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TO THE ISSUE OF DEVELOPMENT AND OUTLOOK OF GLOBAL INFORMATION NETWORK «WIPONET»

In the article the question of creation and implementation of WIPOnet that is aimed at creating a global information network for intellectual property offices was considered. The main objective of WIPOnet is to support the deployment of adequate local infrastructure in intellectual property offices, focusing on the development of infrastructure in developing countries, providing them with the necessary software and hardware that will allow these offices to connect to the Internet and take advantage of some communication and information services of WIPO.

Key words: international organization, Internet, intellectual property, WIPOnet.

Problem statement. Intellectual property rights are legal rights, which result from intellectual activity. The World Intellectual Property Organization (hereinafter — WIPO) defines intellectual property (hereinafter — IP) as legal rights that result from intellectual activity. Usually there are 4 major types: copy right, patent, trademark, design protection. The question about intellectual property regulation lies on. First, the IP mass seems to be violating by existing software which allows the free distribution of copyrighted material. Second, it's important to guarantee the protection of data privacy against illegitimate uses on the part of companies operating through the Internet. With the appearance of the Internet the protection of IP becomes easier and harder simultaneously. The widespread character of the Internet gives the grateful ground for illegal copying of materials. On the other side with the development of technologies it becomes simply to defend the materials. Unfortunately the question is about searching the facts of illegal use of IP materials. This is two-fold situation. If the author prohibits access to his product, the nature of IP rights will be broken. The compromise is found with adopting of digital scheme, calling «trusted system». The author offers to find the balance of this event by implementation of device of WIPOnet. So its main position is to reveal the process of establishing the technical information gap between developed and developing countries and to analyze the development of legal digital recourses. This extension was meant to improve the enforcement mechanisms applicable to copyright violations that were almost absent before the coming of WIPOnet.

Analysis of recent researches and publications. Notwithstanding the great importance of the IP rights defense on the Internet there is no enough of sci-

entific studies dedicated to the theme. It's worth mentioning the dissertation papers of O. V. Mozolina «Public Law Aspects of International Law Regulation of Relations in Internet», K. S. Shahbazyan «International Law Bases of Regulation of Relations on Internet», etc. But the recent tendencies of IP regulation in international law, such as the WIPO net, are unclosed in the national international law science.

Paper purpose. The author will try to find advantages of using this system and to discover its benefits within the international regulation of IP relations.

Paper main body. One of the most important positions in using it is its international side. So it seems that only if the international law completely fulfils the expectations of business within the internet field it will be a preferred tool for states to regulate this area of human activity. So can right be defended online? May online system combine digital divide between the countries? Author sets such tasks: to create a set of guiding principles and objectives which were defined by WIPO and to seek solutions resulting from the impact of e-commerce in the field of IP rights. What will reflect the desire of WIPO to take practical steps for ensuring that to all countries that participate in the process of defining policy and addressing issues to adapt intellectual property law for the digital age [1, p. 1].

As the Internet continues its remarkable expansion, its capacity to disseminate information, knowledge and content has thrust the intellectual property system to the center of the debate over the future shape of the online world. In this new and rapidly changing environment, information and knowledge are increasingly the source of value; hence the intellectual property system — the body of law protecting creations of the mind — is crucial in maintaining a stable and equitable foundation for the development of the digital society. While the intellectual property system will play a critical role in shaping the digital world, the Internet will have a profound effect on the system itself. The long-term influences are as yet unclear. What is immediately apparent, however, is that this new medium presents a host of complex opportunities and challenges for the intellectual property community. As the International Intellectual Property Organization, WIPO has launched a far-reaching program of activities — the WIPO Digital Agenda — which reflect and respond to the influence of the Internet and digital technologies on the intellectual property system, and vice versa, in the coming years. The organization is committed to formulating appropriate responses aimed at encouraging the dissemination and exploitation of creative works and knowledge on the Internet, as well as at protecting the rights of their creators. In the constantly evolving digital environment, this is a truly unique challenge.

The WIPOnet broaden the participation of developing countries for accessing to IP information, participation in global policy formulation and give opportunities to use their IP assets in e-commerce. The WIPOnet gives the entry into force of the WIPO Copyright Treaty (hereinafter — WCT) and the WIPO Performances and Phonograms Treaty (hereinafter — WPPT). The WIPOnet promotes adjustment of the international legislative framework to

facilitate e-commerce through the extension of the principles of the WPPT to audiovisual performances, the adaptation of broadcasters' rights to the digital era, progress towards a possible international instrument on the protection of databases. The program implements the recommendations of the Report of the WIPO Domain Name Process and pursues the achievement of compatibility between identifiers in the real and virtual worlds through the establishment of rules for mutual respect and the elimination of contradictions between the domain name system and IP rights.

