting up of collective administrations for copyright
- Preparation of work manuals and rationalization and simplification of work procedures
- Information technology, automation and computerization
- Patent information services
- Collaboration with regional and national training institutions
- Preparation and implementation of Nationally Focused Action Plans (NFAPs), *inter alia*, for the above.

Enforcement

- Training of trainers
- Networking of and coordination among the enforcement agencies
- Facilitating the creation of data bases
- Special fora for judiciary
- Training for enforcement agencies including customs and police officials
- Liaison with the private sector and rights holders associations.

Online

- Provision of information through the Internet websites of the two Organizations (www.wipo.int and www.wto.org)
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