



General Assembly

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**United Nations Commission
on International Trade Law**
Working Group IV (Electronic Commerce)
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Legal aspects of electronic commerce

Electronic contracting: provisions for a draft convention

Comments by the World Intellectual Property Organization

Note by the Secretariat

1. Pursuant to a request by the Working Group, at its forty-first session (A/CN.9/528, para. 58), the Secretariat has sought the views of the International Bureau of the World Intellectual Property Organization (WIPO) as to whether, in the view of WIPO, the inclusion of contracts that involve licensing of intellectual property rights in the scope of the preliminary draft convention being considered by the Working Group, so as to expressly recognize the use of data messages in the context of those contracts, might in any way negatively interfere with established rules on the protection of intellectual property rights.

2. On 7 October 2003, the Secretariat received the following reply by the Office of Strategic Planning and Policy Development of the WIPO International Bureau:

“The International Bureau of WIPO thanks the secretariat of UNCITRAL for giving us an opportunity to review the preliminary draft convention on electronic contracting. The legal experts within the International Bureau of WIPO have reviewed the draft and see no need for an exclusion clause with regard to contracts involving IP rights. The International Bureau of WIPO has no further comments on the draft at this stage. However, we would appreciate it if the secretariat of UNCITRAL could send the relevant documents and the report on the international instrument to us so that we may give further comments, if any, on a revised draft in future.”

