

# WIPO to Discuss Proposed Database Treaty In March

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The World Intellectual Property Organization (WIPO) has scheduled an ambitious timetable to consider the Proposed Treaty for the Sui Generis Protection of Databases. The draft database proposal was one of three treaties circulated by WIPO in advance of the diplomatic conference in Geneva in December 1996. Representatives to the conference did not act on the database proposal primarily for three reasons: deep concerns regarding the proposal, failure to have adequate time to consider the proposal "domestically" prior to setting an international norm, and lack of time to discuss the draft treaty in Geneva. See <http://info/frn/copy/copytoc.html> for [more information](#).

At a meeting set for March 20-21, 1997, representatives to WIPO will consider a proposal to convene a Committee of Experts in September 1997 who will consider a first draft of the database treaty. This draft treaty would be written by the WIPO International Bureau and be based on comments received from member nations. It has been indicated that further consideration of the draft would then occur by the WIPO Governing Bodies between September 22 and October 1, 1997.

This establishes an extremely aggressive timetable for an issue that has not been domestically debated. Deep and serious reservations concerning the draft database treaty are evident in the comments filed before the U.S. Patent and Trademark Office in November 1996. Of the total 857 comments filed before the PTO, only 6 organizations wrote in support of the proposal. These proponents include the Information Industry Association, McGraw-Hill, Reed Elsevier, Thomson, Time Warner, and the U.S. Council for International Business/International Chamber of Commerce. The majority--88 organizations, 124 individuals with occupations (e.g., name@arl.org), and 645 individuals (e.g., name@aol.com)--wrote in opposition or expressed concerns with the draft treaty. It will be critically important that the Administration signal its opposition to this new timetable.

In a recent meeting, Michael Kepplinger of the Patent and Trademark Office commented on the U.S. position and stated that the U.S. sees no urgency in dealing with database issues. He also stated that the U.S. would not object to convening a Committee of Experts to consider this issue, but sees the possibility of a "final" database treaty as unlikely for several years.

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