

WORLD TRADE ORGANIZATION

RESTRICTED

IP/C/W/12/Add.2

11 September 1995

(95-2567)

**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English

TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM DEVELOPED COUNTRY MEMBERS

Addendum

United States

This addendum reproduces a communication, dated 21 August 1995, which has been received from the delegation of the United States in response to the request by the Council for TRIPS to developed country Members, as agreed at its meeting of 24 May 1995 (IP/C/M/2, paragraph 53), for information on their technical and financial cooperation programmes in the area of intellectual property relevant to the implementation of the TRIPS Agreement.

TECHNICAL ASSISTANCE IN INTELLECTUAL PROPERTY PROVIDED BY
THE UNITED STATES COPYRIGHT OFFICE, LIBRARY OF CONGRESS

International Copyright Institute

The U.S. Copyright Office has been assisting foreign countries seeking to develop and improve their copyright laws for more than 50 years. However, it has been only in the last seven years that it has fully formalized these efforts.

In 1988, Congress established the International Copyright Institute (ICI), the Copyright Office's premier training program designed to help developing countries bring their copyright practices into conformance with those of the rest of the world by demonstrating the United States laws, systems, and attitudes toward a host of copyright issues. The Institute, a series of comprehensive international copyright symposia within the Copyright Office, provides training for high-level officials from developing and newly industrialized countries, and from those countries making the transition from non-market to market economies. While in Washington, participants in the Institutes learn copyright principles and how they are implemented in this country, as well as issues that are relevant to their own countries or regions.

Taking into consideration problem areas identified by industry and the focus of U.S. intellectual property trade policy, the ICI brings top government and industry officials to work with foreign government officials in the suppression of piracy and the creation of a healthy global marketing climate.

In all, some 200 individuals from 80 countries have participated in these seminars, each of which includes issues relating to their particular region. The ICI pays travel and all expenses for foreign participants to attend its programs.

In support of the United States government efforts to improve copyright protection through encouraging the development of effective copyright laws and enforcement mechanisms to eradicate piracy in developing countries, the Copyright Office has successfully organized thirteen major training programs.

All of these seminars last from one to three weeks and are held in Washington, D.C. The first of these was held in September 1988.

| | <u>Date</u> | <u>Number of Participants</u> | <u>Region or Represented Co</u> | <u>Language</u> |
|-----|----------------|-----------------------------------|-------------------------------------|-----------------|
| 1. | September 1988 | 5 | Far East | English |
| 2. | June 1989 | 7 | Egypt | English |
| 3. | September 1989 | 14 | Arabian Pen/Pacific Rim | English |
| 4. | April 1990 | 15 | Worldwide | English |
| 5. | September 1990 | 11 | French-Speaking Africa | French |
| 6. | April/May 1991 | 13 | South America | Span/Engl |
| 7. | August 1991 | 20 | PRC | English |
| 8. | November 1991 | 18 | East Europe, former USSR | Russ/Engl |
| 9. | September 1992 | 17 | Nigeria, Ghana | English |
| 10. | February 1993 | 18 | South and East Asia | English |
| 11. | May 1993 | 27 | Cen Amer and Caribbean | Span/Engl |
| 12. | September 1993 | 20 | Mid East/North Africa | Arab/Engl |
| 13. | December 1993 | 16 | Former USSR | Rus/Engl |
| 14. | September 1995 | 30 | South, Cen Amer | Span/Engl |

Other Recent Activities Funded by the ICI

Turkey

Funded several trips of a lawyer charged with drafting a new copyright law for consultations with U.S. government and private sector officials.

United Arab-Emirates

Sponsored the travel to the United States for a member of the Ministry of Information who was working on drafting the copyright implementing regulations that were aimed at solving some of the problems in the law for consultations with U.S. government and private sector officials.

China

Provided financial assistance to a Chinese official to attend a WIPO conference in Cambridge, Massachusetts, on digital technology (March 1993).

Facilitated the deputy chief of the international division of Canailles National Copyright Administration to spend more than one year in the United States studying copyright law at the Copyright Office.

International Visitors Center (IVC)

The Copyright Office also addresses the needs and interests of developing countries by assisting the United States Information Agency in its International Visitors Center, the American Participants Program and its Worldnet broadcasts. USIA will detail its programs; however, here we have outlined our efforts.

Staff members have been participants in the Amparts program, e.g., in Trinidad and Tobago, and been guests on Worldnet broadcasts that focus on copyright protection or enforcement, e.g., broadcasts to Nigeria, Liberia, Romania, and Egypt. Most of our dealings are with the International Visitors Center, which is funded by a grant from USIS. Examples include:

- (i) A visit by the president of a state publishing company in Indonesia. As a leading publisher of thousands of titles, he was interested in the relationship of U.S. copyright laws to domestic book and journal publishing and the impact of technology on publishing and library science.
- (ii) A visit by a legal advisor from the United Arab Emirates (UAE) responsible for bringing its copyright law into conformance with the TRIPs agreement where the focus was on the U.S. copyright law.
- (iii) Visit of two Romanian senior officials of the State Office for Inventions and Trademarks, and a group of television and radio professionals visited the Office in November 1994.

