

Agenda Item 5 – Sub-Item C: The Legislative Assistance provided by WIPO in the Area of the Enforcement of Intellectual Property Rights

Twelfth Session of the Advisory
Committee on Enforcement

WIPO Secretariat

Geneva, September 4 to 6, 2017

Framework for Program 17

- Strategic Goal VI: International Cooperation on Building Respect for Intellectual Property => inclusive and integrated approach
- In accordance with Development Agenda Recommendation 45 and Article 7 of the TRIPS Agreement
- Expected Result 1.2: *Tailored and balanced IP legislative, regulatory and policy frameworks*

Scope of Legislative Assistance

- Legislative assistance is provided
 - only at the request of a Member State (or of a regional intergovernmental organization when competent)
 - tailored to the specific needs, level of socio-economic development, human and financial constraints of the requesting Member State
 - on a strict bilateral, neutral and confidential basis

Scope of Legislative Assistance

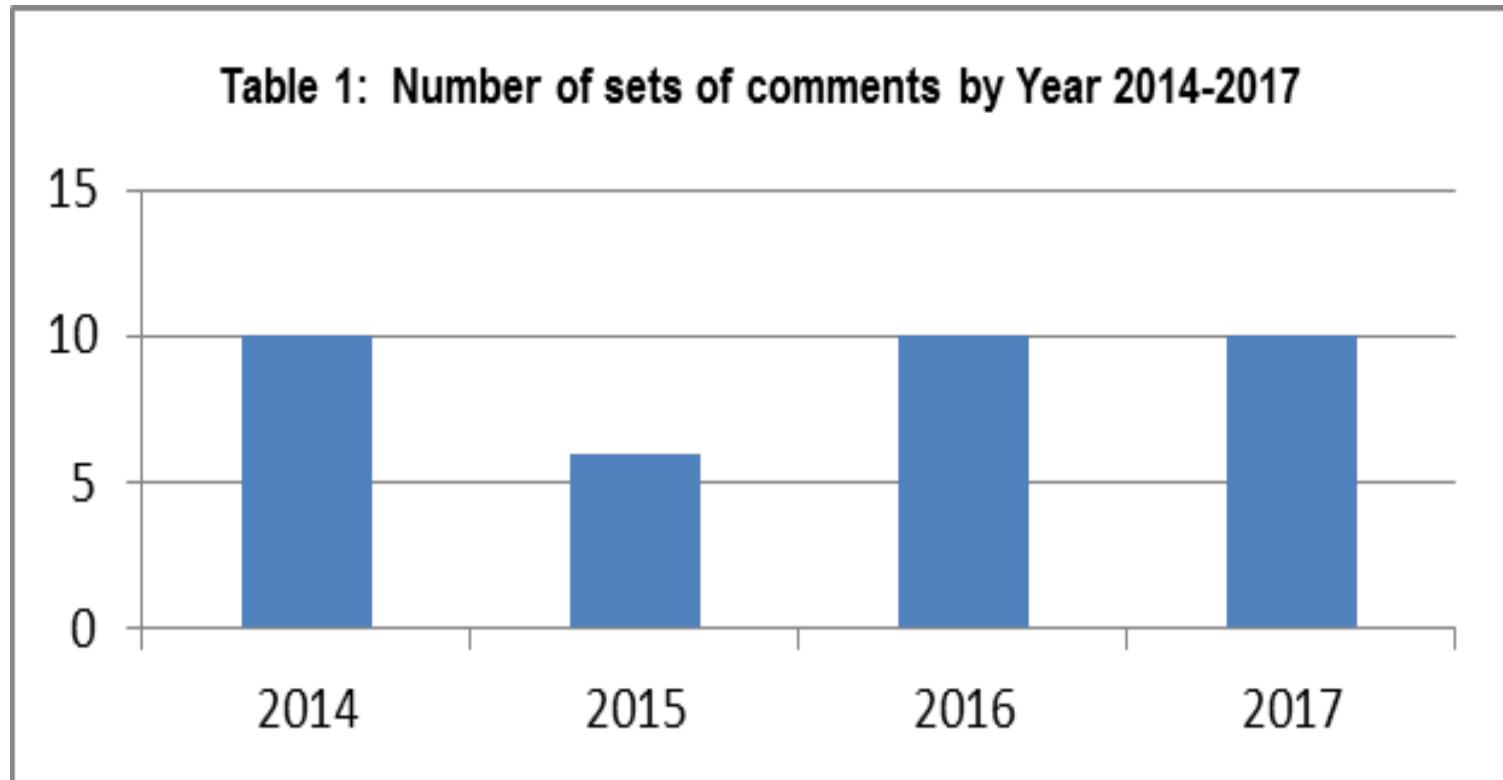
- Benchmark: Part III of the TRIPS Agreement
 - General Obligations
 - Evidence
 - Provisional Measures
 - Civil Corrective Measures
 - Injunctions
 - Damages
 - Other Remedies
 - Border Measures
 - Criminal Procedures and Sanctions (TRIPS, Art. 61)

