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The Concept of Intellectual Property

1.1 Intellectual property, very broadly, means the legal rights which result from intellectual activity in the industrial, scientific, literary and artistic fields. Countries have laws to protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

1.2 Generally speaking, intellectual property law aims at safeguarding creators and other producers of intellectual goods and services by granting them certain time-limited rights to control the use made of those productions. Those rights do not apply to the physical object in which the creation may be embodied but instead to the intellectual creation as such. Intellectual property is traditionally divided into two branches, “industrial property” and “copyright.”

1.3 The Convention Establishing the World Intellectual Property Organization (WIPO), concluded in Stockholm on July 14, 1967 (Article 2(viii)) provides that “intellectual property shall include rights relating to:

- literary, artistic and scientific works,
- performances of performing artists, phonograms and broadcasts,
- inventions in all fields of human endeavor,
- scientific discoveries,
- industrial designs,
- trademarks, service marks and commercial names and designations,
- protection against unfair competition,

and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

1.4 The areas mentioned as literary, artistic and scientific works belong to the copyright branch of intellectual property. The areas mentioned as performances of performing artists, phonograms and broadcasts are usually called “related rights,” that is, rights related to copyright. The areas mentioned as inventions, industrial designs, trademarks, service marks and commercial names and designations constitute the industrial property branch of intellectual property. The area mentioned as protection against unfair competition may also be considered as belonging to that branch, the more so as Article 1(2) of the Paris Convention for the Protection of Industrial Property (Stockholm Act of 1967) (the “Paris Convention”) includes “the repression of unfair competition” among the areas of “the protection of industrial property”; the said Convention states that “any act of competition contrary to honest practices in industrial and commercial matters constitutes an act of unfair competition” (Article 10*bis*(2)).

1.5 The expression “industrial property” covers inventions and industrial designs. Simply stated, inventions are new solutions to technical problems and industrial designs are aesthetic creations determining the appearance of industrial products. In addition, industrial property includes trademarks, service marks, commercial names and designations, including indications of source and appellations of origin, and protection against unfair competition. Here, the aspect of intellectual creations—although existent—is less prominent, but what counts here is that the object of

industrial property typically consists of signs transmitting information to consumers, in particular as regards products and services offered on the market, and that the protection is directed against unauthorized use of such signs which is likely to mislead consumers, and misleading practices in general.

1.6 Scientific discoveries, the remaining area mentioned in the WIPO Convention, are not the same as inventions. The Geneva Treaty on the International Recording of Scientific Discoveries (1978) defines a scientific discovery as “the recognition of phenomena, properties or laws of the material universe not hitherto recognized and capable of verification” (Article 1(1)(i)). Inventions are new solutions to specific technical problems. Such solutions must, naturally, rely on the properties or laws of the material universe (otherwise they could not be materially or “technically” applied), but those properties or laws need not be properties or laws “not hitherto recognized.” An invention puts to new use, to new technical use, the said properties or laws, whether they are recognized (“discovered”) simultaneously with the making of the invention or whether they were already recognized (“discovered”) before, and independently of, the invention.

The World Intellectual Property Organization (WIPO)

History

1.7 The World Intellectual Property Organization (WIPO) is one of the specialized agencies of the United Nations (UN) system of organizations. The “Convention Establishing the World Intellectual Property Organization” was signed at Stockholm in 1967 and entered into force in 1970. However, the origins of WIPO go back to 1883 and 1886, with the adoption of the Paris Convention and the Berne Convention respectively. Both of these conventions provided for the establishment of international secretariats, and both were placed under the supervision of the Swiss Federal Government. The few officials who were needed to carry out the administration of the two conventions were located in Berne, Switzerland.

1.8 Initially there were two secretariats (one for industrial property, one for copyright) for the administration of the two conventions, but in 1893 the two secretariats united. The most recent name of the organization, before it became WIPO, was BIRPI, the acronym of the French-language version of the name: United International Bureaux for the Protection of Intellectual Property (in English). In 1960, BIRPI moved from Berne to Geneva.

1.9 At the 1967 diplomatic conference in Stockholm, when WIPO was established, the administrative and final clauses of all the then existing multilateral treaties administered by BIRPI were revised. They had to be revised because member States wished to assume the position of full governing body of the Organization (WIPO), thus removing the supervisory authority of the Swiss Government, to give WIPO the same status as all the other comparable intergovernmental organizations and to pave the way for it to become a specialized agency of the United Nations system of organizations.