Franklin Pierce Law Center

Franklin Pierce Law Center has a special intellectual property program for foreign students that exposes them to practical intellectual and industrial property experience through internships and part-time or summer jobs with U.S. law firms, government agencies, and the U.S. Court of Appeals for the Federal Circuit.

Each summer, as part of this program, the Office offers a three-week internship program for foreign nationals interested in copyright law and administration. In 1995, the participants came from Korea, Chinese Taipei and India. The 1994 program included seven interns: five from Chinese Taipei, and one each from Malaysia and Sri Lanka.

World Intellectual Property Organization (WIPO) Development Cooperation Program

Officials from the Office have frequently been speakers at WIPO training courses for developing countries. For example, in July and August 1995, the Register of copyrights was a speaker at the WIPO regional training course for developing countries of Asia and the Pacific. She delivered six lectures -- four on copyright law and administration, one on controlling piracy, and one on the impact of emerging technologies on copyright law. The course included participants from 16 countries. During that visit, the Register also spoke at a colloquium on the judiciary and intellectual property system held for Sri Lankan judges, which was also sponsored by WIPO and the Sri Lankan Judges Institute. Her topic was, "Combating Infringement of Copyright and the Problem of Piracy."

Other

A number of organizations, which sponsor foreign visitors interested in copyright, schedule meetings with Copyright Office officials. These organizations include, but are not limited to, The Ford Foundation, the U.S. China Business Council, the Asia Foundation, the Soros Foundation, and the Phelps Stokes Fund. For example, the Office spent several hours recently with a group of print and software publishers who were interested in how their rights would be enforced in the United States. The Register spent several hours last week with a group of Indian publishers and lawyers who wanted to raise the standards of intellectual property in India so that India would not be on the Watch List.

Assistance to USTR

The Office also assists USTR when requested in training activities in connection with the review and consultation process of Section 301 of the Trade Act. For example, in November, 1994, an Office attorney was part of a U.S. delegation to Saudi Arabia, the U.A.E. and Egypt to promote protection for U.S. intellectual property, to address certain problems encountered in bringing legitimate products to the region, and to assess progress in the region.

In February, 1995, an Office attorney visited Turkey and Cyprus to encourage further improvement in their protection of intellectual property. Specifically, issues of combating piracy and of the scope of exceptions to public performance, rebroadcast, and retransmission rights were addressed.

Issues Addressed

A list of recent and upcoming topics covered in the various discussions between the Copyright Office and foreign visitors:

- Basic notions of copyright and neighbouring rights
- The U.S. copyright system
- Copyright law in the region: recent trends
- International conventions and Norm-setting activities
- Intellectual Property in NAFTA and GATT/TRIPs
- The Role of the State in Protection of Copyright and Related Rights
- Copyright and Related Rights under Regional Agreements
- Copyright and the Global Information Infrastructure
- High Technology Issues
- Border Control
- Enforcement
- Role of the U.S. Supreme Court in Copyright Litigation
- Collective Administration of Rights

Countries Participating in One or More Copyright Office Programs

| | |
|-----------------|--------------|
| Albania | Kuwait |
| Algeria | Kyrgyzstan |
| Argentina | Laos |
| Armenia | Lebanon |
| Austria | Lithuania |
| Bahrain | Malaysia |
| Bangladesh | Malawi |
| Belarus | Mexico |
| Benin | Moldova |
| Bhutan | Mongolia |
| Bolivia | Morocco |
| Brazil | Nepal |
| Burkina Faso | Nicaragua |
| Burma (Myanmar) | Niger |
| Burundi | Nigeria |
| Cambodia | North Korea |
| Chile | Oman |
| China | Pakistan |
| Chinese Taipei | Panama |
| Congo | Paraguay |
| Costa Rica | Peru |
| Cuba | Philippines |
| Ecuador | Portugal |
| Egypt | Qatar |
| El Salvador | Romania |
| Fiji | Saudi Arabia |
| Georgia | Senegal |
| Ghana | Singapore |
| Guinea | Sri Lanka |
| Haiti | Tajikistan |
| Honduras | Thailand |
| Hungary | Tunisia |
| India | Turkey |
| Indonesia | Uganda |
| Iran | Ukraine |
| Jamaica | UAE |
| Jordan | Uruguay |
| Kazakhstan | Uzbekistan |
| Kenya | Yemen |
| Rep. of Korea | Zaire |

TECHNICAL ASSISTANCE IN INTELLECTUAL PROPERTY
PROVIDED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE,
DEPARTMENT OF COMMERCE

Following is a summary of the technical assistance the U.S. Patent and Trademark Office (USPTO) has provided recently to developing and least-developed countries, and of on-going programs of assistance. It does not include programs conducted for countries that are not Members of the World Trade Organization, such as the newly independent states.

