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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Fifth Series of Meetings Geneva, September 22 to 30, 2008

ADMISSION OF OBSERVERS

Memorandum of the Director General

I. ADMISSION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

1. At their previous sessions, the Assemblies adopted a set of principles to be applied in extending invitations to international non-governmental organizations (NGOs) to attend the meetings of the Assemblies concerned as observers (documents AB/X/32, paragraph 17, and AB/X/17, Annex V; documents TRT/A/I/2 and 4, paragraph 5; documents BP/A/I/2 and 5, paragraph 5; documents V/A/I/1, paragraphs 25 to 29, and V/A/I/2, paragraph 7; and documents FRT/A/I/3 and 9, paragraph 10).
2. The international NGOs admitted to attend the meetings of the Assemblies as observers and which have been invited to attend the Forty-fifth series of meetings of the Assemblies and the Unions administered by WIPO are listed in Annex I to document A/45/INF/3 Prov.1.
3. Once an international NGO is admitted to attend the meetings of the Assemblies of the Member States of WIPO as an observer, it is also invited to attend meetings of committees, working groups, or other bodies subsidiary to the Assemblies, as an observer, if their subject matter seems to be of direct interest to that NGO.
4. Since the Forty-Third series of meetings of the Assemblies, from September 24 to October 3, 2007, when decisions were last taken concerning the admission of international NGOs to attend the meetings of certain Assemblies of Member States of WIPO as observers (document A/43/9, paragraphs 1 to 6, and document A/43/16, paragraph 349), the Director

General has received requests, with the requisite information, from each of the following international NGOs for admission to attend the meetings of the Assemblies of the Member States of WIPO as an observer:

- (i) Association IQSensato (IQSensato);
- (ii) International Committee for the Indians of the Americas (Incomindios);
- (iii) International Trade Union Confederation (ITUC);
- (iv) Special Libraries Association (SLA); and
- (v) The Institute of Trade Mark Attorneys (ITMA).

5. A short profile of each of the NGOs mentioned in paragraph 4, above – its objectives, structure and membership – appears in Annex I of this document. It is proposed that, as concerns each of the NGOs mentioned in paragraph 4 above, the Assemblies of the Member States include the said NGOs in the category of international NGOs.

6. The Assemblies of the Member States of WIPO are invited, each in so far as it is concerned, to take a decision on the proposal appearing in paragraph 5, above.

II. ADMISSION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

7. At the Thirty-Seventh series of meetings, from September 23 to October 1, 2002, the Assemblies of the Member States of WIPO, each in so far as it was concerned, agreed to adopt the following proposals as principles applicable in extending invitations to national NGOs, as observers (document A/37/14, paragraph 316):

(a) The organization shall be essentially concerned with intellectual property matters falling within the competence of WIPO and shall, in the view of the Director General, be able to offer constructive, substantive contributions to the deliberations of the Assemblies of WIPO;

(b) The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of WIPO and of the United Nations;

(c) The organization shall have an established headquarters. It shall have democratically adopted statutes, adopted in conformity with the legislation of the Member State from which the NGO originates. One copy of the statutes shall be submitted to WIPO;

(d) The organization shall have authority to speak for its members through its authorized representatives and in accordance with the rules governing observer status; and

(e) The admission of national NGOs to observer status shall be the subject of prior consultations between Member States and the Secretariat.

8. Since the Forty-Third series of meetings of the Assemblies, from September 24 to October 3, 2007, when decisions were last taken concerning the admission of national NGOs

to attend the meetings of certain Assemblies of Member States of WIPO as observers (document A/43/9, paragraphs 7 to 10 and document A/43/16, paragraph 350), the Director General has received requests, with the requisite information, from each of the following national NGOs for admission to attend the meetings of the Assemblies of the Member States of WIPO as observers:

- (i) All-China Patent Agents Association (ACPAA);
- (ii) Alliance Towards Harnessing Global Opportunities Corporation (ATHGO);
- (iii) *Fundación para la Difusión del Conocimiento y el Desarrollo Sostenible Vía Libre (Fundación Vía Libre)*;
- (iv) Intellectual Property Institute of Canada (IPIC); and
- (v) The Korean Patent Attorneys Association (KPAA).

