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

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TECHNICAL COOPERATION ACTIVITIES: INFORMATION FROM DEVELOPED COUNTRY MEMBERS

AUSTRALIA

Addendum

The present document reproduces the updated information on Australia's technical and financial cooperation activities relevant to the implementation of the TRIPS Agreement, which has been received from the Permanent Mission of Australia by means of a communication, dated 20 October 1999.

1. Pursuant to Article 67 of TRIPS, the Council for TRIPS requests an update from developed country Members of their technical and financial cooperation programmes in the area of intellectual property rights (IPRs) relevant to the implementation of the TRIPS Agreement. The TRIPS Council agreed at its meeting from 7-8 July 1999 that this year it would be done in time for the Council's meeting from 20-22 October 1999, at which there will be special focus under Agenda Item G, on Technical Cooperation. This report updates IP/C/W/12/Add.7.

2. Australia fulfils its Article 67 technical cooperation commitments at the bilateral, regional and multilateral levels. Australia considers that this can best be achieved through cooperation and assistance to developing countries particularly in the Asia-Pacific region.

3. Thus Australia has continued to expand its programme of technical assistance in the IP field including a number of major IP training programmes as well as an extended training course on biotechnology-related IP. Working closely with the APEC Secretariat and with Japan as the Convenor, Australia also hosted the Sixth meeting of the APEC Intellectual Property Rights Expert Group (IPEG) in March 1998.

4. Over the past three years bilateral assistance has been provided to 11 WTO Members and three prospective Members. The four Government agencies chiefly involved are IP Australia, the Australian Agency for International Development (AusAID), the Department of Foreign Affairs and Trade, and the Attorney-General's Department.

5. Several non-government organizations (see paragraph 41 for activities) have contributed considerably with other technical assistance initiatives. These include:

- The Australian section of the International Federation of Industrial Property Attorneys (FICPI);
- The Australian Copyright Council;

- Asia-Pacific Committee of the International Federation of Reproduction Rights Organisations (IFFRO);
- The Australasian Performing Right Association Limited (APRA).

I. BILATERAL

A. WTO MEMBERS

Bhutan

6. In 1997, Australia presented papers at the WIPO National Seminar on Intellectual Property and the TRIPS Agreement. In 1999, Australia held discussions with Bhutan IP Office staff on the development of their IP system.

Hong Kong, China

7. From 1996 to 1998, staff from the IP Department of the Hong Kong Special Administrative Region of China visited Australia for training in Australia's trademark (TM) practices and procedures, including the use of IT systems to process TM applications. During 1999, Australia provided advice to Hong Kong, China on the implementation of their new TM law. Hong Kong, China officials have been invited to return to Australia to examine Australia's TM hearing and opposition procedures.

Indonesia

8. Over a number of years, Australia has provided assistance to Indonesia in formulating its IP laws and administration, including through WIPO programmes. This has included seminars hosted by the then Australian Industrial Property Organization (AIPO), now IP Australia. This development cooperation activity included the establishment of a Sub-Group of Intellectual Property under the auspices of the Australia-Indonesia Ministerial Forum.

9. Thus from 1996 to 1998, to assist Indonesia meet its TRIPS obligations, AusAID provided funding through the first phase of the Indonesia-Australia Specialised Training Project to strengthen IP infrastructure needed for effective IP administration and IPR enforcement.

10. The second phase (1998-2003) comprises a series of courses in both countries at elementary and advanced levels for both government officials and the private sector in selected specialised areas of intellectual property rights (IPRs), involving a range of processes and skills required for effective protection and commercial exploitation of IPRs. Associated activities include contributions to the design and implementation of a project for the Indonesian Directorate-General of Intellectual Property Rights. Reciprocal visits between the two countries over the past two years have included briefings on respective procedures including opposition and enforcement procedures; Indonesian draft laws on industrial designs, trade secrets and integrated circuit layouts; TRIPS consistency and likely practical implementation issues; provision of a trademark expert (under WIPO auspices) and an expert to review proposed amendments to Indonesia's patent and trademark legislation for TRIPS consistency.

11. In 1999, IP Australia in conjunction with SMEC International initiated a World Bank funded project to re-develop the Indonesian IP system, and personnel from that agency, as well as the Attorney-General's Department and the Department of Foreign Affairs and Trade are undertaking extensive work under that project.

