



**Economic and Social
Council**

Distr.
GENERAL

TRADE/WP.5/AG.3/2004/3
22 October 2004

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE FOR TRADE, INDUSTRY AND
ENTERPRISE DEVELOPMENT
Working Party on International Legal
and Commercial Practice (WP.5)

Advisory Group on the Protection and Implementation of
Intellectual Property Rights for Investment
(Sixth session, 27 September 2004)

Final Report

Item 1 – Adoption of the agenda

The provisional agenda (TRADE/WP.5/AG.3/2004/1) was adopted. The final list of participants is available from the UNECE Secretariat upon request.

Item 2 – Election of officers

The Advisory Group re-elected Mr. Timothy Trainer (IACC) as co-Chair from the private sector and Mr. Nikolaus Thumm (Economic Counsellor at the Swiss Federal Institute of Intellectual Property) from the public sector. Mr. Wojciech Dziomdziora tendered his resignation as co-chair. Mr. Phil Lewis (UK Patent Office) was elected co-Chair.

Item 3 – Progress reports

The Advisory Group took note of document WP.5/AG.3/2004/2 submitted by the secretariat under this agenda item.

(a) Ukrainian support project

At the request of the government of Ukraine the Advisory Group organized an enforcement-training seminar in Ukraine on 11-13 November 2003. Ms. Olena Shcherbakova, the representative of the Ukrainian State Department of Intellectual Property, expressed appreciation of the organization and the content of the Seminar on Intellectual Property Rights enforcement. Ms Antonina Pakharenko-Anderson of Pakharenko & Partners also expressed appreciation of the

seminar. Furthermore, she requested the Advisory Group to organize a similar event with a focus on intellectual property valuation and capitalization.

(b) Warsaw Internet Conference

The Advisory Group, in cooperation with the Ministry of Culture, held a conference on Intellectual Property Exploitation in the Internet Era on 1-2 April 2004 in Warsaw, Poland. This event addressed the issues and challenges of intellectual property enforcement in the Internet era in the context of the enlargement of the European Union and attracted excellent speakers, a large attendance, strong media coverage and interest. Mr. Wojciech Dziomdziora, the representative of the Polish Ministry of Culture, expressed his appreciation to the Advisory Group for the organization of the conference and stressed the positive impact the conference made in the local media.

(c) Croatian Seminar

At the request of the government of Croatia, the Advisory Group organized a seminar on the Role of Intellectual Property and Innovation in Economic Growth on 22-24 September 2004 in Zagreb, Croatia. The objective of the seminar was to explore the links between innovation and intellectual property rights and economic growth in economies in transition. On behalf of the Croatian Government, Ms. Maja Adamic (First Secretary, Permanent Mission of Croatia) expressed her appreciation to the organizers of the seminar and assured the continuing support of the Croatian government for the activities of the Advisory Group. In her view, the seminar achieved its objectives, by addressing the questions and challenges countries face when utilizing its intellectual property as means of wealth creation and economic growth.

(d) Romania Support Project

Mr. Tim Trainer informed the members of the Advisory Group of the forthcoming consultative meeting in Romania on 18-19 November 2004.

(e) Moldova Support Project

At the request of the government of Republic of Moldova the Advisory Group agreed to organize a training event in the first quarter of 2005.

(f) Proposed publication on “Intellectual Property, Development and Partnership”

At the last Steering Group meeting in July 2004 the Advisory Group agreed to prepare a publication on “Intellectual Property, Development and Partnership”. The objective of the publication is to provide the Advisory Group with an opportunity to present the scope and the future directions of its work in the area of intellectual property rights.

Item 4 – Activities of the Operations Committee

Mr. John Anderson, Director of Pakharenko & Partners and Chair of the Operations Committee reported on the activities of the Operations Committee in implementing the programme of work of the Advisory Group. The Advisory Group took note of the report.

