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ECONOMIC COMMISSION FOR EUROPE

**COMMITTEE FOR TRADE, INDUSTRY AND  
ENTERPRISE DEVELOPMENT**

Working Party on International Legal and Commercial Practice  
Forty-ninth session  
4 - 6 December 2000  
Item 7 (c) of the provisional agenda

**UN/ECE ADVISORY GROUP ON THE PROTECTION AND IMPLEMENTATION OF  
INTELLECTUAL PROPERTY RIGHTS FOR INVESTMENT**

**Addendum 2**

**Report on the Second Meeting  
Held on 27 September 2000, at the Palais des Nations, Geneva**

**Item 1 – Word of welcome and approval of the agenda**

1. Dr. C. Cosgrove-Sacks, Director of the Trade Division of the United Nations Economic Commission for Europe (UN/ECE) welcomed delegates and congratulated them on the successful accomplishment of the first year of the Advisory Group's two-year mandate. She emphasized the practical results of the Group's work, which attract a growing interest both from governments and from the private sector. The ability of the Advisory Group to balance harmoniously the interests of Governments and business communities contributes to building confidence between all various parties concerned. This consensus approach has proved to be effective during the implementation of the pilot support project in Estonia and will facilitate the sustainable implementation of Intellectual Property Rights (IPRs) in other transition economies. Dr. Cosgrove-Sacks wished the Group success in its future work.

2. The Advisory Group adopted the provisional agenda as amended.

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## **Item 2 - Election of office bearers**

3. At the Inaugural Meeting of the Advisory Group on 17 September 1999, Ms. Irina Savelyeva, Professor and Deputy Chairman of Moscow City Bar Association was elected Chairperson of the Advisory Group. Ms. Ludmila Sterbova, Head of Unit of IPRs of the Ministry of Industry and Trade of the Czech Republic, and Mr. Domenico Sindico of Rossotto and Associates, Turin, Italy, were elected Vice-chair persons.

## **Item 3 - Progress reports**

### **(a) Estonian Support Project**

4. Several members of the Task Force nominated by the Advisory Group to implement the Support Project reported on its outcome and the follow-up activities. One of the most important results of the Consultative Visit to Tallinn is the increased public awareness of piracy and counterfeiting problems. Some practical action taken recently by the Government of Estonia against IPR infringements also was noted with satisfaction. The representative of the Government commended the Advisory Group on the quality of the background paper, the professionalism of consultations undertaken during the Consultative Visit and the relevance of the follow-up seminars for enforcement officials which are currently organized by the Advisory Group (see the written statement by the Government in annex 1). The Advisory Group thanked the Government for its constructive cooperation in implementing the Support Project and expressed hope that this cooperation would continue.

### **(b) Latvian Support Project**

5. The Chair reported on the preparations for the Consultative Visit to Latvia. The representative of the Government of Latvia thanked the Advisory Group for its willingness to share its expertise with Latvian IPR specialists and assured the Group of the Government's support.

### **(c) Lithuanian Support Project**

6. The Chair reported on the preparations for the Consultative Visit to Lithuania. The representative of the Government of Lithuania welcomed the forthcoming visit and assured the meeting of its willingness to cooperate with the Advisory Group in implementing the Support Project.

### **(d) Future Support Projects**

7. Under this agenda item, the Chairperson informed the meeting of the invitation to undertake a Support Project extended by the representatives of Romania at the last meeting of the Steering Group in May 2000. An official written confirmation of this invitation from the Government of Romania is required for the Advisory Group to start working on this project.

8. The Chairman of the Ukrainian State Department of Intellectual Property, Mr. M. Paladiy, and the Director of the State Agency of Intellectual Property of the Kyrgyz Republic, Mr. R. Omorov, expressed support for the activities of the Advisory Group and invited it to organize support projects for Ukraine and Kyrgyzstan.

(e) Advisory Group's WWW site

9. Ms. Barbara Baker, Project Manager of the Advisory Group, briefed the meeting on the contents, structure and functions of the Advisory Group's WWW site. Ms. Susan Wilson (U.S. Patent and Trademark Office) reported on the survey conducted by the U.S. PTO to assist the Advisory Group in selecting links and WWW sites relevant to IPR enforcement in transition economies. The collected information will be structured in such a way that it can be loaded on the Advisory Group's WWW site without further processing. The meeting thanked the Project Manager for creating and maintaining the Advisory Group's site and the U.S. PTO for assistance to the Group in this endeavour.