Visiting Scholars

Since 1985, the USPTO has provided the Visiting Scholars Program to participants from over 30 foreign countries. Through three weeks of classroom and "hands-on" study, participants learn about various aspects of the administration of industrial property law, in particular patent and trademark examination, and gain an understanding of the rôle of intellectual property protection as a tool for economic development. Those participating in the program learn the basic elements of patent and trademark examination, including classification, search, office action creation, communication with applicants, and final application processing.

Approximately 24 students, primarily from Central and Eastern Europe participated in the October 17 - November 4, 1994 program. The Agency for International Development (AID), through the Commercial Law Development Program (CLDP) of the Department of Commerce, funded the Central and Eastern European students and the USPTO provided the trainers and the training facilities. Three to five students from Mexico, funded by AID through a program administered by the USPTO and one student from Saudi Arabia, independently funded, also attended all or part of the program.

The USPTO expects to run a similar program in October - November 1995.

Review of Country Laws

At the request of developing countries, the USPTO reviews draft intellectual property laws and provides comments and advise about the consistency of the law with international obligations and the procedural aspects of the law. In recent years, the USPTO has provided such comments and advice on draft laws on many Central and Eastern European countries, Latin American countries, Middle Eastern countries and Southeast Asian countries.

Mexico

The USPTO provided extensive technical assistance to Mexico, coordinating its activities with those of the World Intellectual Property Organization and other organizations to avoid duplication. After an analysis of the needs of the country, the USPTO provided training for patent and trademark examiners, first in Washington then in Mexico City. The training in Mexico City was provided by USPTO officials in Spanish. The training for patent examiners was adapted to each of the three main technical specialties -- chemical, mechanical and electrical fields. The training of trademark examiners covered both legal and procedural matters.

In addition to providing training, the USPTO provided documentation resources for the Mexican Patent Office, aimed at eliminating the backlog of applications and would assist the on-going examination function. The set of U.S. patents for the 1973-1992 was provided on roll film and an exchange

arrangement between the two Offices will supplement that collection with roll film of U.S. patents since 1992. In addition, other search tools were provided on CD-ROM.

The USPTO also has discussed other procedures and systems with officials of the Mexican Patent Office, including office automation, management and quality control, protection for biotechnological inventions (particular plants), and use of automated patent and trademark search systems. Courses in Spanish on the use of search tools, including CD-ROMS, have been offered in Mexico.

An official from the USPTO also participated in a seminar in Mexico City in March of 1994, conducted by the U.S. Customs Service, on border enforcement of intellectual property rights for customs officials.

Latin America and the Caribbean

Officials from the USPTO have conducted study missions to several Latin American/Caribbean countries during 1994-95, including the Dominican Republic, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, and Panama. The officials meet with relevant government officials, private sector representatives, and academics to inventory the infrastructure for the registration of intellectual property rights, including patents, trademarks, industrial designs, semi-conductor layout-designs, etc. and their enforcement. Everything from legislation to office space, personnel, and equipment is considered. Based upon the inventory, the needs for legislation, technical assistance, including training and equipment are assessed and a plan for meeting these needs is developed. Follow-up participation by the USPTO depends upon available funds.

Romania

Under the CLDP program, funded by AID, the USPTO has provided technical experts on patents and trademarks to act as in-country advisers to the Government of Romania for one month periods each. In the course of the month, the expert meets with government officials, provides training and advice and provides seminars for private sector representatives on intellectual property.

TECHNICAL ASSISTANCE IN INTELLECTUAL PROPERTY
PROVIDED BY THE UNITED STATES CUSTOMS SERVICE,
TREASURY DEPARTMENT

The following is a summary of the technical assistance the U.S. Customs Service has provided recently to developing and least-developed countries, and of ongoing programs of assistance. The Customs Service has an active foreign visitor program which has hosted many individuals, has Customs Mutual Assistance Agreements with many countries and is a member of the World Customs Organization.

People's Republic of China

Bilateral Intellectual Property Rights Agreement

As a member of the United States Trade Representative (USTR) negotiating team since 1993, the U.S. Customs Service has participated in negotiating sessions in Beijing and contributed expertise on Customs law and procedures relating to intellectual property rights (IPR) border enforcement. Pursuant to the bilateral IPR agreement reached in February, 1995, U.S. Customs will provide training to Chinese Customs officers having responsibility for enforcing intellectual property rights, methods of identifying infringements and the building of a centralized system of IPR recordings.

