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Current situation of regional organizations in the IPR field and future challenges

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The views expressed here are those of the authors and do not necessarily represent those of the EPO

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Editor of the report:

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1. Introduction

Following the visit of a delegation of the Secretariat of the Commission to the EPO in Munich in December 2001, the EPO agreed to contribute with all available information to the success of the work of the Commission. We were subsequently asked to produce a paper on the future challenges associated with developing regional organizations in the IPR field, to provide information on selected countries and regions and to comment on studies performed by other experts for the Commission. With this paper and its annexes we shall try to answer all these questions. In addition to my own participation at this workshop, the Director for International Technical Co-operation, Mr Richard Yung, will participate actively in session 8 of the Commission Conference on 21 and 22 February. This shows the EPO's strong commitment to the aims of the Commission and its keen interest in the outcome of its work.

Since the focus should be on our view of future perspectives and since all persons involved in this round are experts in the field, only the most crucial facts and background information will be included here.

Since the Paris Convention in 1883 many international conventions, protocols and agreements have been drawn up, marking a significant internationalisation in the field of IPR. In contrast to this, intergovernmental regional organizations have emerged only in the past five decades, some of them claiming their constitution as a special agreement within the meaning of Article 19 of the Paris Convention. There exist today five regional organizations:

Name	Year of establishment/ main revision	Agreement/ Convention/ Protocol, etc.	Number of member states
(OAMPI) OAPI	1962 1977 2000	Libreville Bangui Dakar	12 15 16
(ESARIPO) ARIPO	1976 1982 1997 (1993 rat.)	Lusaka Harare Banjul (marks)	15 14 5
EPO	1977 2000 2002 (planned)	Munich (1973) Munich revision	7 20 30
Eurasian PO EAPO	1993 1994	Minsk (drawn up) Moscow (signed)	9
PO of the Gulf Co-operation Council	1996	Abu Dhabi (1992)	6

Thus, the phenomenon of regionalism is apparently limited to a geographical zone comprising Europe, Africa and the Near and Middle East. There are no regional organizations in the IPR field in the Far East or in the Americas. The creation of three of the organizations (EPO, EAPO and GCC PO) is apparently closely linked to wider projects of political integration within the

regions concerned. Efforts towards regional, political and economic integration also of course underlay the creation of OAPI and ARIPO. However, in these two cases the common legacies of the colonial past (existence of a common official language, legal standards, etc.) also seem to have played a predominant role.

In South-East Asia a framework agreement in the field of IPR was signed some years ago at ministerial level, establishing working groups, scheduled to meet at regular intervals. A first tangible result is the implementation of a common filing system for trademarks.

Elsewhere, the efforts in the Andean region have concluded with the establishment of a common law on IPR for the six countries of the Andean Pact.

2. The international role of the EPO beyond its member states

The 4000 technical scientists and other high-level experts of the EPO constitute most probably one of the largest scientific and expert pools worldwide, and not only in the IPR field. I do not think that it is necessary to mention here the position of the EPO concerning expertise and know-how in the patents field, such as administrative and examination procedures, human resources development, documentation techniques, patent information strategies, IT solutions for patent offices, and so on.

The international appeal of the EPO beyond Europe is demonstrated by the fact that whenever a foreign application arrives in a developing country, it can be assumed with a probability of 98% that it is also being processed by the EPO. This is a fact that, combined with the renowned quality of the EPO examination, is de facto taken into account by most patent offices of developing countries worldwide.

As an alternative to this de facto practice, the EPO proposes a de jure system which is a direct analogue of the very successful "extension system", the so-called "validation on request". A significant advantage of this proposal is that it would give the countries additional revenue, which could be used eg for promoting awareness of the importance of patents for innovation and of patent information.

Further, the EPO is probably the most important provider worldwide of technical assistance in the IPR field. A unit within Directorate-General 5 (International and Legal Affairs), the Directorate 5.2.3 (International Technical Co-operation), consisting of about 40 persons, provides technical assistance to many developing countries. For very specific issues we sometimes engage outside experts.

