The three full-day Conference was well attended by representatives from international organizations, governments and professional organizations (GOs and NGOs), as well as from business.

It was loaded with presentations and workshops held by over 60 speakers which cannot be reported on in detail. I will therefore restrict myself to describing the topics which were dealt with and to highlighting some aspects of topics of special interest to AIPPI.

The first day was mainly filled with some general topics such as "The technology: Where is it taking us", "Business: exploiting the potential of electronic commerce", "developing countries and electronic commerce". Several speakers from communication technology industries and services talked to each of these topics.

The day concluded with presentations on "The impact on intellectual property: Jurisdiction, Enforcement and Dispute Resolution". Mr. Robert Holleyman, President and Chief Executive Officer, Business Software Alliance (US), dealt with the problems caused for the software industry by pirates and reported about the activities of the Alliance to combat piracy in the Internet. He underlined the importance of efficient copyright legislation and the need for rapid ratification of the WIPO Copyright and Performances Treaties by all countries. In that context it may be mentioned that Mr. William M. Daley, Secretary of Commerce of the USA announced in his Keynote address their ratification of these treaties. Madame Isabelle Falque-Pierrotin, Maître des requêtes, Conseil d’Etat, France, highlighted the problems caused by the Internet and e-commerce for all intellectual property rights and pleaded for a better international cooperation aiming at increased protection of right holders.

The Wednesday program started with the topic: "From physical product to on-line delivery: Electronic delivery of Publications, Music, Films and Software." This is apparently the field in which e-commerce is playing the most important role, since the respective products can be downloaded from the Internet.

The second presentation was about domain names and Ms. Esther Dyson, Interim Chair of ICANN explained the background and working set-up of this important organization. The EU-representative on the Government Advisory Committee (GAC) of ICANN spoke about the tasks of this committee, which as all other committees has only an advisory role to play. This is also true for the AIPPI, which is represented in the IP constituency of the Domain Name Supporting Organisation (DNSO), another advisory body of ICANN.

After this presentation, three workshops were held in parallel: "Music on-line", "Electronic Rights management Workshop" and "Electronic Commerce over the WIPOnet". I attended the session on "Electronic Commerce over the WIPOnet", in which the set-up of
the "WIPOnet" intranet was explained by Mr. Lucio Goelzer from the Global Information Network Section of the WIPO Information Technology Division. WIPO’s intention is to provide a secure electronic Business network, in which gradually the different Internet applications of the organization will be integrated. These are in particular the PCT system, the Madrid System, the Hague Agreement, the Intellectual Property Data Libraries, the WIPO World Wide Academy, and the Arbitration Center, the domain name dispute resolution procedure. But also real e-commerce such as the sale of publications, etc., and related electronic billing, mail accounting are targeted. From the users side all concerned parties are intended to be integrated (Member States, Regional Offices, the International Bureau, the general public etc).

In the afternoon the workshops continued. A first round proposed "Publishing On-line", Cybersurveillance: Techniques for Monitoring Abuse of Rights" and "On-line Dispute Resolution". This was the workshop I attended. Mr. Scott Donahey, partner of Tomlinson, Zisko, Morosoli & Maser, spoke about the current developments in on-line dispute resolution, and Dr. Paul Kane, Operations Director of Internet ONE presented the dispute resolution policy of this internet provider (io.io), which was developed in collaboration with WIPO. Apparently the very fact that this provider applies the WIPO dispute resolution proceedings has until now prevented cybersquatters from applying for domain names. As a consequence no dispute resolution procedure has yet taken place. Finally, Mr. Eric Wilbers, Senior Counsellor of the WIPO Arbitration and Mediation Center, presented the WIPO dispute resolution procedure, which in principle was accepted by ICANN.

In the second round the following workshops took place: "Liability and On-line Service Providers", "Trademarks on the Internet" and a demonstration of the PCT – EASY System (electronic filing of PCT applications), which was presented by Mr. John Hawkins of the Electronic Filing Unit of the WIPO Technology Division. Those interested in the PCT electronic filing system can address themselves to the PCT EASY help Desk of WIPO, Tel. + 41-22-338 9523; fax + 41-22-338 8040; e-mail "pcteasy help@wipo.int.

I decided to attend the "Trademarks on the Internet" workshop

Ms. Anette Kur, Senior Researcher at the Max Planck Institute in Munich, talked about: "Identical marks belonging to different owners in different countries – (how) can they coexist in cyberspace"? In that context she discussed the three following questions: "Which courts have jurisdiction over the matter"?, "Would there be an infringement of the other right"? and "Will it be possible to enforce a judgement which prohibits use of one of the marks in the Internet in the country where the owner of that mark is domiciled? She proposed the following solution:

1) The competence to prohibit all use of a mark in the Internet should be restricted to courts having general jurisdiction

2) General jurisdiction should be vested in

a) courts at the place of domicile of the defendant (or at the place from which the message is initially communicated)
b) if the defendant does not make use of the mark in any court at a place mentioned under a), the courts at the place where the plaintiff is domiciled.

3) If the defendant does not have a better right in the place where the courts have general jurisdiction, a prohibitive injunction against all (commercial) use in the Internet may be issued. However, the defendant should retain the possibility of offering sound evidence to the fact that this would cause severe detriment to his (commercial) interests in one or several specific countries.