1.10 Most of the intergovernmental organizations now called specialized agencies did not exist before the Second World War. They were created for the specific purpose of dealing with a particular subject or field of activity at the international level. However, some intergovernmental organizations, such as the International Labor Office (ILO), the Universal Postal Union (UPU) and the International Telecommunication Union (ITU) were in existence, and had become the responsible intergovernmental organizations in their respective fields of activity long before the establishment of

the United Nations. After the United Nations was established, these organizations became specialized agencies of the United Nations system.

1.11 Similarly, long before the United Nations was established, BIRPI was the responsible intergovernmental organization in the field of intellectual property. WIPO, the successor to BIRPI, became a specialized agency of the United Nations when an agreement was signed to that end between the United Nations and WIPO which came into effect on December 17, 1974.

1.12 A specialized agency, although it belongs to the family of United Nations organizations, retains its independence. Each specialized agency has its own membership. All member States of the United Nations are entitled to become members of all the specialized agencies, but in fact not all member States of the United Nations are members of all the specialized agencies. Each State decides for itself whether it wants, or does not want, to become a member of any particular specialized agency. Each specialized agency has its own constitution, its own governing bodies, its own elected executive head, its own income, its own budget, its own staff, its own programs and activities. Machinery exists for coordinating the activities of all the specialized agencies, among themselves and with the United Nations, but basically each agency remains responsible, under its own constitution, to its own governing bodies, which are the States members of the organization.

1.13 The agreement between the United Nations and WIPO recognizes that WIPO is, subject to the competence of the United Nations and its organs, responsible for taking appropriate action in accordance with its basic instrument and the treaties and agreements administered by it, *inter alia*, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to developing countries in order to accelerate economic, social and cultural development.

Mission and Activities

1.14 The mission of WIPO is to promote through international cooperation the creation, dissemination, use and protection of works of the human mind for the economic, cultural and social progress of all mankind. Its effect is to contribute to a balance between the stimulation of creativity worldwide, by sufficiently protecting the moral and material interests of creators on the one hand, and providing access to the socio-economic and cultural benefits of such creativity worldwide on the other.

1.15 WIPO's place on the international scene has greatly changed since its beginnings, when it was created to serve as the secretariat of treaties concluded between States. Although WIPO has maintained this function (it currently administers 23 such treaties), together with the consequential one of promoting intergovernmental cooperation in the administration of intellectual property, its activities have not only expanded, but also greatly diversified.

1.16 An outstanding example of the expansion of WIPO's earlier work is the growth of its registration activities—that is to say, the increase in the use of international treaties that create the facility of a single procedure to apply for patents and register trademarks and industrial designs, valid in up to all States party to those treaties. The Patent Cooperation Treaty (PCT), the Madrid Agreement and Protocol Concerning the International Registration of Marks, and the Hague Agreement Concerning the International Deposit of Industrial Designs have all given rise to an increased volume of registration activities. To strengthen this aspect of WIPO's work, a new international treaty, namely, the Patent Law Treaty, came into existence in June 2000: its purpose is

to streamline application procedures and to reduce the cost of obtaining simultaneous patent protection in several countries.

1.17 In its more recent history, WIPO increasingly does not stop short of promoting all kinds of intellectual property. This is only the means to achieve an end, which is to promote human creativity that results in industrial and cultural products and services enriching human society as a whole. Thus WIPO is increasingly involved in helping developing countries, whose creativity has yet to be adequately harnessed, to receive the full benefits of the creations of their citizens, as well as those of the outside world. WIPO's role is to assist them also in the preparation and enforcement of laws, in the establishment of sound institutions and administrative structures and in the training of appropriate personnel. WIPO has given particular attention to the 49 Least Developed Countries (LDCs), as will be seen in chapter 3, and has also given similar assistance to countries whose economies are in transition, in Central Asia, Central and Eastern Europe and the Baltic region.

1.18 WIPO's cooperation for development program is closely interwoven with governmental and intergovernmental cooperation, including WIPO's agreement with the World Trade Organization (WTO), whereby WIPO assists developing countries in the implementation of WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (see chapter 5).

1.19 The problem of development is compounded by rapid technological and scientific progress. WIPO's approach is twofold: it is to identify and to promote international solutions to the legal and administrative problems posed by digital technology, especially the Internet, to the traditional notions and practices of intellectual property.