In the past few years there have been a lot of developments worldwide in the field of industrial property, mainly as a result of TRIPs and its implications for the countries which have signed it. A lot of them are making considerable efforts to introduce new legislation and to set up adequate structures for

registration, grant and enforcement of industrial property rights. At the EPO, we are faced with an increasing demand for technical assistance. The EPO provides technical assistance in essentially three ways: bilaterally (funded by its own budget), as implementing agency for EU-financed programmes, and contributing to the activities of other organizations (mainly WIPO).

2.1 Implementation of EU-financed programmes

Considerable projects have been implemented with China, ASEAN countries, India, Vietnam and most of the eastern European countries (RIPP), as well as with some countries of the former Soviet Union (TACIS: one project with Ukraine, one with Uzbekistan and one for the whole region, including Mongolia), with very tangible results.

We had also a very intensive co-operation programme with China, which contributed to the accession of this country to the WTO. It is worth mentioning that China and also the Eurasian PO use a regularly updated copy of the full EPODOC DB of the EPO for its searches.

Assistance to the eastern European countries (RIPP) focused on their preparation for accession to the EPO as member states and for most of them also to the EU.

An overview of the budget for the different EU projects carried out by the EPO in recent years or just beginning is shown in the table below (not normally including the cost of EPO experts other than travel expenses):

	Period	Total budget/EUR (ECU)
CHINA	1998-2001	3 280 000
	2002-2003	1 295 000
VIETNAM	7/1996-12/2000	900 000
ASEAN: ECAP I ECAP II	1993-1997	6 400 000
	2001-2005	6 400 000
INDIA	2001-2003	1 000 000
RIPP	1990-2001	9 500 000
TACIS Regional	12/1996-12/1998	1 000 000
Ukraine	11/1994-11/1996	270 000
Uzbekistan	04/1995-04/1997	400 000
Total TACIS	11/1994-12/1998	1 670 000
Total	1990-2005	30 445 000

An overview of our contact persons at the European Commission regarding IP-related technical co-operation is attached as **Annex 1**.

2.2 Bilateral projects

Almost since its beginning, the EPO has been providing technical assistance to developing countries. With time, a matrix structure has emerged in Directorate 5.2.3, consisting of "vertical" and "horizontal" units with complementary tasks and responsibilities.

The vertical units are called "regional projects". The managers of these projects are responsible for the co-ordination of all activities relating to a given region and also for the allocation of the budget. Currently, there exist projects for the following regions:

- a. Africa and the Middle East (Arab countries)
- b. China
- c. South-East Asia (ASEAN countries and India)
- d. Eastern Europe
- e. CIS countries
- f. Latin America.

As well as these vertical units, there exist three horizontal units for accomplishing tasks and services, common to several projects:

- i. The IT unit (with the assistance of EPIDOS and of the Information Systems department): developing and implementing IT tools, such as:
 - systems for administering the procedures (Common SW, POLite)
 - documentation and publication tools (data capturing, scanning and indexing of documents, producing CD-ROMs and local databases, etc.)
 - making patent information available in practice (CD-ROMs, off-line databases, Internet, etc.)
 - on-line link to EPO databases (Patent Family System) and esp@cenet
- ii. The EPO International Academy: responsible for human resources development in the IP field: organization of training seminars (about 500 persons per year), topical conferences and fora inside and outside Europe, development of tutorial material, etc.
- iii. The Financial and Management Control Unit (FMCU): this assists all other units in administering the financial and formal aspects of the activities and procedures.

An overview of the budget for the different projects in the last five years is shown in the table below (excluding cost of EPO experts other than travel expenses). The budget of the IT unit does not cover activities undertaken in the various regions (this is already included in the regional budgets) but only general developments, common to several regional projects. The cost of training provided by the EPO International Academy is already included in the regional budgets.