Issues that are covered by the digital agenda include the challenge of the digital divide, the application of intellectual property law in transactions via the Internet, the impact of the Internet and digital technologies on the areas of copyright and related rights, trademarks and domain names, and patents, as well as dispute resolution. The WIPO Digital Agenda was launched in September 1999 by the Director General of WIPO at the WIPO International Conference on Electronic Commerce and Intellectual Property [1]. It was approved later that month by WIPO's member states at their General Assembly. To keep the public fully informed about its activities under the Digital Agenda, WIPO has created a website dedicated to electronic commerce issues. This website, maintained in English, French and Spanish, provides extensive information regarding WIPO programs in the areas concerned, background papers on substantive issues and a comprehensive calendar for meetings.

The wrapped Conference on Electronic Commerce and Intellectual Property was conducted by the CEO of WIPO, Kamil Idris. On this conference ten-point plan was introduced, which was set out in the Digital Agenda. The main idea behind this program is to provide access for all departments in the world to electronic communication facilities, information about IP and information arrays of WIPO [2]. Under this program the WIPOnet network will also provide reliable access to the most sensitive data about the objects of IP. It is planned that the network will link together 320 intellectual property offices in 178 countries and will be based mainly on existing communication tools. Its implementation will allow achieving greater efficiency in the activities of departments through the use of new informational technologies and providing the opportunity of using the services that is provided by WIPO. Services such as reliable electronic communications, listing services, translation for placement in the network, file transfer and a forum for discussing issues connecting with IP.

The network WIPOnet allows 154 intellectual property offices which currently don't have access to the Internet basic means connection and set of services for operation in the network. These services should include the detection of viruses, messaging, e-mail (routine and confidential information), post listings and means access to the network. The WIPOnet network will also function as a portal to other systems provided by WIPO, including the Intellectual Property Digital Libraries. The main feature of WIPOnet will be its ability to provide secure transmission of confidential intellectual property data from point to point, that will promote the use of WIPO's international registration services for patents, trademarks and designs.

From a design perspective the WIPOnet project consists of two main components: 1) the establishment of a central component, that is the center of WIPOnet, and deployment of network services at WIPO headquarters in Geneva; 2) providing Internet connectivity and appropriate computer hardware for the WIPO's intellectual property offices that do not have yet access to the Internet [3, p. 148].

The project WIPOnet is planned in two stages. The first phases is focused mainly on building infrastructure of the project at the International Bureau and establish basic communication with the authorities of the member states of WIPO, which don't have access to the Internet and providing them basic services. The selected approach to the creation and installation of material part of the project aims to support the needs of infrastructure network, which must be scalable and stable (i.e., it can be expanded to scale and support needs change over time). Meanwhile, during the first stage communication will be provided to select agencies located in countries that don't have Internet access.

The second phase will cover the remaining intellectual property offices with no connection to the Internet, but located in countries in which there is access to the Internet.

The main set of tools connecting to the WIPOnet is basic computer hardware, software, training and reliable means of communication with the Internet. Deployment means for connecting is completed today in 48 departments out of 154 elected offices. This kit allows the relevant intellectual property offices to access the Internet and to the WIPO Center of WIPOnet, as well as the services provided by the centre. Offices getting the set of fixed assets, will be able to use the following: WIPO's paid access to the Internet for 360 hours per year, reliable channels protected means of communication over the public Internet, email, file transfer facilities and other interdepartmental communication with the tools to support them, hosting service in the network and related support: for intellectual property individual departments will be provided a method of centralized virtual hosting. This means that agencies that do not have the necessary technical means, will be given the opportunity to place their servers on WIPOnet system until that time when their network services will have the opportunity to migrate on servers of local authorities after the acquisition of technical training by local staff. Reference services: WIPOnet provide phone services and email and services to provide various information about IP [3, c. 150].