1.20 WIPO's work in alternative dispute resolution between individuals and companies, through the WIPO Arbitration and Mediation Center (see chapter 4) has been extended to cover the problems arising from the misuse of domain names on the Internet. WIPO has been accredited by the Internet Corporation for Assigned Names and Numbers (ICANN) to administer cases filed under ICANN's Uniform Domain Name Dispute Resolution Policy. Disputes are handled and resolved online, enabling parties to settle cases in a time- and cost-effective manner, without being physically present in the same place.

1.21 A project that will greatly advance the sharing of valuable intellectual property information benefits is the worldwide global intellectual property information network (WIPONET), a project launched by WIPO in 1999. WIPONET is designed to establish a secure, global network linking the intellectual property offices of all WIPO's Member States, facilitating access to and exchange of information worldwide. Already WIPO's main and subsidiary websites are heavily used all over the world.

1.22 WIPO is increasingly adopting a global approach not only to intellectual property in itself, but to the place of intellectual property in the wider framework of emerging issues such as traditional knowledge, folklore, biological diversity, environmental protection and human rights. These issues are explored in chapter 2 and chapter 7. WIPO has followed the method of consultation and empirical research to find, for example, the relation between intellectual property and genetic resources, traditional knowledge and folklore.

1.23 One of the most significant present-day tasks of WIPO is to demystify intellectual property, so that it is recognized as a part of everyday life not only by those directly involved in it at governmental, legal, industrial and cultural levels, but also by any others who compose civil society, whether in non-governmental organizations or small businesses, whether farmers, public health personnel, individual creators or simply interested members of the general public. Realizing the importance of small- and medium-sized enterprises (SMEs) as the backbone of market economies,

WIPO has established a program aimed at helping them to fulfill their potential as a powerful force behind wealth creation.

1.24 WIPO's agenda of outreach to all members of society is through their inclusion as stakeholders and partners in global and national intellectual property systems. To ensure that such inclusion is of benefit to the parties concerned, WIPO pursues a policy of empowerment. This means that WIPO's activities aim to give to all levels of society an awareness of how they have a stake in a healthy intellectual property system, and also to provide them with access to the knowledge, experience and expertise that will enable them to use those systems effectively.

Structure

1.25 The constitution, the "basic instrument," of WIPO is the Convention signed at Stockholm in 1967. In describing WIPO, the following questions will be answered in very general terms: why is an intergovernmental organization needed? What are the Unions administered by WIPO? Which States are members of WIPO? What does WIPO do? How is it governed and managed?

1.26 The General Assembly consists of all the States that are members of WIPO and also members of any of the Unions.

1.27 Unlike the General Assembly, the Conference consists of all the States which are members of WIPO, whether or not they are members of any of the Unions. The main functions of the Conference were originally divided into five groups. First, the Conference was to constitute a forum for exchanges of views between all States members of WIPO on matters relating to intellectual property, and in that context it was empowered, in particular, to make any recommendations on such matters, having regard to the competence and autonomy of the Unions. Secondly, the Conference was to establish the biennial development cooperation program for developing countries and, thirdly, it was to adopt a budget for that purpose. Fourthly, the Conference is also competent to adopt amendments to the Convention establishing WIPO. Proposals for the amendment of the Convention may be initiated by any State member of WIPO, by the Coordination Committee or by the Director General. Fifthly, the Conference, like the General Assembly, was to determine which States and organizations would be admitted to its meetings as observers.

1.28 Why is an intergovernmental intellectual property organization needed? Intellectual property rights are limited territorially; they exist and can be exercised only within the jurisdiction of the country or countries under whose laws they are granted. But works of the mind, including inventive ideas, do and should cross frontiers with ease in a world of interdependent nations. Moreover, with growing similarity in the approach and procedures governing intellectual property matters in various countries, it makes eminent sense to simplify practice through international standardization and mutual recognition of rights and duties among nations. Therefore, governments have negotiated and adopted multilateral treaties in the various fields of intellectual property, each of which establishes a "Union" of countries which agree to grant to nationals of other countries of the Union the same protection as they grant to their own, as well as to follow certain common rules, standards and practices.

1.29 The Unions administered by WIPO are founded on the treaties. A Union consists of all the States that are party to a particular treaty. The name of the Union is, in most cases, taken from the place where the text of the treaty was first adopted (thus the Paris Union, the Berne Union, etc.). The treaties fall into three groups.