(f) Other projects

10. Mr. Graham Brereton (Interpat) reported on the preparatory work done by the Group to organize a Meeting on Sustainable Implementation in Warsaw (Poland) which had been scheduled for the beginning of June 2000 and had to be postponed. The UN/ECE secretariat confirmed its commitment to holding this meeting and informed the Advisory Group of its efforts to follow-up on this project.

11. The Project Manager informed the meeting of the three projects for which EU TAIEX-Office (Technical Assistance and Information Exchange) funding was available. The first is the organization of two training seminars for enforcement officials as a follow-up to the Consultative Visit to Estonia. The second project is a seminar in Poland for local rights holders and business communities on methods of brand and copyright protection, and relations with law enforcement agencies. The third project is a conference or a seminar dedicated to cooperation between IPR enforcement agencies in countries of south-east Europe, featuring the regional dimension of enforcement issues.

12. The meeting took note of this information. It agreed that it would be desirable to implement the third TAIEX-financed project as a joint undertaking of the IPR Advisory Group and the Southeast European Cooperative Initiative (SECI), which is serviced by the UN/ECE secretariat; the meeting asked the Steering Group to explore further the possibilities of collaboration with individual countries and subregional organizations in organizing this meeting.

**Item 4 - Reports from the sub-groups**

13. The meeting received reports on the activities of its sub-groups.

14. The Chairman of the Sub-group on Education and Training (Sub-group I) informed the meeting that the activities of the Sub-group were driven by the training needs identified during consultative visits as well as by those identified under the TAIEX-financed projects. Following these needs, the Sub-group develops programmes for training seminars for enforcement officials. In this endeavour, the Sub-group cooperates with other international organizations. In particular, joint training programmes for police and Customs in the Baltic States will benefit from the input of the World Customs Organization.

15. Reporting on behalf of the Sub-group on Sustainable Implementation (Sub-group II), the Project Manager noted that its activities had largely supported the education and training direction of work. In the near future, the Sub-group's work will focus on implementing the TAIEX-financed projects, and, in particular, on developing local rights holders' and business communities' understanding of IPR protection and enforcement.

16. The activities of the Sub-group on Databases and Information Dissemination (Sub-group III) resulted in the creation of the Advisory Group's Web site and identification of relevant information resources. This work was summarized under sub-item 3(c).

17. When discussing the activities of the Sub-group on Cooperation with Public Servants and Officials (Sub-group IV), the meeting considered a project proposal put forward by the UN/ECE secretariat (TRADE/WP.5/IPR/0004). This project aims at developing specific methods of combating piracy and counterfeiting in cooperation with certification agencies in transition economies. Messrs. J. Kennedy (Procter and Gamble) and S. Jennings (Gillette) expressed their interest in this project and requested the UN/ECE secretariat to provide more information on its scope.

18. The Advisory Group took note of the progress reports of the sub-groups.

#### **Item 5 - Comments from partner Governments and international organizations**

19. The representative of the Croatian State Intellectual Property Office expressed his support for the activities of the Advisory Group and the willingness of the Government of Croatia to cooperate with it, in particular, in implementing projects of a regional scope.

20. The representatives of the World Intellectual Property Organization (WIPO) secretariat (Messrs. G. Jaiya and K. Kemper) described WIPO's activities of relevance to the Group, in particular, the marketing of intellectual property rights by SMEs, threats and opportunities related to new technological developments, etc. They emphasized considerable progress in building up the legislative basis for IPR enforcement in European transition economies and their increasing compliance with the Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement. They noted the complementarity of the activities of WIPO and the Advisory Group and confirmed their interest in cooperation.

21. The representative of the World Trade Organization (WTO) assessed favourably the work done by the Advisory Group so far and outlined the differences in the objectives of the Group, on the one hand, and WTO, on the other. The focus of WTO activities in the IP area relates to reviewing the member States' compliance with the TRIPS Agreement.

22. The Advisory Group noted with satisfaction its fruitful cooperation with the World Customs Organization.

#### **Item 6 - Comments from private sponsors**

23. The representatives of Gillette, Glaxo Wellcome, Procter and Gamble, and International Federation of the Phonographic Industry thanked the Advisory Group for the results achieved during the first year of its operation and expressed their support for its planned activities. They emphasized the role of the Group's collaboration with Governments as a key to success and encouraged other private sponsors to join the Advisory Group.