12. In July 1999 the Attorney-General's Department, IP Australia and the Department of Foreign Affairs and Trade hosted an Indonesian delegation to discuss various elements of IP-related legislation.

Republic of Korea

13. Between 1996 and 1998, several Korean patent examiners undertook study placements with IP Australia. In 1999, Australia hosted a visit by senior officials of the Industrial Property Tribunal of the Korean Industrial Property Office to discuss examination, appeal and management systems.

Malaysia

14. Between 1996 and 1998, Australia provided training to a number of trademark examiners in trademark examination practice and procedures including opposition procedures and search systems.

15. In 1997, WIPO, as part of a UNDP Country Project - "Strengthening the Industrial Property System of Malaysia", asked IP Australia to provide a TM expert to assist Malaysia in the implementation of amendments to its TM Act through a) revision of the manual on TM law and practice to incorporate changes which were introduced to the TM Act 1986, and b) provision of on-the-job training to selected officials of the division on the trial implementation of the new manual.

16. Malaysian patent and TM officials are scheduled to visit Australia in November 1999 for training in patent and TM opposition and hearings procedures.

Mongolia

17. In 1997, Australia presented papers to the WIPO funded Mongolian National Seminar on Intellectual Property. In 1997, an officer from the Mongolian IP Office spent several months in Australia studying the Australian IP system.

Nepal

18. In 1999, an officer from IP Australia visited Nepal to evaluate training and assistance needs to help Nepal to meet their TRIPS requirements.

Papua New Guinea

19. In 1997, discussions were held with PNG officials on the provision of technical assistance to enable PNG to meet its obligations under TRIPS. Australia provided assistance in the automation of the PNG Trade Marks Office. In 1999, Australia undertook an investigation for the PNG office into the training needs of their trademark examiners. A follow-up visit to Australia by a senior official from the PNG office is scheduled in late 1999 to obtain advice and assistance in establishing a patent and designs system for PNG.

Philippines

20. Further to reciprocal visits of IP staff under WIPO auspices, in July 1996 (with AusAID funding), IP Australia provided expert assistance in finalising the IP protocol of the General Agreement on Development Cooperation with the Philippines. Two seminars were also held on the economic importance of IP in the context of overseas development cooperation. In July 1996, the Department of Foreign Affairs and Trade conducted a training course for Philippine officials on methods of assessing the individual action plans (IAPs) of APEC economies against GATT/WTO principles and comparability.

Singapore

21. In 1998, Australia provided training in TM law and practice matters for TM examiners before implementation of the new Singapore Trade Marks Act.

Thailand

22. Australia has long provided assistance to Thailand both bilaterally and through WIPO. In 1997, Australia entered into an MOU with Thailand on Cooperation in Intellectual Property; and a reciprocal arrangement was concluded between the respective IP Offices which recognises priority rights. In 1998 and 1999, training was provided to Thai officials on search and substantive examination in industrial designs.

23. In June 1999, with AusAID funding, the Attorney General's Department organised technical training for Thai judges, court staff and prosecutors in IP-related casework. The training materials used are being consolidated. It is hoped that these materials in a more generic form (scheduled to be available in early 2000) might be useful IP guidance for other economies.

24. AusAID is funding a team of Australian IP, biotechnology and patent experts to conduct training in Thailand in November 1999.

B. PROSPECTIVE WTO MEMBERS

People's Republic of China

25. In 1998 and 1999, Australia hosted visits by two delegations of various government and trade industry agencies to discuss intellectual property and patent management matters.

26. The Attorney-General's Department organised a study tour for a delegation from the National Copyright Administration of China from 22 to 26 June 1998. The delegation visited Government departments with an interest in copyright policy, copyright collecting societies and copyright industry bodies in Melbourne, Canberra and Sydney.

Vanuatu

27. An AusAID funded consultant from the Australian Office of Parliamentary Counsel is currently in Vanuatu drafting legislation to assist the Vanuatu government to meet TRIPS requirements.

Viet Nam

28. Following the MOU between Australia and Viet Nam in 1995 on IP cooperation, in May 1996, AusAID funded two seminars in Viet Nam under the APEC Support Programme. These were conducted by three Australian Government entities to strengthen Vietnamese understanding of IP and the role of IP in supporting increased transfer of technology, trade and investment activity.