1.30 The first group of treaties establishes international protection, that is to say, they are treaties which are the source of legal protection agreed between countries at the international level. For instance, three treaties on industrial property fall into this group—the Paris Convention, the Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

1.31 The second group consists of treaties which facilitate international protection. For instance, six treaties on industrial property fall into this group. They are the Patent Cooperation Treaty, which provides for the filing of international applications for patents, the Madrid Agreement Concerning the International Registration of Marks, the Lisbon Agreement, which has already been mentioned because it belongs to both the first and second groups, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Hague Agreement Concerning the International Deposit of Industrial Designs.

1.32 The third group consists of treaties which establish classification systems and procedures for improving them and keeping them up to date. Four treaties, all dealing with industrial property, fall into this group. They are the International Patent Classification Agreement (IPC), the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and the Locarno Agreement Establishing an International Classification for Industrial Designs.

1.33 Revising these treaties and establishing new ones are tasks which require a constant effort of international cooperation and negotiation, supported by a specialized secretariat. WIPO provides the framework and the services for this work.

Administration

1.34 The Convention establishing WIPO provides for four different organs: the General Assembly, the Conference, the Coordination Committee and the International Bureau of WIPO or Secretariat.

1.35 The General Assembly is the supreme organ of WIPO. Among its other powers and functions, the General Assembly appoints the Director General upon nomination by the Coordination Committee; it reviews and approves the reports and activities of the Coordination Committee as well as the reports of the Director General concerning WIPO; it adopts the financial regulations of WIPO and the biennial budget of expenses common to the Unions; it approves the measures proposed by the Director General concerning the administration of the international agreements designed to promote the protection of intellectual property; it determines the working languages of the Secretariat, taking into consideration the practice of the United Nations; and it also determines which States not members of WIPO and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers.

1.36 The fourth organ of WIPO is the International Bureau of WIPO or Secretariat. It is headed by the Director General, and further consists of those who make up its regular staff; the staff in the professional and higher categories are recruited on a principle of equitable geographical distribution established in the United Nations system, and other staff are from a wide range of countries in all regions of the world.

Membership

1.37 The Convention establishing WIPO declares that membership shall be open to any State that is a member of any of the Unions, and to any State which is not a member of any of the Unions, provided that it is a member of the United Nations, of any of the specialized agencies of the United Nations or of the International Atomic Energy Agency, or is party to the Statute of the International Court of Justice or is invited by the General Assembly of WIPO to become a member. Thus only States can be members of WIPO.

1.38 To become a member, a State must deposit an instrument of ratification or accession with the Director General of WIPO at Geneva. States party to the Paris or Berne Conventions may become members of WIPO only if they are already bound by, or concurrently ratify or accede to, at least the administrative provisions of the Stockholm (1967) Act of the Paris Convention or of the Paris (1971) Act of the Berne Convention.

1.39 The States party to the Convention Establishing the World Intellectual Property Organization (WIPO) are listed in the appropriate document to be found inserted in the back flap of this volume.

Constitutional Reform

1.40 The Member States of WIPO have, in recent years, adopted or considered a series of policies which ultimately require, for their implementation, amendment of the WIPO Convention and at least certain of the other treaties administered by WIPO.

1.41 The first such policy relates to the unitary contribution system and changes in contribution classes. In 1993 the WIPO Conference and the Assemblies of the Paris and Berne Unions adopted the unitary contribution system in replacement of the multiple contribution system provided for in the WIPO Convention and the treaties administered by WIPO. Under the unitary contribution system a State party to any of WIPO's contribution treaties would pay a single contribution, regardless of the number of such treaties to which it was party. It was adopted on a provisional and experimental basis, pending an evaluation of the outcome, and possibly subsequently the amendment of the relevant provisions of the WIPO Convention and the treaties administered by WIPO that provide for the payment of contributions by Contracting States. In 1989, 1991 and 1993, the same organs also adopted new contribution classes on the same provisional basis, pending the amendment of the requisite treaties to bring the provisions of those treaties into line with the new classes.

1.42 A second such policy arises out of the work of the Working Group on Policies and Practices for the Nomination and Appointment of Directors General, which was established by the WIPO Coordination Committee in 1988. Acting upon the recommendations of the Working Group, the WIPO Coordination Committee and the WIPO General Assembly, the Assemblies of the Paris and Berne Unions and the WIPO Conference adopted a proposal to amend Article 9(3) of the Convention Establishing the World Intellectual Property Organization, limiting to 12 years a Director General's total period in office.