#### **Item 7 - Budget and financing**

24. The Advisory Group listened to the report of the representative of the International Chamber of Commerce (ICC) on the status of the Advisory Group's Special Fund. It also listened to the report of the Project Manager on the status of the Group's budget, major outlays during the first year of operation and the budgetary forecast for the second year of the Group's mandate. The meeting took note of these reports and thanked the Project Manager and the ICC for prudent financial management.

#### **Item 8 - Programme of work**

25. The meeting confirmed the work plan adopted by the Inaugural Meeting of the Advisory Group on 17 September 1999. It also asked the Steering Group to incorporate in the work plan new projects, in particular, follow-up seminars resulting from the consultative visits to Estonia, Latvia and Lithuania, and other activities.

26. The Advisory Group requested the UN/ECE Working Party on International Legal and Commercial Practice (WP.5) to extend its mandate for the next two years.

#### **Item 9 – Steering Group membership**

27. The meeting took note of the resignations from and new nominations to the Steering Group. The representative of Estonia informed the Advisory Group that Ms. Maija Tasa-Aun who used to represent the Estonian Government will be replaced by Ms. Marika Kuznetsova. The Advisory Group approved the new composition of its Steering Group.

#### **Item 10 – Sub-group structure**

28. The meeting discussed the structure and the existing mandates of the sub-groups and decided to maintain the status of Sub-groups I, II and IV. It also asked the Steering Group to nominate a new Chairperson for Sub-group II to replace its resigned Chairman. The Advisory Group further decided to transfer the work of the Sub-group on Databases and Information Dissemination (Sub-group III) to the Steering Group, under the management of the Project Manager.

29. The Advisory Group discussed the issue of new Internet technology and its impact on IPR enforcement. The meeting asked the Steering Group to examine this issue in detail and advise the next meeting of the Advisory Group regarding the desirability of setting up a new Sub-group or Team on IPR enforcement repercussions of new technologies, Internet and e-commerce.

#### **Item 11 - Other Business**

30. The Advisory Group agreed that the date and place of its next meeting would be determined by the Steering Group.

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**Annex 1**

**STATEMENT BY ESTONIA**

1. Estonia is grateful that the pilot project as regards the UN/ECE Advisory Group activities was carried out in our country. By now the first concrete outcomes of the project can be pointed out. First of all, a substantial report on general IPR situation in Estonia was prepared by experts. Secondly, the Consultative Meeting was held in Estonia in April 6-7, 2000 and the mentioned report proved to be excellent basis for it. Thirdly, the official Final Report of the Meeting has been prepared providing numerous suggestions on how to improve IPR situation in Estonia. We consider of utmost importance that the report included several aspects as regards to the enforcement measures. The Estonian Government would like to express its gratitude for provided expertise and would like to stress the importance of the training planned to take place in October and November, 2000.

2. The Final Report prepared by the Advisory Group also pointed out some possible legislative loopholes that probably require further analysis. On the basis of the suggestions included in the Report some amendments to our legislation need to be made. Most likely those improvements will be prepared when amendments to our Copyright Act shall be made to implement the WIPO 1996 Treaties into our legislation.

3. The above-mentioned training program will certainly improve the IPR-enforcement situation in Estonia. Unfortunately it can still be said that this side of the whole IPR-protection "system" is the weakest and causes severest problems in the field of intellectual property. Our enforcement authorities need constant training in order to fully put to use the legislative changes made in order to more efficiently combat piracy. Therefore we are welcoming the initiative of the Advisory Group in that respect. Training by the foreign experts as regards to relevant international treaties (WIPO Treaties, TRIPS etc) and obligations resulting from those documents can also be pointed out as one aspect of training that has not so far received enough attention.

4. In conclusion – both the initial report on the overall IPR-situation in Estonia and the Final Report are detailed and substantial documents, describing the situation accurately. Both of them can be used as a basis to further work in our country in order to improve the legislative basis of protection of IP. Furthermore, we consider that the suggested training will give valuable input to our enforcement-system.