9. A brief profile of each of the NGOs mentioned in paragraph 8, above – its objectives, structure and membership – appears in Annex II of this document. It is proposed that, as concerns each of the NGOs mentioned in paragraph 8 above, the Assemblies of the Member States decide in accordance with the principles set out in paragraph 7 above, whether to include the said NGOs in the category of national NGOs.

10. The Assemblies of the Member States of WIPO are invited, each in so far as it is concerned, to take a decision on the proposal appearing in paragraph 9, above.

[Annexes follow]

ANNEX I

PARTICULARS CONCERNING INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

(on the basis of information received from the said NGOs)

1. Association IQSensato (IQSensato)

Headquarters: IQSensato was established on February 8, 2008 in Geneva, Switzerland.

Objectives: To harness the multidisciplinary research and analytical capacities in, and from, developing countries in order to better shape and impact the development of international solutions to development challenges particularly in the areas of: knowledge governance, innovation and management of intellectual property; international trade policy and regulation; resource management, energy and environment and financing for development as well as development issues in general.

Structure: Its governance and management is undertaken by the General Assembly and the Board of Directors; the latter is the executive body and is chaired by the President of IQSensato.

Membership: IQSensato currently has seven individual members of different nationalities. It also has a global Research Associates Network made up of an interdisciplinary group of developing country specialists, experts and researchers, who, collectively, serve as a resource pool.

2. International Committee for the Indians in the Americas (Incomindios)

Headquarters: Incomindios was established in 1974 and has its main office in Zurich, Switzerland.

Objectives: It aims to support the indigenous people of the Americas, their organizations and groups, in their fight for political, economic and cultural self-determination by working as their partner and informing the Swiss public and the international community regarding the situation of the indigenous people of the Americas. In a globalizing world, intellectual property rights have become more and more important to indigenous peoples, as they are confronted with the interest of the public in their traditional knowledge and traditional cultural expressions. In this regard, Incomindios maintains an indigenous web portal to assist indigenous peoples towards self-determination in the field of intellectual property on issues concerning biodiversity, the global information society and trade-related aspects of intellectual property rights.

Structure: The highest decision-making body is the General Assembly, which has over-all responsibility for Incomindios. The Board of Directors provides strategic direction and policy guidance. Its principal officer is the Executive Director who coordinates Incomindios' activities, acts as its representative and directs its head office.

Membership: Incomindios has around 1,000 individual members from 12 countries.

3. International Trade Union Confederation (ITUC)

Headquarters: ITUC was established on November 1, 2006 in Vienna, Austria and took over the body corporate of the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labour, both of which were dissolved on the eve of ITUC's creation. ICFTU, which is now dissolved, was previously accredited as a Permanent Observer in WIPO. ITUC's permanent secretariat is located in Brussels, Belgium.

Objectives: It is the responsibility of ITUC to: defend and promote the rights and interests of all working people without distinction, and to obtain, in particular, a fair return for their labor in conditions of dignity, justice, and safety at work and in society in general; promote the growth and strength of the independent and democratic trade union movement; be a countervailing force in the global economy, committed to securing a fair distribution of wealth and income within and between countries, protection of the environment, universal access to public goods and services, comprehensive social protection, life-long learning and decent work opportunities for all; make the trade union movement inclusive, and responsive to the views and needs of all sectors of the global workforce, and; mobilize the strength, energy, resources, commitment, and talent of its affiliates and their members in the achievement of these goals, making trade union internationalism an integral part of their daily work. In working towards achieving these goals, ITUC recognizes that a close interaction exists between its objectives and WIPO's intellectual property programs, e.g., the Development Agenda, access to affordable life saving medicines for workers and their families in developing countries, access to technology, intellectual property rights and agriculture, access to information and protection of traditional knowledge. It therefore seeks to foster a better understanding of these issues and to make known the interests of all working people, in particular, from developing countries.