1.43 The third series of policies arises out of the adoption of the 1998-99 Program and Budget. That Program and Budget contained various proposals for the simplification and rationalization of the governance structure of WIPO. The proposals for simplification and rationalization relate to

committees constituted directly by the Assemblies of the Member States; there are, however, other similar proposals in respect of organs or bodies constituted by WIPO-administered treaties.

1.44 Given that it appeared necessary to set in motion the procedure for treaty amendment because of the new practices relating to the unitary contribution system and contribution classes and the policy on limitation of mandates of Directors General, the WIPO Secretariat used the opportunity to propose other options for change in the governance structure of WIPO.

1.45 The culmination of proposals by the Secretariat and the adoption by the Member States of the policies described above was the creation of a Working Group on Constitutional Reform. The Working Group, which was open to all Member States of WIPO and also to the Member States of the Paris and Berne Unions, was established by the WIPO General Assembly at its meeting in September 1999. The Working Group met on six occasions in the space of three years, twice in 2000, 2001 and 2002 respectively. Its final recommendations were submitted to, and adopted by, the Assemblies of Member States of WIPO in September 2002.

1.46 The various proposals on constitutional reform which were studied by the Working Group may be described under five topics:

Unitary contribution system and changes in contribution classes

1.47 The first set of proposals on constitutional reform is to amend the relevant WIPO-administered treaties in order to formalize the unitary contribution system adopted in 1993 and the new contribution classes adopted in 1989, 1991 and 1993.

Executive Committees of the Paris Union, the Berne Union and the PCT Union

1.48 The reasons for the establishment of the Executive Committees of the Paris, Berne and PCT Unions seem to have been the perceived need for a body of a lesser number of member States than the Assembly in order to consider matters that were urgent in nature, and therefore could not await the next ordinary session of the Assembly, or were of lesser importance and did not require attention by the Assembly.

1.49 In practice, the Executive Committees have never functioned as intended. The PCT Executive Committee was never actually constituted; and neither the Paris nor the Berne Executive Committee has ever considered, as a body meeting separately, a substantive item of business.

1.50 The second set of proposals on constitutional reform is therefore to amend the WIPO Convention, the Paris Convention, the Berne Convention and the PCT by abolishing the Executive Committees of the Paris, Berne and PCT Unions.

WIPO Conference

1.51 The WIPO Conference is composed of all the Member States of WIPO. In practice, the Conference never meets separately from the General Assembly. It meets during the same period and in the same room as the General Assembly, and the only ostensible difference in the proceedings is the difference in presiding officer. In practice also, the Conference has considered very few separate items of business. In reality the functional division of work originally envisaged between the General Assembly and the Conference did not occur.

1.52 The third set of proposals on constitutional reform is to amend the WIPO Convention in order to abolish the WIPO Conference.

The other Conferences of Representatives

1.53 The Conferences of Representatives that exist for various Unions were the predecessor bodies of the Assemblies of those Unions. The Assembly of member States of a Union was introduced as a result of the reforms at the 1967 Stockholm Diplomatic Conference, in the Stockholm Act of those treaties that were revised at that Diplomatic Conference. Conferences of Representatives thus exist only for those Unions:

- (i) which were established under treaties that have Acts that were concluded before 1967, and
- (ii) which have member States that have not yet acceded to or ratified the Stockholm (1967) Act of the Treaty. The following Conferences of Representatives still exist:
 - Paris Union Conference of Representatives;
 - Berne Union Conference of Representatives;
 - Hague Union Conference of Representatives;
 - Nice Union Conference of Representatives; and
 - the Lisbon Union Council.

1.54 The powers conferred on the Conferences of Representatives by their constituent instruments were extremely limited. In practice, the bodies have never separately considered any item of substantive business. Their convening has tended to be a formality only. Moreover, the number of States belonging to those bodies is small, and declining as States progressively accede to the Stockholm Acts of the relevant treaties.

1.55 The fourth set of proposals on constitutional reform is to amend the relevant conventions and other documents in order to discontinue the Conferences of Representatives.

Unitary Assembly

1.56 Under this proposal, the WIPO General Assembly would be the body competent to make decisions in respect of all WIPO treaties. Each Assembly constituted by a WIPO treaty would be replaced by the WIPO General Assembly so that there would be one organization, one Assembly of Member States, one Secretariat and one contribution from Member States. There would continue to be a number of different treaties, with differing memberships, providing for rights and obligations in the field of intellectual property. They would, however, all be administered in accordance with the unitary structure.