Region	Total budget for 1996-2001/Euro
Africa and Middle East (PAME)	3 100 000
China	2 650 000
CIS	2 600 000
Eastern Europe	3 700 000
Latin America	2 200 000
South Eastern Asia	2 050 000
Automation unit	2 500 000
Total	18 800 000

The following table shows the development of the budget for all activities with non-member states for the years 1996 until 2001. The budget for IT development has been distributed evenly across these years.

Year	Budget per year for all activities with non- member states /Euro
1996	2 600 000
1997	2 875 000
1998	3 050 000
1999	3 050 000
2000	3 575 000
2001	3 650 000
Total	18 800 000

2.3 Co-operation with other organizations

The need for co-operation with other organizations with expertise in the IPR field is particularly apparent when dealing with subject-matter outside the patent granting field, such as trademarks, copyright or enforcement of rights. However, the EPO seeks to create a maximum degree of synergy through co-operation with other competent partners and organizations, even where we can assume that we could do it alone.

2.3.1 Co-operation with our member states

Once a year we organize a meeting with all interested member states, at which we present our policy and activities and try to define common projects. Besides INPI (France) and the UKPO, with whom a kind of strategic co-operation is emerging, activities are carried out with the support of OEPM (Spain), DPMA (Germany), the Benelux TPO, Austrian PO, OBI (Greece), INPI (Portugal) and the Swedish PO.

The case of INPI

INPI (France) has in several embassies, eg in Rabat and Beirut, special Attachés for IPR issues, covering not only the respective countries but also whole regions (the Maghreb and the Middle East for the above-mentioned examples). With the Attaché in Rabat we have established very close co-operation (he has contributed significantly to the report on Morocco, cf. point 4 below).

INPI co-operates mainly with and delivers technical assistance to the following countries:

Latin America: Argentina, Brazil, Mexico, Chile and Uruguay

Africa: Morocco, Tunisia and OAPI

Asia: China, Japan, South Korea, Thailand, Vietnam and Taiwan

Europe: Russian Federation, Poland, Hungary and Romania (also Moldavia)

Middle East: Lebanon

The co-operation/assistance is co-ordinated through annual or biannual meetings, jointly presided by the heads of the offices involved and held alternately in the countries concerned. Co-operation/assistance consists of practical and theoretical training, exchange of experts and organization/funding of seminars.

2.3.2 Co-operation with WIPO

Once a year, a high-level co-ordination meeting takes place, at which a co-operation framework is agreed.

There are currently three main fields of co-operation:

- the EPO is contributing with experts to seminars, mainly on the PCT, organized by WIPO

- each year 4-5 seminars are organized jointly by the EPO International Academy and the World Academy of WIPO
- discussions are under way for closer co-operation in the field of IT strategies for patent offices in Africa

2.3.3 Co-operation with other partners

On trademark issues we are working closely with OHIM (Alicante), eg for EU-financed projects for India and South-East Asia. We also work with development agencies, professional unions, universities and foundations.

3. Situation and perspectives of other regional IP offices

The Commission has commissioned a study, including OAPI and ARIPO ("An overview of intellectual property policy, administration and enforcement in selected African countries" by Anderson Zikonda), so we will not go into much detail here. We have been asked by the Commission to provide additional information on the budget, revenue and available human resources at these organizations for the past three years. We should also indicate whether they do any substantive examination and how and describe recent technical assistance programmes. Finally, we should try to provide input on the state of relations with the member states regarding expansion of services/memberships, etc. and any key problems/challenges they face.

3.1 OAPI

The statistic data have been delivered by OAPI, the management of which has also checked and commented this part of the report.