4) Judicial orders which have been issued in compliance with these rules should be capable of being recognized and enforced in all member countries of a (future) world-wide Convention on Jurisdiction and Enforcement.

Professor Hidetaka Aizawa from the Institute of Asia-Pacific Studies at the Waseda University of Japan explained the impact of the Internet on Japanese law relating to trademarks. Finally Mr. Pravin Anand from Delhi presented case law in India and other Asian countries dealing with cyber squatters.

On Tuesday morning again two rounds of three workshops were held: "Films On-line", "Security and Authentication (Encryption and Digital Signatures)", "Digital libraries: Patent and Trademark Databases", "Museums On-line", "Protection of databases" and "The electronic Registration of International Marks today and in the Year 2020".

In the Digital libraries workshop, Mr. Yoshiyuki Takagi, Director of the WIPO Inter-Office Information Services and Operational Affairs Department, presented the WIPO Intellectual Property Digital Libraries (IPDL) Program, which will be a part of the WIPOnet. This program was approved by the WIPO Permanent Committee on Industrial Property Information in June 1997. Its objectives are inter alia

- To provide intellectual property information users with a comprehensive and controlled access to worldwide IP information through a standard human and electronic interface
- To reduce the cost and increase the timeliness and effectiveness of IP exchange between offices
- To provide a search tool to examiners within the WIPO Member States
- To facilitate the dissemination of IP information to the public

It is intended not only to provide an alternative to the cumbersome paper-based collections maintained today by many IP Offices but also to avoid the development and application of various different systems by Member States. The Goal of the WIPO IPDL Program is to make universal sets of IP information accessible in different IPDLs, with the ultimate goal to integrate various IPDLs into a global IPDL. This global IPDL environment will consist of the WIPO IDPL, operated by the International Bureau and providing PCT, Madrid and Hague data collections, and national and regional IPDLs developed by IP Offices participating in the program. Thus cross-searching of different data collections will be possible. Of course, for that purpose, internationally standardized data formats must be developed. Also a collective plan for linking the existing data collections of some large IP Offices is needed.
The second workshop of the morning of particular interest to AIPPI was the presentation of “The Electronic Registration of International Marks”.

WIPO is ready to receive international applications electronically and indeed one IP Office, the Swiss Institute for Intellectual Property, already uses such system. The system was presented by Mr. Neil Wilson, Senior Counselor of the WIPO International Registrations Department. Mr. Bruno Machado, Director of the International Registrations Department presented a futuristic outline of how the system could function in 2020. Actually all of his predictions can technically be realized today already. It is up to the IP Offices to implement them. Secure, individualized real-time access to the International Register of Marks and its national (or regional) partitions will be available, enabling seamless online international registrations of marks. With the international application arriving at the International Bureau it will normally within seconds mature into the international registration of that mark and all designated Contracting Parties will automatically be informed. Defective international applications will not only be detected but will also with the aid of the national database automatically be corrected.

Friday afternoon continued with plenary sessions. First the work of the international organizations was presented. Mr. Gerold Herrmann, Secretary of the United Nations Commission on International Trade Law (UNCITRAL) spoke about the need to establish a legal framework for electronic commerce and the work of UNCITRAL in that context. In fact, UNCITRAL has prepared a Model Law on Electronic Commerce, to offer national legislators a set of internationally acceptable rules which detail how a number of legal obstacles to electronic commerce can be removed and how a more secure legal environment can be created. The Model Law provides uniform solutions to issues of form and evidence of legal acts in the context of domestic and international commercial transactions, rules on time and place of dispatch and receipt of electronic communications and the use of electronic acknowledgements. Also the questions of what is to be understood by “writing” and the question of signatures are addressed. The future work of the UNCITRAL Working Group on Electronic Commerce will be concerned with jurisdiction and applicable law.

Mr. Roberto Blois, Deputy Secretary of the International Telecommunications Union (ITU), presented the role of that organization in the development of electronic commerce. Mr. Adrian Otten, Director of the WTO Intellectual Property Division, presented the work of the WTO and Mr. Herwig Schlögl, Deputy Secretary General of the OECD, talked about the work of the OECD in the field of electronic commerce.

The second topic of the afternoon was entitled: “The challenge of Making Policy for a global Phenomen. The Speakers were the Attorney General of Australia, the Minister of Industry and International Business of Barbados and the Minister for Culture and Communication of France.

The final presentation of the Conference, held by Dr. Kamil Idris, Director General of WIPO, proposed the “WIPO Plan of Action on Electronic Commerce and Intellectual Property:}
- Broader participation of developing countries
- Entry into force of the WIPO copyright treaties WCT and WPT until 31.12. 2001
- Promotion of the adjustment of the legislative framework, including the protection of databases
- Implementation of the recommendations of the WIPO report on the domain names process
- Appropriate principles for IP liability within the general rules for online service providers
- The use of the tools of e-commerce for the introduction of online procedures for international applications under the PCT and the Madrid System
- Study of the response to the needs of secure digital access of documents (certification etc)
- Coordination with other international organizations in formulating appropriate international procedures to harmonize aspects relating to IP, such as the validity of e-commerce contracts and the jurisdiction and applicable law.