As of July, 1995, details of the U.S./China action plan are still being worked out, but U.S. Customs has already sent an inception mission team to China and is now ready to send interdisciplinary teams to train Chinese officers in inspection, processing, and investigative techniques. In June, a delegation of Chinese Customs officials visited U.S. Customs Headquarters in Washington and the port of San Francisco where they observed training methods. The U.S. Customs Intellectual Property Rights Branch had also a demonstration of its automated recordation system for trademarks and copyrights.

In mid July, an attorney from the IPR Branch, a Special Agent of Customs, and a technician from the Research Division of the Customs Office of Laboratories and Scientific Services, travelled to Beijing to present seminars on IPR border enforcement law and procedure, investigative techniques and technical procedures for enforcement, in conjunction with lectures being conducted by the FBI for China's Office of the Procuratorate.

Asian Development Bank Technical Assistance Project

As part of a competitive consultancy project awarded by the Asian Development Bank, U.S. Customs will provide technical assistance to Chinese Customs in a number of enforcement areas, including some intellectual property rights activities. U.S. Customs will provide information on several countries' laws, regulations and treaties pertaining to IPR for use in the construction of a Legal Information System (LIS). Also, U.S. Customs will participate in a symposium in China on intellectual property rights which will include lecturing on the importance of protecting trademarks, copyrights and patents worldwide, and the U.S. experience in the international debate on IPR enforcement.

Chinese Taipei

Over the past 5 years, the United States has provided extensive assistance to Chinese Taipei in all aspects of IPR protection. In particular, Customs has:

- (1) provided lengthy legal review and analysis of the IPR laws and regulations of Chinese Taipei as they pertain to the border enforcement of intellectual property rights. This

included written analyses, position papers, negotiating positions prepared for the USTR dealing primarily with inadequacies in Chinese Taipei IPR protection, and a line-by-line critique/re-write of the Chinese Taipei regulations;

- (2) made numerous trips to Chinese Taipei for negotiations and review of the Chinese Taipei IPR enforcement scheme, including review and analysis of the Chinese Taipei export monitoring system for copyright;
- (3) arranged at least one trip to Chinese Taipei by Customs laboratory personnel to discuss software and video programming examination techniques;
- (4) arranged for a trip to Chinese Taipei by U.S. Customs personnel trained in computer systems design, to evaluate and critique the Chinese Taipei proposals for the copyright export monitoring system;
- (5) arranged numerous trips to the United States by personnel from Chinese Taipei Customs, the Bureau of Foreign Trade ("BOFT") and the Institute for Information Industry ("III") to study the U.S. recordation system, Customs' operational procedures, and laboratory techniques;
- (6) continued to review the performance and effectiveness of both the software and trademark monitoring systems, through the USTR and the American Institute in Taiwan ("AIT").

Middle East

- (1) Participated in a Gulf Cooperation council seminar held in Riyadh, Saudi Arabia, regarding the protection of intellectual property rights in the Middle East. Specifically, the seminar addressed the need for identifying infringing products, and the enforcement steps that may be taken to interdict such goods' movement. The other seminar participants included representatives from U.S. Government agencies and the private sector.
- (2) Conducted a day-long seminar on IPR enforcement in the United Arab Emirates. The seminar was sponsored by the Dubai Department of Economics, and there were no other presenters.
- (3) Hosted a visit to Customs by selected Middle East government officials, journalists, and private industry representatives for a short presentation on Customs' IPR border enforcement activities.

Republic of Korea

On five occasions from March 1994 to May 1995, a representative of the Intellectual Property Rights Branch, U.S. Customs Service, met with representatives of the Korean Customs Service ("KCS") and the Ministry of Finance ("MOF"). The purpose of these meetings was to address inadequacies in the KCS IPR border enforcement regulations. The regulations were drafted in late 1993 and became effective in January 1994.

Three of these meetings occurred within the context of a bilateral negotiation or trade sub-group meeting. Two occurred when representatives of KCS and MOF were in the U.S. for other reasons. Each meeting lasted several hours.

During the meetings with the KCS representatives, the discussion focused on a line-by-line critique of the KCS regulations and recommendations regarding how to improve the existing regulations to create an effective enforcement scheme. These meetings were very detail oriented.

Discussions with MOF representatives, who are in the position of approving amendments to the regulations, focused on major points of contention and the benefits associated with resolving problems with the regulations in the recommended manner. These meetings focused less on detail and more on the broader issues.

USCS provided KCS with a written line-by-line critique of the initial regulations. Many of the amendments suggested by USCS were incorporated in a more recent version of the regulations published late in 1994. In March 1995, USCS provided KCS with a written critique of the amended regulations.