3.1.1 Financial situation and statistics

An overview of revenue, expenses, costs for personnel as well as aid to the member states for the years 1993 to 1999 is given in the table below (all values until 1999 in FCFA, 1Euro = 656 FCFA):

Year	Revenue	Expenses	Costs for Personnel	Aid to member states
1993	1 015 977 270	937 479 901	384 549 387	131 900 000
1994	1 574 743 490	1 810 903 645	611 427 934	77 042 540
1995	1 626 505 730	1 642 378 794	580 511 320	22 534 750
1996	1 779 068 335	2 379 821 712	759 053 312	22 053 000
1997	1 770 654 260	1 648 356 935	547 859 603	25 280 689
1998	2 040 895 418	1 628 551 449	579 503 805	166 550 340
1999	2 474 900 943	1 861 790 412	721 271 819	187 978 700

OAPI employs currently 76 persons, 25 of which are scientists, lawyers and experts. The situation has not changed much since 1999.

The exact numbers for 2000 and 2001 are not available yet. The revenue for 2000 was 26 437 730 FF and the forecast for the budget for 2001 was 26 558 790 FF.

From the data available, it becomes apparent that OAPI is financially self-sustainable, after a phase of negative results in the mid 90s. It is also able to provide a small aid to its member states (7,5 % of its revenue in 1999).

From the table below the relative weight of the two most important “products”, i.e. patents and trademarks, on the revenue for the years 1998 and 1999 can be derived.

Year	Number Patents	Number TM	Income patents	Income TM
1998	303	1544	692 202 000	1 226 289 000
1999	341	1751	877 061 000	1 397 222 000

From the 341 patent applications in 1999, 311 came from abroad (276 PCT). From the 1751 trademarks, 1397 came from abroad and 354 from OAPI countries.

3.1.2 Examining capacities

OAPI is a registering office. Novelty examination for trademarks can be carried out on demand.

3.1.3 Recent technical assistance programmes

OAPI was one of the EPO first co-operation partners and a framework agreement was concluded in 1985. A CD-ROM series including all OAPI patent documents until November 1992 was produced in 1994, in co-operation with WIPO. Unfortunately, since then and until recently, due mainly to management problems at OAPI, co-operation activities have slowed down considerably and were in practice limited to participation of OAPI staff in our training seminars.

With the assistance of WIPO and also of INPI significant investments in IT have taken place since 1997 (in 1999, 545 893 539 CFA invested in total). Thus, OAPI was linked to WIPOnet and was able to establish an IT unit, which is capable of developing its own system (not completed yet) for administering the procedures (patents, trademarks, designs, etc.).

Further, in addition to traditional activities, such as seminars (enforcement, geographical indications, patent awareness, etc.), an INPI expert every year visits the different national offices of OAPI, gathering data and reviewing procedures. EPO activities in the region are closely co-ordinated with INPI to

achieve the best possible results and a regular exchange of information takes place.

Co-operation between EPO and WIPO consists in inviting EPO experts to contribute to WIPO organized seminars, mainly in the PCT field.

3.1.4 Future services and projects

Since a new, efficient and highly motivated management has been installed at OAPI, co-operation has taken on new momentum. Thus, a new, ambitious framework agreement was elaborated during a three-day meeting between the PAME Manager and virtually the whole OAPI management. It has a central focus, mentioned explicitly in the preface, namely how to render patent information available in practice in the region, with all other activities grouped around this core. For this reason, a database including minimum documentation, and searchable using MIMOSA technology (enabling particularly keyword searching in abstracts and perhaps also in full text), must be created and installed at OAPI. This strategy is also being pursued with the other important co-operation partners, for which the PAME is responsible.

This official co-operation programme between OAPI and the EPO for the years 2002-2003 is set out in **Annex 2** (unfortunately in French only). The total budget (not including the cost of EPO experts, other than travel costs) amounts to approx. **EUR 220 000**. OAPI has said that it will put this approach at the centre of its strategy and ask all other donors to contribute to its success. INPI has already reacted positively and will support in particular the training aspects (see points 3, 6 and 7 of the annexed programme).

A second important aspect of this programme is the resumption of the production of the OAPI CD-ROM and the transfer of know-how to OAPI, in order to be able to produce the front file in the future.

A third important feature is the re-orientation of human resources development strategy towards the main goal, namely the retrieval and evaluation of technological information included in the patent documentation. In particular, the transfer of training to the region is considered to be a key issue. OAPI's plan to create a regional training centre thus has to be supported by all international donors.