Initially, the WIPOnet will support only those activities that will be carried out between intellectual property offices and between the agencies and the International Bureau. However, with the development of technological systems, the improvement of business models and the adoption of new standards in the field of IP the WIPOnet will serve for implementation of other objectives including: electronic filing of patent applications under the Patent Cooperation Treaty, electronic filing of trademark applications in accordance with the Madrid System for the International Registration of Marks, electronic filing of industrial designs under the Hague System for the International

Deposit of Industrial Designs, access to electronic libraries of intellectual property, currently located within the hosting service of WIPO, providing search capabilities and output display data from different collections of IP. These collections include data about the Hague, the Madrid Agreements, the Patent Cooperation Treaty contract and non-patent information of «Journal of Patent Associated Literature», the electronic exchange of administrative information generated in the performance of the administrative functions of the WIPO registration system under the Patent Cooperation Treaty, Madrid, Hague Agreements and following Protocol, and distance learning system which are located in administration of the WIPO Worldwide Academy and designed to promote better understanding of the intellectual property system and to assist and accelerate the establishment of the training system in the member states of WIPO [4,5].

The Patent Cooperation Treaty is an agreement for international cooperation in the field of patents. It is often spoken of as being the most significant advance in international cooperation in this field since the adoption of the Paris Convention itself. It is however largely a treaty for rationalization and cooperation with regard to the filing, searching and examination of patent applications and the dissemination of the technical information contained therein. The Patent Cooperation Treaty does not provide for the grant of «international patents»: the task of and responsibility for granting patents remains exclusively in the hands of the patent offices of, or acting for, the countries where protection is sought (the «designated offices»). The Patent Cooperation Treaty does not compete with but, in fact, complements the Paris Convention. Indeed, it is a special agreement under the Paris Convention open only to States which are already party to convention [6, p. 276].

The Madrid Agreement differs with such options as: a choice for the applicant, allowing international registrations to be based on national applications and not only on national registrations; a period of 18 months, instead of one year, for contracting parties to refuse protection, with the possibility of a longer period in the case of a refusal based on an opposition; the possibility for the office of a designated contracting party to receive, instead of a share in the revenue from the standard fees, an «individual fee» whose amount may not be higher than the fees it charges for national or regional registration or renewal, the said amount being diminished by the savings resulting from the international procedure; the transformation of an international registration which is no longer protected because the basic mark has ceased to have effect in the country of origin, international or regional applications in some or all of the designated contracting parties, with the filing date, and where applicable the priority date, of the international registration; the possibility for the Protocol to be joined not only by states, but in addition by any intergovernmental organization which has an office for registering marks with effect in its territory [6, p. 286].

The main aim of the international deposit of industrial designs is to enable protection to be obtained for one or more industrial designs in a number of states through a single deposit filed with the International Bureau of

WIPO. Under the Hague Agreement, any person entitled to effect an international deposit has the possibility of obtaining, by means of a single deposit made with the International Bureau of WIPO, protection for his industrial designs in contracting states of the agreement with a minimum of formalities and expense. The applicant is thus relieved of the need to make a separate national deposit in each of the states in which he requires protection, thus avoiding the inherent complication of procedures that vary from one state to another [6, p. 293].

The WIPOnet and WIPO's services in the field of IP that currently provided on-line, such as the Intellectual Property Digital Libraries, and those who will be in the future, i.e. the system of the Patent Cooperation Treaty — Secure Applications Filed Electronically (PCT-SAFE) provide a unique opportunity to prevent the widening of the gap between developed and developing countries regarding access to and use of network systems. In the near future it will be even more obvious and immediate advantage of the system [7, p. 36].

The important role in the IP rights defense belongs to the Institute of Electrical and Electronic Engineers (hereinafter — IEEE) that is the world's largest professional association dedicated to advancing technological innovation and excellence for the benefit of humanity. IEEE and its members inspire a global community through IEEE's highly cited publications, conferences, technology standards, and professional and educational activities. IEEE, pronounced «Eye-triple-E,» stands for the Institute of Electrical and Electronics Engineers. The association is chartered under this name and it is the full legal name. IEEE recognizes the increasing importance of bibliometric indicators as independent measures of quality or impact of any scientific publication and therefore explicitly and firmly condemns any practice aimed at influencing the number of citations to a specific journal with the sole purpose of artificially influencing the corresponding indices. IEEE, in its leading position as the world's largest professional association dedicated to advancing technological innovation and in its desire to fulfill its primary mission of fostering technological excellence for the benefit of humanity, also recognizes the recent concerns expressed by the scholarly community about the inappropriate application of bibliometrics to the evaluation of both scientists and research proposals. «Bibliometric indicators provide numerical scales that are intended to quantitatively determine the value of scientific research and the scholarly publication in which that research is published. Since scientific performance cannot, of course, be directly «measured», citations acquired by each published paper are assumed as a proxy for quality, without prejudging the reasons for the citations.