In May 1995, USCS provided a copy of the draft of the new USCS IPR border enforcement regulations to KCS during their annual bilateral meeting. Presumably, this document will be used as a model for addressing the remaining shortcomings in the KCS regulations.

USCS will continue to provide verbal and written assistance to KCS for the purpose of developing an effective IPR border enforcement system in the Republic of Korea.

Thailand

In the spring of 1994, in response to a request from Thai Customs officials to receive training in developing an IPR border enforcement regime, a senior attorney in the Intellectual Property Rights Branch conducted an all-day seminar on the legal and administrative procedures necessary to create such a regime. The attorney also met with Thai Customs and other government officials involved in the protection of intellectual property rights to discuss Thailand's current IPR enforcement procedures.

The United States Trade Representative's Office in conjunction with the U.S. Embassy in Thailand arranged the training which was requested by Thai Customs officials during the Special 301 negotiations. To assist Thai Customs in its efforts to improve its protection of intellectual property rights at the border, U.S. Customs has offered to provide additional training on the legal procedures necessary to implement an effective IPR border enforcement regime and technical training in the use of computers and laboratory analysis.

Mexico

In August of 1994, U.S. Customs arranged for a two-day IPR seminar to be presented in Mexico City. The U.S. Government team of presenters consisted of the Chief of the IPR Branch, the Director of the Customs Research Division in the Office of Laboratories and Scientific Services, a training officer from the Office of International Affairs, and an attorney from the Office of International Affairs, and an attorney from the U.S. Patent and Trademark Office's Office of Legislative and International Affairs. Also doing presentations on the importance and methods of IPR enforcement were representatives from Reebok, the International Trademark Association, Levi Strauss & Co. and the Recording Industry of America Association (RIAA).

The audience consisted of a mix of representatives from government and industry, including visitors from Peru and Argentina. In addition to Mexican Customs officers, there were representatives from Mexico's Treasury Department and experts on patent, trademark and copyright law. There were lively discussions and comments which appeared to stimulate ideas about Mexico's approach to IPR border enforcement under NAFTA.

Flowing from this event, in April of 1995, U.S. Customs made available to the Mexican representative at the Dallas, Texas, NAFTA Center, a copy of draft U.S. regulations to implement NAFTA IPR requirements while at the same time anticipating GATT "TRIPS" requirements. It was recognized on both sides that the draft might be useful to Mexico as it fashions its approach to IPR border enforcement under NAFTA.

Russia

Under the Department of Commerce General Counsel's Commercial Law Development Program (CLDP), the Chief of Customs' Intellectual Property Rights Branch went to Moscow, Russia (Russian Federation) for one week, in May of 1995, with an attorney from the U.S. Patent and Trademark Office's Office of Legislation and International Affairs. The mission was to conduct a short-term program on the protection of intellectual property rights, in support of Russia's goal of accession to the World Trade Organization (WTO). Lectures, slides and visual aids were presented as training examples of customs law and procedures relating to IPRs.

The U.S. Customs representative encouraged empowerment of Customs and the raising of consciousness about the importance of protecting IPRs at the border, both on import and export. In furtherance of that effort, Russia's membership in the World Customs Organization (WCO) was noted and a copy of the WCO draft of model legislation for IPR border enforcement given to several of the Russian government agencies participating. Since that draft is based on TRIPS, it follows that adoption of it would put Russia in compliance with that portion of the "Uruguay Round," even though the U.S. would like to see even higher standards adopted.

The CLDP maintains a resident contact person in Moscow who will serve as coordinator for further follow-up activities. Also, a number of contact persons and offices in the relevant Russian government agencies were identified. U.S. Customs plans to participate in seminar events which are planned in the U.S. for Russian visitors, and other plans will be developed to further the program overall.

Ukraine

Under the Department of Commerce General Counsel's Commercial Law Development Program (CLDP), the Chief of Customs' Intellectual Property Rights Branch went to Kiev, Ukraine, for one week in May of 1995, with an attorney from the U.S. Patent and Trademark Office's Office of Legislation and International Affairs. The mission was to conduct a short-term program on the protection of intellectual property rights, in support of the Ukraine's goal of accession to the World Trade Organization (WTO). Lectures, slides and visual aids were presented as training examples of customs law and procedures relating to IPR.

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World Customs Organization

As a member of the World Customs Organization (WCO), headquarters in Brussels, Belgium, U.S. Customs has been active in the development of model national legislation to give Customs Services greater powers to fight counterfeiting and piracy. There are more than 130 members of the WCO, and the recently (July, 1995) approved model is based on the Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS").