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**Annex 2**

**UN/ECE ADVISORY GROUP ON THE PROTECTION AND IMPLEMENTATION OF  
INTELLECTUAL  
PROPERTY RIGHTS FOR INVESTMENT**

**Membership of the Steering Group**  
**endorsed by the Second Meeting of the Advisory Group**  
**(27 September, Palais des Nations, Geneva)**

1. Ms. Irina Savelyeva, Lawyer, DC., Professor, Deputy Chairman of Moscow City Bar Association (**Chair**)
2. Ms. Ludmila Sterbova, Head of Unit of IPRs, Ministry of Industry and Trade, Czech Republic (**Vice-chair**)
3. Mr. Domenico Sindico, Lawyer, Rossotto and Associates, Turin, Italy (**Vice-chair**)
4. Mr. Christian Serres, Director, Finance & Administration, International Chamber of Commerce (**Administrator of Special Fund**).
5. Government of Estonia, Ms. Marika Kuznetsova, First Secretary, External Economic Policy Department, Ministry of Foreign Affairs, Estonia
6. Government of Lithuania, Ms. Lina Mickiene, Head of Legal Department, State patent Bureau
7. Government of Latvia, Mr. Gatis Eglitis, Desk Officer, External Economic Policy Department, Ministry of Foreign Affairs, Latvia
8. Government of Russian Federation, Dr. Alexander D. Korchagin, Director General, Russian Agency of Patents and Trademarks
9. Government of United States, Ms. Susan F. Wilson, Attorney, Office of Legislative and International Affairs, Patent and Trademark Office, U.S. Department of Commerce
10. European Commission, Ms. Carole Croella, Administrator, DG XV
11. International Chamber of Commerce
12. World Intellectual Property Organization
13. Mr. Kevin England, Manager, Parts Brand Protection, Vauxhall (to be confirmed)
14. Ms. Jackie Elliot, Chief Executive Office, Manning Selvage & Lee

15. Mr. James Kennedy, Business Security Manager, Procter & Gamble, Ukraine
  16. Mr. Graham G. Brereton, Manager, Patents Global Intellectual Property, Glaxo Wellcome PLC
  17. Mr. Włodzimierz Szoszuć, Advocate, Wardynski & Partners
  18. Mr. Steven Jennings, Corporate Legal Adviser, Gillette
  19. Mr. Timothy Trainer, President, International AntiCounterfeiting Coalition, Inc.
  20. Stefan Krawczyk, Senior Advisor, International Trade, International Federation of the Phonographic Industry (IFPI)
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**Annex 3**

**UN/ECE ADVISORY GROUP ON THE PROTECTION AND IMPLEMENTATION OF  
INTELLECTUAL PROPERTY RIGHTS FOR INVESTMENT**

**Work Plan**

**endorsed by the Inaugural Meeting of the Advisory Group on 17 September 1999  
(updated)**

**Introduction.**

1. The following work plan is based on the Mandate and the Programme of Work as formulated in the UN/ECE document TRADE/1999/20.
2. The work plan is based on financing coming from sources external to the UN/ECE budget. The implementation of each project will be subject to the availability of funds and will start only when the whole budgeted funding for this project is available.
3. The present work plan incorporates some of the projects agreed upon for the first two years of the Advisory Group's activities. If so decided by the Advisory Group and funding permits, more projects will be incorporated in the work plan, especially for the year 2001. This concerns, in particular, projects raised in the detailed work plans of the sub-groups.

**Programme elements**

**Project 1: Estonian Support Project**

4. Objective: Report on the status of intellectual property protection in Estonia; preparation and implementation of recommendations to the Government of Estonia for the improvement of intellectual property protection (in collaboration of the Advisory Group and the Government).
5. Timing: The project will start in October 1999 and will be accomplished in May 2000.
6. Stages and deliverables: the Project will consist of five stages including the preparation of a background paper for the consultative visit; the consultative visit as such; preparation of the final report and recommendations; the development of training modules and other activities in support of recommendations; and evaluation of the project.

**Project 2: Latvian Support Project**

7. Objective: Report on the status of intellectual property protection in Latvia; preparation and implementation of recommendations to the Government of Latvia for the improvement of intellectual property protection (in collaboration of the Advisory Group and the Government).

8. Timing: The project will start in July 2000 and will be accomplished in May 2001.

9. Stages and deliverables: the Project will consist of five stages including the preparation of a background paper for the consultative visit; the consultative visit as such; preparation of the final report and recommendations; the development of training modules and other activities in support of recommendations; and evaluation of the project.

**Project 3: Lithuanian Support Project**

10. Objective: Report on the status of intellectual property protection; preparation and implementation of recommendations to the Government of Lithuania for the improvement of intellectual property protection (in collaboration of the Advisory Group and the Government).