More specifically, IEEE endorses the following tenets in conducting proper assessment in the areas of engineering, computer science, and information technology: the use of multiple complementary bibliometric indicators is fundamentally important to offer an appropriate, comprehensive, and balanced view of each journal in the space of scholarly publications. IEEE has recently adopted the Eigenfactor and the Article Influence in addition to the Impact Factor for the internal and competitive assessment of its publications and

welcomes the adoption of other appropriate complementary measures at the article level, such as those recently introduced in the framework of the so-called altmetrics, once they have been appropriately validated and recognized by the scientific community; any journal-based metric is not designed to capture qualities of individual papers, and must therefore not be used as a proxy for single-article quality or to evaluate individual scientists. All journals' bibliometric indices are obtained by averaging over many papers, and it cannot be assumed that every single article published in a high-impact journal, as determined by any particular journal metric, will be highly cited; while bibliometrics may be employed as a source of additional information for quality assessment within a specific area of research, the primary manner for assessment of either the scientific quality of a research project or of an individual scientist should be peer review, which will consider the scientific content as the most important aspect in addition to the publication expectations in the area, as well as the size and practice of the research community» [8].

Conclusions. The protection of IP is twofold. For solving this problem it should be regulated on international level because it went beyond the borders of national law. In other words, international law does not directly govern these issues and only serves as an instrument to settle or ease regulatory conflicts. It is private international law which has played an important role in Internet governance until now. However, there is every reason to try to reach the consensus necessary to keep improving cooperation and harmonization. The advantage of having more international treaties and agreements in the Internet field is that regulatory conflicts would be diminished to a large extent. In this regard, while the protection of IP is already covered by several international treaties, and therefore there is no conflict anymore. To achieve this goal it becomes indispensable that electronic libraries which WIPOnet provides access timely and adequately should be replenished. Moreover, it is necessary that the technology behind the system should be maintained at the current level and the technical means provided by the systems that are established in different countries, should be maximum commonality. This task obviously is the responsibility of WIPO and the competence of departments that provide digital libraries or similar systems that are based on the use of networks to which access is provided via WIPOnet. However, there is a second aspect of the problem which is the responsibility of countries using the system. There is an urgent need in training experts in the field of information and communication technology that could ensure the success and sustainability of WIPOnet for the future. The organization began work on this matter; it is carried distance learning out. At the same time the WIPOnet provides deployment of a training program aimed at developing the skills needed to use it. These skills and talents should be brought up on the ground in order to support the development of the system in the future. It is needed to develop a legal instrument that regulates in each state party of the program the activities of local and regional employees, and the possibility of cooperation. It is necessary to create an algorithm checking the database field.

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ДО ПИТАННЯ ПРО РОЗВИТОК ТА ПЕРСПЕКТИВИ ГЛОБАЛЬНОЇ ІНФОРМАЦІЙНОЇ МЕРЕЖІ «WIPONET»

Резюме

У статті було досліджено питання створення і реалізації програми «WIPOnet», спрямованої на створення глобальної інформаційної мережі для відомств з інтелектуальної власності. Загальна мета «WIPOnet» полягає у підтримці процесу розгортання адекватної місцевої інфраструктури у відомствах з інтелектуальної власності, приділяючи основну увагу розвитку інфраструктур у країнах, що розвиваються, забезпечуючи їх необхідними програмними і технічними засобами, які дозволять цим відомствам підключитися до Інтернету і скористатися деякими комунікаційними та інформаційними послугами Всесвітньої організації інтелектуальної власності.

Ключові слова: міжнародна організація, мережа Інтернет, інтелектуальна власність, WIPOnet.

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К ВОПРОСУ О РАЗВИТИИ И ПЕРСПЕКТИВАХ ГЛОБАЛЬНОЙ ИНФОРМАЦИОННОЙ СЕТИ «WIPONET»

Резюме

В статье исследован вопрос создания и реализации программы «WIPOnet», направленной на создание глобальной информационной сети для ведомств по интеллектуальной собственности. Основная цель «WIPOnet» состоит в поддержке процесса развертывания адекватной местной инфраструктуры в ведомствах по интеллектуальной собственности, уделяя основное внимание развитию инфраструктур в развивающихся странах, обеспечивая их необходимыми программными и техническими средствами, которые позволят этим ведомствам подключиться к Интернету и воспользоваться некоторыми коммуникационными и информационными услугами Всемирной организации интеллектуальной собственности.

Ключевые слова: международная организация, сеть Интернет, интеллектуальная собственность, WIPOnet.