3.1.5 General perspectives

Of the original participant countries, Madagascar has left and two non-French speaking countries have joined OAPI (Equatorial Guinea and Guinea-Bissau). There still remain the French speaking countries around the Great Lakes in East Africa, but they have not yet chosen between ARIPO and OAPI. It could well be that regional neighbourhood prevails over linguistic and other cultural aspects. Distance and poor traffic connections may also have been an issue for Madagascar. ARIPO may face similar problems with its member states in West Africa.

Taking all above arguments into account, OAPI is a viable, self-sustained organisation, which could be further developed and given a further dynamic, also with the help of international donors. In this direction, the recent framework agreement between OAPI and the EPO (cf. Annex 2) would be a good basis.

3.2 ARIPO

In addition to the study on ARIPO, the Commission has commissioned studies also on **Kenya, Tanzania and Uganda** and has asked the EPO to evaluate these studies. The results of the evaluation have been submitted separately to the Commission.

Regarding ARIPO itself, the following statistic data have been delivered by ARIPO, the management of which has also checked and commented this part of the report.

3.2.1 Financial situation and statistics

An overview of revenue and personnel costs (in US \$) for the last three years is given in the table below:

Year	Revenue	Personnel costs
1999	927 200	521 000
2000	1 226 600	719 000
2001	1 348 600	777 100

The total number of employees is 26, 8 of which are at scientific/expert level, with two more experts to join soon. A major investment of about 160 000 US \$ was done in 2000 for the purchase of a building for the ARIPO headquarters and all ARIPO central services in Harare. In 1999 and 2000 some investment in the IT field took also place. 96 % of the revenue comes from patents (application, examination and renewal fees), the rest from trademarks and industrial designs. The number of patent applications varies between 250-350 per year.

3.2.2 Examining capacities

ARIPO has a small examining division consisting of 3-4 highly professional examiners. When they receive an application, they carry out substantive examination as to novelty, inventive step and industrial applicability. For this purpose they may request search and examination reports of other offices such as the EPO, USPTO and Japanese Patent Office. The patent will be granted only on being satisfied that the application meets the said criteria of patentability and other requirements laid down under the Harare Protocol on patents.

3.2.3 Recent technical assistance programmes

The EPO has been extensively engaged in technical assistance programmes with ARIPO in recent years, accounting for about one third of the budget earmarked for Africa and the Middle East region. Apart from the contribution of the UKPO (cf. item “d” below) and the fact that a WIPO expert is charged with a project for digitalizing patent document data in the ARIPO states, we have no detailed information on contributions from other donors in the region.

The most significant activities of the EPO concern:

- a. Automation projects: the culmination is the development and implementation of a system for administering the patents and trademark procedure (POLite), which started in 2001 and should be finished soon. If successful, it will, to our knowledge, be the fourth system in Africa (after Morocco, OAPI and Egypt) to work more or less satisfactorily.
EPO financial contribution: approx. EUR 130 000.
Other contribution: significant development costs and major involvement of several EPO experts over several years.
- b. Training: each year about 10 experts from the region are trained by the EPO International Academy.
Costs: approx. EUR 30 000.
Other contribution: major involvement of several EPO experts (tutors, Academy personnel, etc.).
- c. Roving seminar: each year a roving seminar on patents and patent information takes place in 3-4 countries in the region.
Costs: approx. EUR 30 000.
Other contribution: one EPO expert for one month.
- d. Trilateral ARIPO-UKPO-EPO conference: annual event, dealing with particular challenges of the IPR regime in the region.
Costs: approx. EUR 30 000 (co-financed by UKPO).
Other contribution: one EPO expert for one week.
- e. Patent information: supply of documentation on CD-ROMs, participation in EPIDOS annual conference.
Costs: approx. EUR 6 000.
- f. Participation in events organized by WIPO (mainly PCT seminars)
Costs: approx. EUR 6 000.