29. AusAID is funding a team of Australian IP, biotechnology and patent experts to conduct training in Viet Nam in November 1999.

30. IP Australia has invited senior Vietnamese officials to Australia in order to further cooperation and technical assistance.

II. REGIONAL

31. Australia provided assistance for the following regional activities:

- In 1996, IP Australia, in conjunction with the EPO and WIPO helped the patent attorney profession to initiate a training programme for patent attorneys in the Asia-Pacific region

32. Australia hosted the following regional fora:

- The Asia-Pacific IP Office in the New Millennium, March 1998
- In 1998, participants from the APEC region attended an AusAID funded specialised training programme on Biotechnology and IP.

33. In November-December 1998, (with AusAID funding), the Department of Foreign Affairs and Trade conducted a course of training and technical support on IP and licensing in the framework of the TRIPS agreement. The aim was to support biotechnology research programmes in developing countries in the APEC region, by promoting understanding on how to secure potential economic benefits of the IP system. Delegates to this course were from China, Indonesia, Philippines, Malaysia, Thailand, Vietnam, the ROK, PNG and Fiji.

34. As part of its APEC support programme, AusAID funded a course run jointly by the Edith Cowan University in Western Australia and the Australian Securities and Investments Commission (ASIC) in April 1999. The aim was to improve the regulatory environment for the prevention of corporate and governmental fraud including industrial and IP theft. Participants were from Indonesia, the Philippines and Vietnam.

35. The Osaka Action Agenda, adopted by APEC Ministers and Leaders in November 1995, included the development of a survey of statutes related to IPR and of corresponding jurisprudence, administrative guidelines and activities of related organisations. The APEC IP Experts Group (IPEG) initiated several surveys of intellectual property law and practice in APEC economies, with the overall aim of enhancing understanding of the current system in each economy. This is intended to facilitate use of national intellectual property (IP) systems by businesses and individuals, and also to facilitate cooperation between national administrations within the APEC region. It is also being used to assist in preparations for TRIPS implementation and review processes. With support from the APEC Secretariat and IPEG, Australia is currently conducting surveys of IP Jurisprudence and Administrative guidelines for five regional economies. Work has just been completed in October 1999 in this respect for the first two economies -Vietnam and Malaysia.

36. In 2000, Australia will jointly host with WIPO a Regional Symposium on Strategic Management of Intellectual Property in the 21st Century.

37. Australia is preparing and will shortly distribute an informal study on the TRIPS notification and review processes, which is designed to make use of existing documentary resources to facilitate the preparations for and conduct of TRIPS notification and review obligations by developing country Members for which these obligations come into effect in the year 2000.

38. In April 1998, together with the WTO Secretariat, Australia and New Zealand co-hosted and co-financed a regional seminar on the TRIPS Agreement, WIPO treaties, enforcement issues and practical syndicate exercises for TRIPS implementation, for least-developed and developing countries in the Asia-Pacific region.

39. Australia continues to provide patent searches for the IP Offices of Thailand, Fiji and Singapore under bilateral arrangements.

40. Australian officials presented papers at the following regional fora:

- WIPO Asian Regional Round Table on the Strengthening of the IP System in View of Recent International Developments, 1996;
- Commonwealth Secretariat South Pacific Workshop on Legal issues arising out of the Uruguay Round Agreements, June 1997, New Zealand;
- APEC symposium on IP Enforcement rights, July 1997, Taipei;
- APEC Industrial Property Rights Symposium on the Development of Industrial Property Systems towards the 21st Century, Japan, 1997;
- 15th LAWASIA Conference, August 1997, Philippines;
- International Symposium on the PCT system in the 21st Century, April 1998, China;
- Asia & Pacific Seed Association Plant Patents Seminar-workshop, Philippines, September 1998;
- WIPO workshop on the 1996 Internet treaties, Shanghai, October 1998;
- WIPO Asian Regional Forum on IP Policy Development, Japan, October 1998;
- Seminar/workshop on Plant Patent Issues in Asia-Pacific, September 1998, Philippines;
- APEC Symposium on Intellectual Property Rights, Japan, February 1999;
- APEC Intellectual Property Rights International Symposium, June 1999, Republic of Korea;
- WIPO Regional Consultations on e-commerce and IP, Kuala Lumpur, June 1999;
- WIPO Asia-Pacific Regional Forum on IP Policy Issues in the Next Millennium, India, July 1999;
- APEC Partners for Progress training course, Thailand, 1997, 98 & 99.