While the model legislation, like TRIPS, sets a minimum baseline, a member of the member nations would no doubt qualify as "developing" or "least-developed" countries, with little or no protection for intellectual property rights. The WCO product is aimed specifically at IPR border enforcement, and, in debate, the higher standards of U.S. Customs law and procedure were promoted as an example. In any event, the "legislative" proceedings before the WCO membership at large, and in committee, spotlighted the importance of border protection for IPRs and should influence member countries to consider adopting the package.

The WCO model legislation has been, and can be, stressed when attempting to inform and facilitate implementation of an import/export IPR control system by developing and least-developed countries.

TECHNICAL ASSISTANCE IN INTELLECTUAL PROPERTY PROVIDED BY
THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Asia and the Near East

Egypt

The 1993/1994 Sector Policy Reform measure required the Government of Egypt to submit a new patent law to the People's Assembly. USAID anticipates that a suitable draft will be submitted during the current legislative session. A second condition resulted in the Government completing a study aimed at identifying needed administrative improvements for its IPR system. Based on this study, USAID is now designing a long-term technical assistance program to improve Egypt's IPR legal framework. Implementation of this activity by the Government will satisfy 1994/95 and 1995/96 Sector Policy Reform measures.

Indonesia

USAID has three projects dealing with IPR issues; the Economic Law and Improved Procurement Systems project; the Agribusiness Development project. These projects provided technical assistance to Indonesian government officials on requirements for bringing their laws in line with international agreements.

Jordan

Disbursement of a cash transfer is tied to the accomplishment of a set of reform measures, including the review of current IPR laws and regulations and the examination of mechanisms for their enforcement. USAID sponsored an assessment of the feasibility of Jordanian ratification of international conventions and followed up with specific technical assistance in drafting of both domestic legislation and implementing regulations. A seminar on enforcement of IPRs and its impact on investment is planned for this upcoming year.

The Philippines

In cooperation with the Philippine government, USAID is coordinating a private sector response to IPR enforcement. USAID is awaiting a proposal from the IIPA and the Philippine private sector and is prepared to offer matching support to the initiative.

Thailand

In 1993 the Science and Technology for Development project funded a workshop on "International Patents for Technology Development," which provided an overview of U.S. patent laws and their relationships to the patent laws of other countries.

Latin America and the Caribbean

Bolivia

USAID has recently initiated plans for possible interventions over the next few years. In cooperation with the ECON Section from the U.S. Embassy, USAID has entered into a policy dialogue with the government within the framework of the current investment climate initiative.

Dominican Republic

USAID provided funding for a speaker from the Patent and Trademark Office for a seminar on the need for implementing a new IPR law in the Dominican Republic. An additional activity was planned as part of the Trade Practices and Productivity Improvement project, but will be dropped due to budget and staffing constraints.

Ecuador

USAID's primary strategic objective, to increase sustainable economic growth for a broad base of the population, includes IPR activities implemented through a cooperative agreement with Fundación Ecuador, a private-sector led organization. To date, activities have involved policy dialogue with government officials and an international conference. Now, USAID is sponsoring a comprehensive review of the Ecuadoran IPR regime and plans to use this study of the Ecuadoran legislation and commitment to international IPR standards to develop an overall IPR program for the country.

Guatemala/Central America Regional

USAID funded a study and other technical assistance to draft new patent, copyright and trademark legislation. A disbursement under the Trade and Labour Relations Development project was partly conditioned on IPR reforms. The regional Economic Policy Research project conducted a comparison of actual and planned IPR legislation in the region with the terms of NAFTA and other international agreements, and to analyze governmental IPR enforcement capacity. USAID provided funding for the Chief Judge of the USPTO's Board of Appeals to participate in a series of USAID sponsored regional IPR seminars. Future support will focus on technical assistance designed to improve the legislative framework and enforcement capacity.

Honduras

USAID provided technical assistance to the GOH's Intellectual Property Rights Directorate and has participated in the regional IPR initiative.

Jamaica

USAID funding provided a speaker to address IPR issues at a large conference on the effects of economic policy reform on business. USAID also recently sponsored a team consisting of USAID/Washington personnel, a representative from the Patents and Trademarks Office, and a private attorney to assess the current state of play in the Jamaican IPR regime. This team's findings will be used by the mission to incorporate IPR activities into the USAID's overall Economic Growth strategy.

Eastern Europe and the NIS

Russia

Through various mechanisms, USAID's mission in Moscow provided technical assistance in the drafting of commercial legislation, including issues surrounding IPRs. USAID has also sponsored interventions by the Customs Service, the Patents and Trademarks Office and the Commerce Department's Commercial Law Development Program: USAID is coordinating with other Federal agencies in developing a coordinated IPR strategy for Russia.

Eastern Europe and the NIS

USAID provided funding to the American Bar Association's Central and Eastern European Law Initiative (CEELI). CEELI has conducted several analyses of IPR regimes in Bulgaria, Estonia, Latvia, Albania, and Uzbekistan.