Item 5 – Comments and proposals from partner Governments and international Organisations

The secretary to UNECE Working Party on Technical Harmonization and Standardization Policies (WP.6) Mr. Serguei Kouzmine reported on the activities of the UNECE Advisory Group on Market Surveillance (“MARS” Group) working under WP.6. The aim of the MARS group work is to widen the objective of their inspections in order to cover counterfeit products an example of fraud to customers. Mr. Kouzmine proposed that the Advisory Group hold a joint Meeting in October 2005 where the Advisory Group would add the intellectual property rights enforcement dimension to the market surveillance context that the MARS Group addresses.

Mr Phil Lewis informed the meeting of the national strategy developed by the UK government to target intellectual property crime. Mr Wojciech Dziomdziora informed the meeting of the formation of an inter-governmental committee to prepare an annual report on intellectual property protection in Poland.

Item 6 – Comments and proposals from private sponsors

Mr. Tim Trainer informed the Group of the request received from private sponsors (i.e. letter from BIC received by the Advisory Group and the Secretariat) to extend the activities of the Group to the Middle East and Africa. The Secretariat agreed to provide the coordinates of the person in charge of intellectual property rights in the respective Economic Commission covering the area of Middle East and Africa. It was further proposed that WIPO might assist the Secretariat with making contacts with the relevant experts in the countries concerned. The meeting was also informed of the request received from Adidas to extend the activities of the Advisory Group to Turkey.

Item 8 – Budget and financing

The Project Manager reported on the fund-raising activities of the Advisory Group. The representative of the International Chamber of Commerce (ICC) presented the report on the status of the Advisory Group fund and a draft budget for September 2004-August 2005. The meeting took note of these reports. The Project Manager informed the Group of two new sponsors, EPSON and Philips.

Item 9– Steering Group’s membership

The meeting approved the new membership list of the Steering Group (final list available on request from the UNECE Secretariat).

Item 10 – Programme of Work

The meeting approved the programme of work of the Advisory Group on the basis of a draft prepared by the Secretariat.

Item 11 – Other Business

The Advisory Group decided to hold its next Annual Session in September 2005.

Annex I

Programme of work for 2004-2005

Programme elements

Management and promotional activities

Description: This programme element is implemented to ensure the delivery of the Work Programme as a whole and includes activities undertaken in promoting the Advisory Group's activities, searching for sponsors, maintaining the Website, publishing promotional leaflets, establishing and maintaining cooperation and coordination with other international organizations active in the same or related areas.

Work accomplished: Contacts with present and potential donors have been maintained. A programme to identify and secure new donors for the Advisory Group was implemented. The Website has been regularly updated. Consultations and coordination with international organizations, including the EC, WIPO, EPO, WCO and Interpol, were maintained.

Special activities to be undertaken: Contacts with the existing and potential donors will be maintained. The Advisory Group Website will be regularly updated. Consultations and coordination with international organizations including the EC, WIPO, EPO, WCO and Interpol. will be continued.

Duration: 2004-2005

Project 1: Romanian support project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for Governments for improving of this IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in IPR protection and enforcement.

Work accomplished: In preparation of the consultative visit to Romania in November, consultants hired by the Advisory Group paid a visit to Bucharest on 14-16 July 2004. They have prepared a background report for the forthcoming consultation.

Special activities to be undertaken: A Consultative Visit to Romania will be undertaken on 18-19 November 2004. A Report on the Consultative Visit will be prepared. The Government authorities will be invited to prepare an Action Plan on strengthening IPR enforcement as a follow-up to the recommendations made during the Consultative visit. The Operations Committee will consider the training needs of Romania.

Duration: 2004-2005

Project 2. Moldova Support Project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for the Government for improvement of the IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in the IPR protection and enforcement.

Special activities to be undertaken: As requested by the Government of Moldova, the Advisory Group will organise an enforcement training seminar in the first half of 2005.

Duration: 2004-2005

Project 3. Kazakhstan Support Project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for the Government for improvement of the IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in the IPR protection and enforcement.

Special activities to be undertaken: At the request of the Government of Kazakhstan, the Advisory Group will hold a training seminar in Kazakhstan in the first half of 2005. The seminar was originally scheduled for summer 2004 but due to the organization of a similar event by USAID it was decided to postpone the seminar in order to avoid any possible duplication of the effort.