3.2.4 Future services and projects

We have concluded a two-year co-operation programme with ARIPO, which takes into account all important future developments and services (attached as **Annex 3**). The total budget (not including cost of EPO experts other than travel expenses) amounts to approx. **EUR 350 000**.

The main targets are similar to those of the co-operation programme with OAPI, namely creation of a database with patent documentation, re-orientation of training and political support for the creation of a regional training centre.

We are also currently engaged in preliminary discussions with the African Bureau of WIPO on how to tackle best a strategic issue, namely the production of a CD-ROM containing the patent documentation data of ARIPO and its member (if possible, also of observer) states. If this project and co-operation prove successful (which I am sure they will), then similar projects may be carried out for other countries and regions, eg for South Africa and Nigeria.

3.2.5 ARIPO observer states

Besides the 15 member states, there are a further ten states with observer status, among them strategic ones like Egypt, Nigeria and South Africa. Whether any of the observer countries will soon join ARIPO is not known at the moment. Discussions are becoming more concrete with Namibia. If any of the "big" countries join ARIPO, its strategic importance will increase considerably.

An overview of **Nigeria** is also attached (**Annex 4**). Data about the situation in South Africa have been submitted separately to the Commission.

3.3 The Eurasian Patent Office (EAPO) and the situation in the CIS countries

A separate report about the situation at EAPO was submitted to the Commission. Further, we have been asked by the Commission to deliver also an evaluation of some CIS countries. The detailed studies on the selected countries are attached as **Annexes 5.1 to 5.6**. An overview of the evaluation studies is presented in the following table.

3.4 The Patent Office of the Gulf Co-operation Council

The idea of establishing an “Arab regional IP organization” has been mainly promoted by Egypt. In the meantime, a regional organization for the Arab States of the Gulf (with the exception of Yemen) has been created. Since this is a very young organization, we were able only last year to obtain a better understanding of its wishes and needs. It seems that they are following a rather pragmatic approach in examining foreign applications, recognizing de facto foreign results whenever possible.

Moreover, what became apparent to us is the need for the GCC PO to establish a service for providing background technological information and documentation searches for their national industry. This would allow the national industry (ARAMCO, SABIC, etc.) to file first a national application and obtain a priority and an initial idea of the technological background, before deciding whether to apply at international level. What happens now is that inventions are filtered at a very early stage, because this intermediary step is missing.

We have concluded a two-year framework programme with the GCC PO, which is also attached (**Annex 6**). The total budget amounts to approx. **EUR 60 000**. We are currently very close to solving the problem of long-term training for the GCC PO documentation experts (to be provided mainly by INPI, France).

3.5 General conclusions about regional IP organizations

Given the conditions prevailing in most developing countries, the advantages of establishing regional IP organizations should be more than apparent. In particular, centralizing efforts and resources will help decisively to decentralize the services to the public, such as registering of titles and access to patent information. However, as the story of the creation of the EPO also shows, this idea can apparently only be promoted and realized in a wider frame of political understanding, which helps to overcome local rivalries and (natural) selfish thinking (eg the notorious question of the location of the HQ).

As mentioned at the beginning, beside the existing regional IP offices described above, efforts in this direction have been undertaken in South-East Asia and also in Latin America, without reaching the goal yet. It does not seem that any spectacular development can be expected in this field in the near future (with the exception perhaps of a major country joining ARIPO).

With the three regional IP offices in Africa and in the Arab region the EPO follows a consistent policy of almost exclusive co-operation, asking them to co-ordinate the part of the assistance to be delivered to the national offices of their member states (eg participation of experts from the national IP offices in our training seminars). Our policy is to create at least three poles in these two regions, one in the Arabian peninsula, one at ARIPO (South Africa is a separate case) and one at OAPI, which should be brought to a level enabling them to answer positively the strategic question posed by the Commission,

namely how to make IPR work in practice for the benefit of their region. For this purpose, we focus our efforts on concrete and realistic capacity-building projects, particularly as regards making patent information available in practice in the regions.