USAID Washington IPR Initiatives:

G/Center for Economic Growth: The Center's Agricultural Biotechnology for Sustainable Productivity project includes training activities in intellectual property protection. Participants include Costa Rica, Indonesia, Egypt, Kenya, Morocco, Thailand, Mexico, Brazil, and the International Agricultural Research Centers. Training has taken the form of workshops, seminars and internship programs. The Center's Office of Economic and Institutional Reform has dedicated a staff member to liaise with the USPTO, Customs, the USTR and various industry groups regarding IPR issues and has provided staff to USAID/Kingston to assist in the recent IPR survey.

Global/Human Capacity Development: The Center is hosting an employee of the Patents and Trademark Office to work on IPR issues and is planning to conduct a workshop on IPRs this fall.

G/Center for the Environment: The Center is sponsoring a workshop on Biodiversity Prospecting in Costa Rica that will address IPR identification, enforcement, etc. This workshop may be repeated in other regions, or the Center may develop training programs which target specific topics of interest, such as capacity building for IPR enforcement.

TECHNICAL ASSISTANCE IN INTELLECTUAL PROPERTY PROVIDED BY
THE UNITED STATES INFORMATION AGENCY

Speaker Programs

During the current Fiscal Year, Travelling Speaker programs on IPRs have been completed in Mexico, Nicaragua, Brazil, and Estonia. We plan to send speakers on this subject to Poland, Indonesia, the Philippines and Panama during the remainder of FY 95. Thus far, plans are underway to recruit for speaker programming in Italy in FY 96. During FY 95, one teleconference on IPR was conducted with Romania on the valuation of intellectual property. During FY 94, one teleconference each in Turkey and Bangladesh, two in India and four in China on various IPR subjects.

Foreign Press Centers

Plans are being finalized by USIA's Foreign Press Centers for a trip for resident foreign journalists to Los Angeles, Seattle and Washington, DC beginning the third week of Sept. 1995. Journalists are expected to visit Washington, DC, California and Washington State. The tour will focus on the IPR interests of American software, publishing, manufacturing, entertainment, pharmaceutical and biotech companies and will provide participants access to some of the players most influential in American efforts for international protection of intellectual property rights. This tour is offered to all resident journalists accredited to the USIA Foreign Press Centers in Washington, New York and Los Angeles.

Publisher Education

In FY 95, USIA's Publisher Education Program sponsored two regionally based workshops on the theme of Intellectual Property Rights. Workshop/seminars were designed and held in Hong Kong and Warsaw. We had planned a third regional conference for Bucharest, but had to cancel because of the recession order. In Hong Kong, the conference focused on the role of non-government organizations in promoting and implementing effective systems of IPR protection. The conference was organized on the assumption that although property rights issues have been and will continue to be addressed in government-to-government discussions, the role of private and professional organizations working in tandem with governments was particularly critical to the long-term development of effective property rights régimes. Fifty representatives of non-governmental organizations from the U.S. and sixteen East Asian countries and territories participated.

Worldnet Television

USIA's Worldnet International Television Service has been very active during FY 94 and 95 on this subject. Worldnet Dialogues are one-way video/two-way audio teleconference discussions transmitted by USIA's satellite transmission system. Audiences invited to American Embassies, Consulates or Cultural Centers participate in discussions with American IPR experts.

In FY 95, there have been six Worldnet Dialogues thus far. The six programs were targeted to: Japan, the Philippines, Australia; Panama, El Salvador; Venezuela, Ecuador, Dominican Republic; Nicaragua, Guatemala; Argentina; Saudi Arabia, United Arab Emirates (UAE), Lebanon.

In FY 94, there were twelve Worldnet Dialogues. These programs were targeted to:

- UAE and Lebanon;
- Cote D'Ivoire, Senegal, Guinea, Burkina Faso and Mali;
- India;
- Nicaragua and Panama;
- Jordan, UAE and Kuwait;
- Peru and Colombia;
- Hong Kong, Chinese Taipei, the Philippines and Australia;
- Belgium, Germany, France/OECD;
- Canada and Sweden;
- Turkey, Romania and Italy.

International Visitor Programs

The Office of International Visitors in the Bureau of Educational and Cultural Affairs arrange individual and group visits to the United States under the International Visitor or Voluntary Visitor programs. In the East Asia and Pacific Branch of this Office, a large number of individual visitors coming to focus on the general area of trade receive some treatment of IPRs as part of their overall program. We have incomplete data here for this fiscal year, but four visitors from Korea, one from Malaysia and four from Thailand had appointments concerning IPRs as one element of their overall visit to the United States.