Structure: In the determination of the program and policy and in the interpretation of the constitution of the ITUC, its Congress is the supreme authority. It elects the General Council which is the supreme authority in between Congress sessions and is responsible for directing the activities of ITUC and giving effect to the decisions and recommendations of the Congress. The ITUC's principal officers are the General Secretary and the Auditors.

Membership: ITUC has a membership of 311 national organizations in 155 countries and represents 168 million workers.

4. Special Libraries Association (SLA)

Headquarters: SLA was established in 1909 in the state of New York, United States of America.

Objectives: SLA seeks to provide an association of individuals and organizations having a professional interest in the strategic use of information and to promote and

improve the communication, dissemination and use of such information and knowledge for the benefit of its members and the people and organizations they serve. Thus its primary focus in the field of intellectual property concerns copyright and digital format for works and end user access.

Structure: Its Board of Directors has power and authority to manage SLA's property and to regulate and govern its affairs. It determines the policies of SLA and takes all necessary actions to carry out its objectives. The President is the chief elected officer of SLA and has general supervision and control over its affairs. The other officers are the President-elect, Chapter Cabinet Chair, Chapter Cabinet Chair-elect, Division Cabinet Chair, Division Cabinet Chair-elect and Treasurer.

Membership: SLA has approximately 11,000 individual members world-wide.

5. The Institute of Trade Mark Attorneys (ITMA)

Headquarters: ITMA was incorporated in 1934 in London, United Kingdom.

Objectives: Its main objectives are: to protect the interests of all companies, firms and persons engaged in the profession of trademark attorneys or agents and all proprietors of trademarks; to give the legislature, public bodies and others, facilities for ascertaining the view of companies, firms and persons engaged in the trademark profession; to propose and promote improvements in the laws affecting the trademark profession; to hold and conduct examinations for testing the knowledge and proficiency of members or would-be members of the said profession.

Structure: The management of ITMA is vested in its Council consisting of a President and two Vice-Presidents (who are also the officers of ITMA), a Treasurer and past Presidents and persons elected from amongst the corporate members.

Membership: ITMA has six categories of members, whose breakdown is as follows: 13 honorary, 50 fellow, 512 ordinary, 109 affiliate, 332 student, and 328 overseas from all over the world.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING NATIONAL NON-GOVERNMENTAL ORGANIZATIONS

(on the basis of information received from the said organizations)

1. All China Patent Agents Association (ACPAA)

Headquarters: ACPAA was established in 1988 in Beijing, China.

Objectives: To guarantee the normal functioning of the patent agents profession, safeguard the legal rights and interests of patent agents; to strengthen and improve management and self-discipline, formulate and supervise the professional rules and moral standards of patent agents; to summarize and communicate work experiences of Chinese patent agents and extend their business scope; to organize and develop the professional training of patent agents, hold academic exchanges and discussion activities; to organize, collect and study the positive ideas of intellectual property rights laws and regulations and patent agents' principles, provide suggestions to the State Intellectual Property Office (SIPO) and coordinate internal and external relationships; to assist SIPO with the Patent Agents Qualification Examination and issue the qualification certificate to qualified patent agents; to participate in the work of the Disciplinary Committee of SIPO and carefully carry out any sanction and warning notice to patent agents; to develop communication and cooperation with foreign patent agents and participate in international conferences and activities; to publish the works of patent agents, publish professional journals and develop relevant consulting services; and to manage the profession.

Structure: The supreme authority in ACPAA is vested in the Members Congress and the Board is its executive body. Its principal offices are the President, Vice President and Secretary General.

Membership: As of March 2008, ACPAA had 674 patent agencies and over 5,000 patent agents, as members.

