

Newsletter No.

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**Swiss IP News** we provide you with updates on new decisions, the relevant legislative process and other trends in the fields of intellectual property and unfair competition law from a Swiss perspective.

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## WIPO Proof – Providing Proof of Existence of Intellectual Assets by Time-Stamping Digital Files



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The World Intellectual Property Organization launched a new digital service, called WIPO Proof, which provides date- and time-stamped digital fingerprints on digital files. WIPO Proof neither replaces traditional IP registration systems nor does it constitute a record of such time-stamped files. It is rather intended to prove the existence of the document at the time of the creation of the digital fingerprint. The tool can be used for digital files of any format, be it images, texts or audio-visual content.

After selecting the relevant file, the digital fingerprint is created by the local browser using a one-way algorithm. While the relevant file is not uploaded at all, the uploaded digital fingerprint is then assigned a time stamp as well as a public and private key by WIPO Proof. The user receives then the tamper-proof token, which needs to be stored safely.

If a file is to undergo verification later on, the local browser creates a fingerprint of the file once again, which is then subsequently uploaded and compared to the token created during initial registration, which also must be transmitted. If they are identical, the existence of the file at the time specified in the token is demonstrated. Thereby, it is crucial that the file, which should undergo verification, is unchanged compared to the file at the time of registration, as otherwise a different fingerprint will be created.

While WIPO Proof does not replace the traditional IP-registers and therefore does not offer corresponding legal protection, it can constitute a valid piece of evidence in court proceedings. Particularly where there is no possibility to prove ownership by means of register entry, such as copyrights, such a time stamp can be of some value in a legal dispute.

Further examples include the proof of the time of creation of a design, musical scores, artificial intelligence algorithms or any other work. WIPO Proof can also be of use in situations where one needs to show that information shared under a non-disclosure-agreement had already previously been in the possession of the recipient.

The price per token is CHF 20, whereby quantity discounts are available. Verification is free of charge. In considering the low cost, WIPO Proof is an affordable and helpful tool for improving the protection of intellectual property from an evidential point of view.

The Walder Wyss Newsletter provides comments on new developments and significant issues of Swiss law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

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