Duration: 2004-2005

Project 4. Russia Support project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for the Government for improvement of the IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in the IPR protection and enforcement.

Work accomplished: At the request of the Government of the Russian Federation, the Advisory Group organized a consultative visit to Moscow on 23-24 April 2001, and two training seminars in Moscow: one on the role of IPR in business development for SMEs and institutions on 31 October-1 November 2002 and another on IP enforcement for judges, prosecutors, police and customs on 26-28 November 2002.

Special activities to be undertaken: The Steering Group and Operations Committee will consider positively further requests for training or consultations when received.

Duration: 2001-2005

Project 5. Bulgaria Support Project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for the Government for improvement of IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in IPR protection and enforcement.

Work accomplished: At the request of the Government of Bulgaria the Advisory Group organized a regional seminar in Sofia for participants from Bulgaria, Hungary and Romania on 3-5 April 2001. The Seminar consisted of two parts; a seminar for judges and prosecutors held on 3 April 2001, and a seminar for police and administrative enforcement bodies held on 4-5 April 2001.

Special activities to be undertaken: The Steering Group and Operations Committee will consider positively further requests for training or consultations when received.

Duration: 2001-2005

Project 6. Ukraine Support Project

Description: The Advisory Group analyses the status of intellectual property rights protection and implementation in the country, prepares recommendations for the Government for improving the IPR protection and enforcement; and organizes training workshops and seminars for national staff, engaged in the IPR protection and enforcement.

Work accomplished: At the request of the Government of Ukraine, the Advisory Group organized a consultative visit to Kiev on 23-24 October 2001, and a training seminar in Kiev on November 11-13 2003.

Special activities to be undertaken: The Advisory Group will consider positively further requests for training, which will be carried out during the operational year 2005-2006.

Duration: 2001-2005

Project 7. UNECE Publication on the Advisory Group

Description: At the 20th Steering Group meeting in London, United Kingdom, on 9th July 2004, it was proposed that the Group prepares a publication on “*Intellectual Property, Development and Partnership*” on the basis of their analysis, materials and networks. The target audience for the publication will be industry representatives, policy makers and economists working in Ministries dealing with Industry, Trade and Enterprise development.

Work accomplished: The Advisory Group has established a task force consisting of Mr. Wojciech Dziomdziora (Poland), Mr. Nikolaus Thumm (Switzerland) and Mr. Geoffrey Hamilton (UNECE Secretariat) was established to develop the format for the publication, and including Mr. Dan Anthony from the UK Patent office who will also provide editorial support.

Special activities to be undertaken: The task force will prepare the publication for production in 2005.

Duration: 2004-2005

Annex II

Membership of the Steering Group of the UNECE Intellectual Property Advisory Group

1. AG Co-Chair (Mr. N. Thumm, Switzerland, from the public sector)
2. AG Co-Chair (Mr. T. Trainer, IACC, from the private sector)
3. AG Co-Chair (Mr. P. Lewis, UK, from the public sector)
4. Mr R. Hall, Chair of UNECE WP.5
5. AG Vice-Chair (Mr. J. Kennedy, Procter & Gamble)
6. Administrator of the Special Fund or its representative (ICC)
7. Chairperson of the Operations Committee
8. Representative of the Government of Croatia
9. Representative of the Government of Estonia
10. Representative of the Government of Latvia
11. Representative of the Government of Lithuania
12. Representative of the Government of Kazakhstan
13. Representative of the Government of Kyrgyzstan
14. Representative of the Government of Moldova
15. Representative of the Government of Poland
16. Representative of the Government of Romania
17. Representative of the Government of the Russian Federation
18. Representative of the Government of Serbia and Montenegro
19. Representative of the Government of Switzerland
20. Representative of the Government of Ukraine
21. Representative of the Government of the United Kingdom
22. Representative of the Government of the United States
23. Representative of Philip Morris International (Key Sponsor)
24. Representative of Epson (Key Sponsor)
25. Representative of an Associate Sponsor
26. Representative of an Associate Sponsor from a transition economy
27. Representative of the European Commission

Interested Governments and international organisations are invited to nominate their representatives to the Steering Group if they have not yet done so.