11. Timing: The project will start in August 2000 and will be accomplished in June 2001.

12. Stages and deliverables: the Project will consist of five stages including the preparation of a background paper for the consultative visit; the consultative visit as such; preparation of the final report and recommendations; the development of training modules and other activities in support of recommendations; and evaluation of the project.

**Project 4: Support Project for a transition economy (to be determined)**

13. Objective: Report on the status of intellectual property protection in a Transition Economy (TE) preparation and implementation of recommendations to its Government for the improvement of intellectual property protection (in collaboration of the Advisory Group and the Government).

14. Timing: The project will be accomplished in the first half of 2001.

15. Stages and deliverables: the Project will consist of five stages including the preparation of a background paper for the consultative visit; the consultative visit as such; preparation of the final report and recommendations; the development of training modules and other activities in support of recommendations; and evaluation of the project.

**Project 5: Support Project for a transition economy (to be determined)**

16. Objective: Report on the status of intellectual property protection in a Transition Economy (TE); preparation and implementation of recommendations to its Government for the improvement of intellectual property protection (in collaboration of the Advisory Group and the Government).

17. Timing: The project will be accomplished in the second half of 2001.

18. Stages and deliverables: the Project will consist of five stages including the preparation of a background paper for the consultative visit; the consultative visit as such; preparation of the final report and recommendations; the development of training modules and other activities in support of recommendations; and evaluation of the project.

#### **Project 6: Meeting on Sustainable Implementation in Poland**

19. Objective: Exchange of opinions between governments and the private sector on sustainable implementation, identification of obstacles, elaboration of recommendations and their implementation for the improvement of intellectual property protection.

20. Timing: to be confirmed

21. Stages and deliverables: the Project will consist of three stages including a meeting of government officials and representatives of the private sector to be held in Warsaw; training programme (to be determined); and the preparation of a Guide on Best Practices for implementing intellectual property rights (to be tailored in the first instance for Poland).

#### **Project 7: Training Seminar for Judges and Prosecutors in Estonia**

22. Objective: Training of judges and prosecutors engaged in IPR implementation.

23. Timing: 25 October 2000.

24. Stages and deliverables: The project will consist of a one day seminar to be held in Tartu (Estonia). The participants will discuss the following topics: the costs to consumers due to poor IPR enforcement; international law and enforcement procedure; IPR enforcement in the context of EU accession; access to relevant information. The participants will also discuss the recent cases of IP infringement and court procedure.

#### **Project 8: Training Seminar for Judges, Prosecutors, Police and Customs officials in Estonia**

25. Objective: Training of enforcement officials in IPR implementation.

26. Timing: 6 - 7 November 2000.

27. Stages and deliverables: The project will consist of a two-day seminar to be held in Tallinn. The participants will discuss the following topics: the value of IPRs and the consequences of counterfeiting and piracy; the international framework for IPR enforcement and its counterpart in Estonia; IP issues of EU accession; cooperation between rights holders and enforcement agencies; the role of customs and police in IPR protection; recognition and identification of pirated and counterfeit products; and approaches to policing and intercepting counterfeit products. The participants will also develop an action plan for future cooperation.

**Project 9: Seminar for local rights holders and business communities on methods of brand and copyright protection, and relations with law enforcement agencies**

28. Objective: Training of local rights holders in brand and copyright protection.

29. Timing: first half of 2001.

30. Stages and deliverables: The project will consist of a seminar to be held in Krakow (Poland). The participants will discuss the following topics: the use of technology in brand and copyright protection; taking an action through: from raid to prosecution; preparation of case materials; relations with law enforcement agencies

**Project 10: Conference on Regional Cooperation among IPR Enforcement Agencies in south east Europe (in cooperation with the Southeast Europe Cooperative Initiative)**

31. Objective: improvement of IPR legislation enforcement in south east Europe and promotion of cooperation of enforcement agencies in the region.

32. Timing: second half of 2001.

33. Stages and deliverables: The project will consist of a two-day conference to be held in Sofia (Bulgaria). The participants will discuss the following topics: cross-border aspects of fight against piracy and counterfeit; improving the information exchange and existing affiliations among enforcement agencies; possibilities of new alliances and types of cooperation.

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**Annex 4**

**LIST OF PARTICIPANTS**

(in alphabetical order of surnames)

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