2. Alliance Towards Harnessing Global Opportunities Corporation (ATHGO)

Headquarters: ATHGO was incorporated in 1999 in California, United States of America.

Objectives: To raise awareness of social and political issues, including research and policy development on intellectual property issues. It has established Innovation and Capacity building Centers and Business Models developed at its Global Forums through which it promotes and highlights the importance of intellectual property rights protection in the development process.

Structure: The business and affairs of ATHGO are managed by or under the direction of a Board of Directors, which exercises all corporate powers. The officers are the President, Secretary and Chief Financial Officer. The President (who is also the Chief Executive Officer) supervises, directs and controls the business and the officers of ATHGO.

Membership: ATHGO does not provide for membership.

3. *Fundación para la Difusión del Conocimiento y el Desarrollo Sostenible Vía Libre (Fundación Vía Libre)*

Headquarters: *Fundación Vía Libre* was established on November 28, 2000 in Cordoba, Argentina.

Objectives: To promote access to knowledge in different areas, in particular, concerning culture and new technologies; to safeguard the interests and rights in the framework of the development of new technologies; to open to public discourse negotiations relating to copyrights, patents and other rights linked to the area of knowledge concerning the work of WIPO and WTO, as well as in relation to free-trade agreements; to influence policy-making relating to access to knowledge within the country, the region and in international agreements; to publicly disseminate international negotiations and their impact on the lives of people in the countries involved; and to promote the use and development of free software, as well as its adoption in different public fora such as schools, state and social organizations.

Structure: *Fundación Vía Libre* is managed and administered by a Council of Administration which is composed of the President, Secretary and Treasurer. The Council, through the President, acts on behalf of and represents the organization.

Membership: It has 11 members who are all Argentine nationals.

4. *Intellectual Property Institute of Canada (IPIC)*

Headquarters: IPIC was established on April 16, 1926 in Ottawa, Canada. It was originally called the Patent Institute of Canada, then the Patent Trademark Institute of Canada and under its present-day name since 1999.

Objectives: To represent the interests of Canadian intellectual property practitioners; to influence the development of intellectual property laws to the extent that they impact intellectual property matters in Canada; to be the recognized and visible authority on Canadian intellectual property law and practice; to ensure high levels of knowledge, training and ethics in Canadian intellectual property practitioners; and to increase the level of intellectual property business in the Canadian economy.

Structure: The governing body of IPIC is the Council consisting of the executive committee composed of the President, Vice-President, Secretary and Treasurer, four Councilors and the Past President. The President has general supervision over the affairs of IPIC.

Membership: Its membership totals over 1,700 individuals consisting of practitioners in law firms and agencies of all sizes, sole practitioners, in-house corporate intellectual property professionals, government personnel and academics. The membership represents small and large businesses throughout Canada, Canadian universities and other institutions with intellectual property rights in Canada or elsewhere, and foreign companies who do business in Canada, using their intellectual property rights.

5. The Korean Patent Attorneys Association (KPAA)

Headquarters: KPAA was founded in 1946 in Seoul, Republic of Korea under the name of Chosun Patent Attorneys Association and became known under its present day name in 1962.

Objectives: To contribute to the development of the intellectual property rights system, for the protection and promotion of industry and scientific technology; to enhance the position of patent attorneys and to support their businesses; to promote international interchanges; to provide a public service including giving assistance to businesses in respect of patent law; and to enhance the members' dignity and promote mutual friendship; to contribute to the development of the national economy through communication and public services related to IP; and to secure the global competitiveness of Korean intellectual property.

Structure: The General Assembly decides on the enactment and revision of the rules of association of KPAA and elects the Board of Directors, which decides matters concerning execution of business. The Board is composed of the President, Vice-President and directors. The President represents KPAA, supervises its overall business and chairs the General Assembly, the Board and standing committees.

Membership: It has over 4,500 members who are all Korean nationals.

[End of Annex II and of document]