Co-operation with other international donors would be greatly welcomed here, since apparently we cannot (and also do not wish to) solve all the problems alone (creating and maintaining efficient and secure networks, adequate databases, delivering training to large numbers of people, etc.).

4. Assessment and Perspectives

If there is a clear qualitative or quantitative - ie somehow measurable - target (as in the case of China's accession to the WTO or accession of the eastern European countries to the EPO and partly to the EU), then a clear assessment is possible. The exercise becomes more difficult if the task is simply to help build-up or improve existing institutional capacities. How does one measure progress, not to mention milestone achievements? After our discussions with the Commission, it became apparent to us that in our every day professional lives we actually try to find answers to the question posed by the Commission, namely how do we make intellectual property rights work better for developing countries?

In the field of *industrial* property rights we can see in many cases, particularly after TRIPs, a significant improvement with respect to the institutional capacities. What is most encouraging is that the people working in this field in the countries and regions concerned are very often skilled and personally engaged professionals - much more so than the local average - who really want to improve the situation. It is very rare that in the IPR field the situation is worse than in the rest of the administrative structures. On the contrary, we are often faced with the paradox of a relatively well-functioning special administration (IPR) under rather precarious overall conditions.

In the region for which I am responsible we have a particularly good example of a success story, which is perhaps worth looking at in order to draw some positive conclusions. It is the case of the **Moroccan IP Office** (OMPIC). A report dealing with this country is attached as **Annex 7**.

Unfortunately, there are also cases where a lack of co-operation between the different donors, combined with potentially high-risk decisions by local management, can lead to major problems and difficulties. Information about such cases has been supplied separately to the Commission.

The situation is far from satisfactory however and much remains to be done. The following are some of the problems perceived in the behaviour of the various donors, including but not limited exclusively to the EPO, and the behaviour of the receiving offices:

- there is insufficient co-ordination between the donors even in major countries and major fields of activity (eg IT projects, human resources development, patent information)
- there seems to be not clear concept regarding the necessary *and realistic* functions/capacities of small and medium-scaled IP offices; eg many small countries try to set up fully-fledged patent offices, with search and substantive examination, even though they may have difficulties with simple tasks such as registering titles
- significant resources of the donors and of the receiving organizations are spent on events and activities which have very limited effect, at least as regards improving the institutional capacities in the country/region concerned
- the training offered by donors, which absorbs a significant amount of aid budgets, is not adapted to a clear overall strategy, does not always correspond to realistic needs and often reflects the experiences of the offering organization which are by no means directly transferable to other cases
- even the relatively easy task of making the very useful and complete technological information included in the patent documentation widely available in the developing countries (possibly the first priority if IPR is to work for developing countries) has not yet been solved in a satisfactory way
- the receiving countries are not always willing to share their know-how with their neighbours, sometimes taking an antagonistic view
- such antagonisms within a region hinder the further development of existing regional organizations and the creation of new ones.

In order to tackle these problems, the following strategy is proposed:

- 1. Develop integrated and realistic concepts for the institutional capacities necessary for the functioning of a small or medium-scale IP office and elaborate tools and methods for their set up**
- 2. Promote co-operation and synergies within and between the sub-regions; if necessary, ensure by means of contracts that technical assistance is provided on condition that the acquired know-how and facilities (eg scanning of backlog documentation) are made available to others in the region**
- 3. Adapt the content of the human resources development programmes (training in the region and in Europe, study visits, organizing regional or sub-regional conferences and fora, etc.)**

to the above-mentioned concepts; use the "south-to-south approach"

4. Make patent information readily available to the offices and the public; support the establishment of training centres in the region, particularly in the field of patent information retrieval and evaluation
5. Adapt the projects aimed at modernizing administrative structures, including automation, to the above-mentioned new concepts
6. To achieve these aims, a significant improvement in the co-ordination of donors, beginning with a number of key countries and key projects, would be very helpful
7. To avoid unnecessary wasting resources, the examination results of other offices should be systematically taken into account.