41. Non-governmental organizations and educational institutions in Australia have also had significant involvement in technical training activities during the period. These include the following:

The Australian Section of International Federation of Intellectual Property Attorneys (FICPI)

- From 1997-99, the Australian Section of the International Federation of Intellectual Property Attorneys (FICPI) and sponsored by IP Australia, conducted the South East Asian Drafting (SEAD) course on patent drafting techniques for trainee patent attorneys in Singapore. Students were from Singapore; Malaysia; Brunei; Vietnam;

Hong Kong, China; India; Pakistan; Indonesia and the Philippines. The courses - partly workshop and partly correspondence-each extended over six months;

- From 1997, FICPI has managed a student exchange programme under which trainee patent attorneys in developing countries are provided with a three-month placement in an office of a patent attorney in Australia;
- In 1997 and 1998, a scholarship of US\$5,000 was awarded to a SEAD student to facilitate further training in a patent attorneys office.

Australian Copyright Council:

- Lectures and briefings on copyright for the Indonesia-Australia Training Project (1996 to 1999);
- Briefings of government and non-government delegations and individuals from China, Indonesia, Singapore, India and Malaysia;
- Presentation at the Asian Pacific Publisher's Association Publishing 3 June 1999;
- Observer at World Forum on the Protection of Expressions of Folklore (Phuket, Thailand, 8-10 April 1997) organized by WIPO and UNESCO; and the Symposium on the Protection of Traditional Knowledge and Expressions of Indigenous Cultures in the Pacific Islands (Noumea, New Caledonia, 15-19 February 1999), organized by the Secretariat of the Pacific Community and UNESCO;
- Presentation at Regional Consultation on the Protection of Expressions of Folklore for Countries of Asia and the Pacific (Hanoi, Vietnam, 21-23 April 1999), organized by WIPO and UNESCO;
- Together with the Copyright Society of Australia, organizing the 1999 Copyright Symposium (Sydney, 11-12 November 1999), which will include participants from China, Singapore and New Zealand.

Asia-Pacific Committee of the International Federation of Reproduction Rights Organizations (IFFRO)

- The development responsibilities of the Asia-Pacific Committee of IFFRO encompass Australia and New Zealand, the South Pacific, South and North East Asia;
- WIPO and IFFRO are currently considering cooperative efforts to establish Reproduction Rights Organizations (RROs) in order to implement effective, practical copyright protection. Countries of interest to the Asia-Pacific Committee include the Philippines, Fiji, Singapore, Malaysia and Hong Kong, China;
- IFFRO has also played an active role in possibilities for cooperation through projects in the former colonies of the EU Member States located in the Pacific Region in the context of the Lome Conventions and the implementation of TRIPS Agreement requirements.

The Australasian Performing Right Association Ltd (APRA)

Fiji

- APRA established a local performing right society in Fiji (the Fijian Performing Right Association "FPRA"). Assistance includes on-going financial and royalty distribution services and technical assistance in the legal, administrative and policy areas. A structured training programme and staff exchange programme for the FPRA is being developed.

Asia-Pacific Regional Office of the International Confederation of Societies of Authors and Composers (CISAC)

- The APRA delegate on the Asia-Pacific committee of Regional Office of the International Confederation of Societies of Authors and Composers (CISAC) actively participates in and contributes to all committee activities and assistance programmes;
- APRA hosted the 1999 CISAC Asia-Pacific Regional Training and Exchange Programme attended by delegates from a range of Asia-Pacific countries.

Other technical cooperation resources:

42. Awareness building and general training resources prepared by Australian agencies have been made widely available through the Internet, and are readily available for users in all Members. These include, by way of example;

- training and awareness materials for children: <http://www.ippyonline.gov.au/>
- training and awareness material on copyright: <http://www.copyright.org.au/learn.htm>
- general awareness materials on industrial property: <http://www.ipta.com.au/>

43. Australia is also responsible for maintaining the APEC IP Contact Point list which is aimed at facilitating the flow of practical information about the operation of intellectual property systems within the APEC region:

<http://www.apecsec.org.sg/ipr/iprlist.html>