Larger programs specifically dedicated to IPRs are fewer. Beginning March 27, 1995, from the PRC, a twenty-eight day program titled "Enforcement of Intellectual Property Rights" for three individuals from Shanghai. With enforcement of IPRs a key issue in the US-China bilateral relationship, the program stressed U.S. Government views of copyright as an intellectual property right; how these views are translated into viable laws; the U.S. Government's use of raids and other methods for developing information about IPR violations; and administrative and other remedies taken to deal with violators.

A special program focusing on IPRs was arranged for three Italian Magistrates visiting the U.S. together, March 23-April 22, 1995. More akin to a U.S. District Attorney, they investigate IPR-related crimes in their jurisdictions. The program will look at the protection of intellectual property rights and compliance with international accords; employment of technology against "white collar" and computer crimes; and governmental relations and policies towards mass media.

COMMERCIAL LAW DEVELOPMENT PROGRAM
OFFICE OF THE GENERAL COUNSEL
U.S. DEPARTMENT OF COMMERCE

Intellectual Property Rights Assistance Activities

The Commercial Law Development Program of the U.S. Department of Commerce Office of the General Counsel provides a variety of types of assistance with respect to the development and implementation of laws and international agreements affecting trade and investment, including the protection of intellectual property rights.

The following is an indicative list of CLDP's recent activities and those scheduled for the near future with respect to intellectual property rights.

Region-wide Programs

Central and Eastern Europe

In the fall of 1994, CLDP provided three weeks of intensive training on the fundamentals and intricacies of patent and trademark protection to Central and Eastern European government officials responsible for the regulation of intellectual property rights. Training, provided under the auspices of the Department of Commerce Patent and Trademark Office, concentrated on identifying and discussing the solutions to various practical problems and policy questions that the visiting officials likely face as they encounter changes accompanying a transition to a market economy. The discussion ranged from law reform to office procedures. Workshop leaders were attorneys, patent examiners, scientists and administrators with significant experience in the field.

Participating countries included: Albania, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

Russia and Ukraine

In the fall of 1995, CLDP will provide a two-week program centred in Washington, DC, with a side trip to the port of Baltimore, for the purpose of strengthening the technical expertise and practical skills of government and judicial officials responsible for the enforcement of intellectual property rights, with particular emphasis on issues arising in connection with World Trade Organization Membership.

Organized by CLDP in cooperation with the U.S. Patent and Trademark Office and the Federal Judicial Center, the program also is being coordinated with other U.S. Government agencies, including USTR, the Customs Service, the FBI, and the Copyright Office, as well as private groups, including the International Intellectual Property Alliance.

Participants will include twenty persons involved in various aspects of intellectual property rights protection, including government officials, prosecutors, judges and legislators, from Russia and Ukraine.

Country-specific Activities

Estonia

In the spring of 1995, CLDP provided a one-week advisor to the Estonian Patent Office for the purpose of assisting them with development of protection for computer chip designs.

Latvia

In the spring of 1995, CLDP sent an expert on patent appeals procedures to work with the Latvian Patent Office for one week to assist them in developing their own procedures for patent appeals.

Lithuania

In the spring of 1995, CLDP sent an expert on trademark appeals procedures to work with the Lithuanian State Patent Bureau for one week to assist them in developing procedures for trademark appeals.

In the summer of 1995, CLDP provided an expert on intellectual property rights, specifically as concerns pharmaceuticals, to work with the Lithuanian State Patent Bureau in developing the procedures necessary to protect the holders of pharmaceutical patents.

Romania

Since 1993, CLDP has provided a continuous series of resident advisors to the Romanian State Office for Inventions and Trademarks (OSIM). These advisors have assisted OSIM with a variety of specific IPR issues, including drafting of legislation and regulations and the development of office procedures with respect to patents, design patents, trademarks, trade secrets and copyrights.

In addition, during the summer of 1995, CLDP brought three officials from OSIM to Washington for two weeks of consultations with PTO and other USG agencies with respect to patent, trademark and copyright procedures, judicial training and enforcement of intellectual property rights. These consultations served as follow-up to the CLDP-sponsored 1994 Regional Program mentioned above and the training provided by the CLDP advisors at OSIM.

Russia

In the spring of 1995, CLDP sent two IPR experts, one from the Patent and Trademark Office and one from the U.S. Customs Service IPR Enforcement Branch, to consult with the Russian Government with respect to IPR enforcement issues and the WTO TRIPS Agreement.

CLDP will be sending another advisor to Moscow this fall to follow-up the work done by the first two experts.

Ukraine

In the spring of 1995, CLDP sent two IPR experts, one from the Patent and Trademark Office and one from U.S. the Customs Service IPR Enforcement Branch, to consult with the Ukrainian Patent Office and Customs Agency with respect to IPR enforcement issues and the WTO TRIPS Agreement.

CLDP will be sending another advisor to Kiev this fall to follow-up work done by the first two experts.