1.57 The fifth set of proposals on constitutional reform is to amend the relevant treaties and conventions in order to reduce the number of WIPO governing bodies to one single Assembly.

Final Recommendations of the Working Group adopted by the Assemblies in 2002

1.58 The final three recommendations on which agreement was reached by the members of the Working Group on Constitutional Reform were submitted to the General Assembly in September 2002. These recommendations were: (i) the abolition of the WIPO Conference; (ii) in respect of the unitary contribution system and the changes in contribution classes, the formalization in the treaties of what was already in practice; and (iii) a change in the periodicity of the ordinary sessions of the WIPO General Assembly and the other Assemblies of the Unions, from once every two years to once every year.

1.59 The Assemblies of the Member States of WIPO adopted the three recommendations of the Working Group on Constitutional Reform in September 2002, and set out a timetable for the process of amendment of several WIPO-administered treaties for implementation of the suggested recommendations. The proposed amendments were considered and adopted by the WIPO General Assembly and the other concerned Assemblies of the Unions in September 2003.

1.60 The Member States of WIPO have now been invited to accept the amendments in accordance with their respective constitutional processes. The said amendments will enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Member States.

Wider Consultation and Outreach

1.61 Apart from using the mechanisms described above, WIPO has increasingly sought to build up the broadest possible base throughout the world. For this purpose, several advisory bodies have been established, and a policy of public outreach has been pursued.

The Policy Advisory Commission

1.62 In March 1998, the Director General of WIPO proposed to Member States the establishment of a Commission of eminent international personalities drawn from politics, diplomacy and administration, to “enhance the Secretariat’s capacity to monitor and respond in a timely, informed and effective manner to international and regional developments in intellectual property, in information technology and in other fields bearing on WIPO’s operations and its policy environment.” More recently (November 2003), members include President Guido de Marco (Malta), President Ion Iliescu (Romania), and President Jorge Sampaio (Portugal).

1.63 Member States approved this proposal. The Policy Advisory Commission (PAC) was to consider vital topics such as the advance of globalization, digital technology, breakthrough discoveries in biotechnology, transfer of technology to developing countries, conservation of biodiversity and the environment, electronic commerce, protection of indigenous cultures and the viability of an “international patent” ensuring the continuing and widespread availability of pharmaceuticals, and the relation of those topics to the intellectual property system. It was to present its findings to the Director General, who would draw on its conclusions in formulating possible policy proposals for the Member States’ consideration.

1.64 The first meeting of the Commission took place in April 1999. HRH Prince El-Hassan of Jordan was elected Chair of the 25-member body, which held detailed discussions on both globalization and the need to demystify and depoliticize intellectual property issues. It then resolved to set up a Task Force to develop its work program: this was to include the formulation of a World Intellectual Property Declaration (WIPD) stating clearly and simply to the general public the benefits of intellectual property and intellectual property rights.

1.65 The Task Force met twice, in Amman in July 1999 and Washington, D.C., in March 2000, and worked on the above-mentioned projects as well as considering other questions. The first study to be published under the auspices of the PAC was authored by a member, Hisamitsu Arai, and looked in detail at the Japanese experience of intellectual property and wealth creation. It was published under a new Policy Advisory Commission imprint in December 1999. Work on the World Intellectual Property Declaration (WIPD) led to its adoption by the PAC at its second meeting in June 2000.

1.66 Besides working on the WIPD, the second meeting of the PAC also heard and discussed presentations on the WIPO Worldwide Academy, WIPO's approach to global communications, the information-technology-based WIPONET project and its potential benefits for developing countries, developments in automation of the Patent Cooperation Treaty and the results of the recent Diplomatic Conference for the Adoption of the Patent Law Treaty.

1.67 The third meeting of the PAC took place in Geneva in October 2001, following a preparatory meeting of the Task Force in New York in May of that year. The topics discussed, accompanied by presentations, were the Agenda for Development of the International Patent System and Issues Concerning Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

1.68 A fourth plenary meeting took place in November 2003. This followed a preparatory Task Force meeting in Beijing in May 2002. The topics discussed were Managing Cultural Assets, with a discussion paper, entitled *Copyright, Culture and Development: the Role of Intellectual Property and of WIPO in the Cultural Industries*, provided by Mr. Bruce Lehman, and *Intellectual Property Policies and the Japanese Economy*, with a discussion paper, entitled *Strategic Program for the Creation, Protection and Exploitation of Intellectual Property*, provided by Mr. Hisamitsu Arai.