Scope of Legislative Assistance

- Legislative assistance includes
 - comments on IP enforcement-related provisions
 - advice/assistance in the preparation of IP enforcement-related provisions

- Taking into account the existing legal framework (questionnaire; diagnostic mission)

Legislative Assistance 01/2014 – 06/2017



Legislative Assistance 01/2014 – 06/2017

Table 2: Regional Distribution of Legislative Assistance by Year 2014-2017

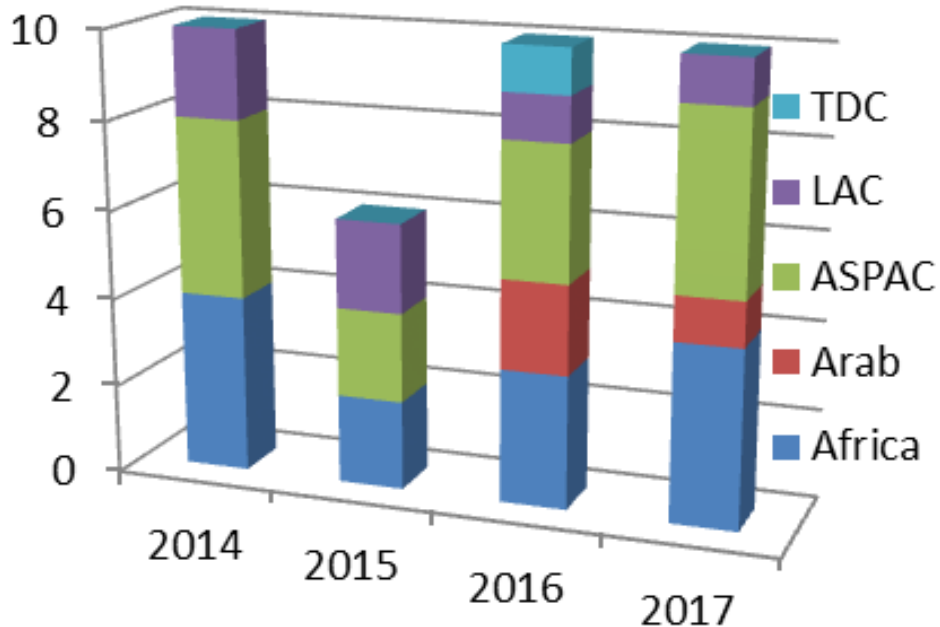
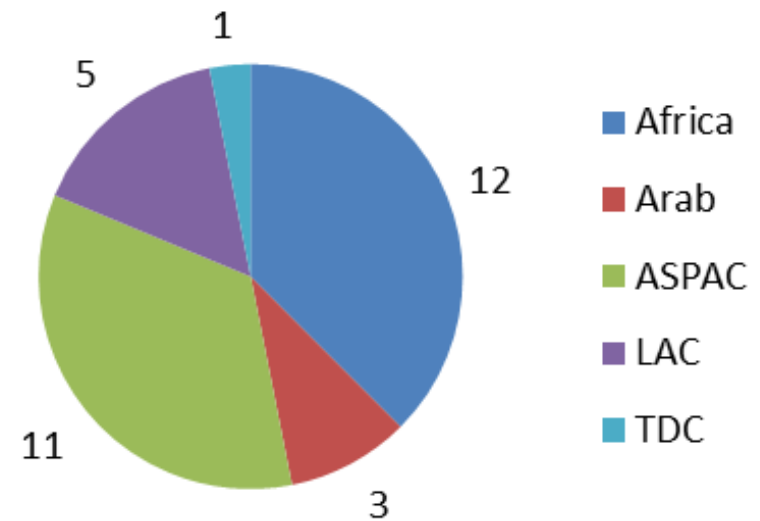


Table 3: Number of Participating Countries by Region 2014-2017



The Content of Legislative Assistance

- Comments in line with Part III of the TRIPS Agreement (*cf.* scope of legislative assistance) and on the implementation of WIPO treaties where applicable
- Specific issues arising from a draft law to be commented upon

Additional Assistance

- Assistance throughout the legislative/parliamentary process
- Technical assistance afterwards to implement the new provisions

Thank you !



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