The Industry Advisory Commission

1.69 The Industry Advisory Commission (IAC) was established in 1998 as part of the efforts by WIPO's Director General to take into consideration the broadest range of opinions in the context of policy-making. The Commission is composed of some 20 top-level representatives from the private sector. These representatives were invited in their personal capacity, with consideration being given to balanced geographical distribution and the need to have as broad a range of industries as possible represented. Among the industries represented are those connected with entertainment (motion pictures, theatre, music), telecommunications, pharmaceuticals and biotechnology.

1.70 The idea of the IAC arose from the Director General's conviction that an organization like WIPO, whose mission is to promote the protection of intellectual property worldwide, must stay abreast of developments in the private sector.

1.71 The IAC, which generally meets twice a year, is of crucial importance to WIPO in view of the fact that industry benefits most directly from intellectual property protection. In addition, the challenges that industry faces from globalization and rapid developments in technology directly affect and are affected by intellectual property. The IAC thus provides a forum for leaders in industry to exchange views with WIPO. The IAC will also enhance the WIPO Secretariat's capacity to monitor and respond in a timely, informed and effective manner to the demands of the market sector and of users of intellectual property systems.

1.72 Being a purely advisory body for the Director General of WIPO, the IAC's recommendations are not binding, and the IAC does not in any way replace the decision-making powers of WIPO's Member States.

1.73 Since its establishment, the IAC has held discussions on a broad range of issues, including electronic commerce, intellectual property and wealth creation, biotechnology and the impact of the global economy on the intellectual property system, as well as efforts by WIPO to promote public awareness and understanding of intellectual property and its contribution to economic and social development.

The Ad Hoc Advisory Panel on Privatization

1.74 Bearing in mind the importance of the issue of privatization in an increasing number of countries, the Director General of WIPO created a new body, the Ad Hoc Advisory Panel on Privatization, in 2000, to assist Member States in determining strong intellectual property policies and strategies for their efforts at privatization. It is a panel of nine experts representing governmental, diplomatic and academic circles.

1.75 The Panel met twice in 2000, and in particular considered how identification and appropriate valuation of intellectual property assets could be incorporated into the privatization process, especially through the provision of expert advice, training and guidelines for evaluating intellectual property assets in the privatization process.

WIPO and Public Outreach

1.76 Since 1998 WIPO has made a concerted effort to reach out not only to the intellectual property community but also to the general public, in order to demystify a hitherto specialized field for a wider public. The aim is to promote a general understanding of the role of intellectual property and of the need to foster and protect it. WIPO has concentrated these efforts on using three types of means – information technology, more traditional information materials and “live” activities promoting media and personal contact and interchange.

1.77 The major tool used in information technology to reach a wider public is the Internet. The WIPO website was developed to the extent that visitors viewed an average of 4.5 million pages per month during 2003. Thousands of pages of information, including the documentation of most WIPO meetings and many of its printed publications, are available via the site in six languages, Arabic, Chinese, English, French, Russian and Spanish.

1.78 The more traditional printed information materials—books, pamphlets, brochures, leaflets—increased, and new material was added, also in the form of posters and CD-ROMs. Sales of information products were enhanced by the creation of a new Visitors’ Center in 1998 and of an electronic bookshop in 1999. Many publications are made available on CD-ROM to Member States for translation and local printing, and an increasing number of free publications are available for downloading from the WIPO website.

1.79 Media activities and exhibitions on aspects of intellectual property extended public outreach. WIPO press releases, articles in the press and media coverage on radio and television worldwide gave WIPO and its activities greater exposure amongst the public, as did exhibitions on various aspects of intellectual property (such as women inventors, inventions used in everyday life in the home and music in the digital age) held at WIPO and elsewhere.

1.80 Visits for groups, mostly students, are also organized regularly throughout the year. The groups are briefed on the history, structure and activities of the Organization. Specialized thematic briefings are also organized on request for groups who are interested in more in-depth information about specific intellectual property issues.

1.81 WIPO also worked with certain Member States and organizations (notably in the framework of cooperation for development) in the field of public outreach, with the object of raising awareness in the general public of the nature and importance of intellectual property.