

# WIPO



**ISIP/96/1**

**ORIGINAL:** English

**DATE:** August 1996

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **INTRODUCTORY SEMINAR ON INDUSTRIAL PROPERTY**

**Geneva, August 28 to 30, 1996**

THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

*Document prepared by the International Bureau of WIPO*

## History

1. The World Intellectual Property Organization (or WIPO) is among the oldest international organizations and its origin is related to the first two and most important international treaties in the field of intellectual property: the Paris Convention for the Protection of Industrial Property, and the Berne Convention for the Protection of Literary and Artistic Works (that is, protection by copyright law). The first was concluded in 1883; the second in 1886. At that time, as far as their administration was concerned, both treaties were placed under the supervision of the Swiss Federal Government, and the few officials who were needed to carry out the administration of the two treaties were in Berne, in Switzerland. However, there were two offices for the administration of those two treaties: one for the Paris Convention and one for the Berne Convention. In 1893, for obvious reasons of efficiency, the two offices were united.
2. The name of the organization now known as WIPO has undergone several changes in the course of its history which began in 1893. The most recent of its names, before it became WIPO, was BIRPI: the initial letters of the French language name of the organization “United International Bureaux for the Protection of Intellectual Property.” In 1960, the premises of the BIRPI secretariat were moved from Berne to Geneva.
3. In 1967, a diplomatic conference was held in Stockholm at which all the administrative clauses of all the then existing multilateral treaties administered by BIRPI were revised and a new convention was signed. This was the Convention Establishing the World Intellectual Property Organization. The Convention came into effect in 1970, after the required number of ratifications had been obtained.
4. The administrative clauses of all the then existing multilateral treaties had to be revised because member States wished to give the new Organization--an intergovernmental organization--the same status as all the other comparable intergovernmental organizations, and to pave the way for the Organization to become a specialized agency of the United Nations system of organizations.
5. WIPO became a specialized agency of the United Nations in 1974 and today it is one of 16 such specialized agencies. Why are they called “specialized agencies”? Because each of them has specialized knowledge and expertise, and has accumulated vast international experience, in a particular subject or field of activities of importance to the international community. The agreement between

the United Nations and WIPO concluded in 1974 recognizes WIPO as a specialized agency of the United Nations.

### Objectives of WIPO

6. The objectives of WIPO are, firstly, to promote the protection of and the respect for intellectual property throughout the world through cooperation among States; and, where appropriate, in collaboration with other international organizations; secondly, to ensure administrative cooperation among the intellectual property Unions established by the treaties that are administered by WIPO.

### Treaties and Unions

7. The constitution, the “basic instrument,” of WIPO is the Convention, mentioned above, signed at Stockholm in 1967.

8. 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, cross frontiers with ease and, in a world of interdependent nations, should be encouraged to do so. 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 nationals.

9. What are the Unions? 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.).

WIPO's Unions are

the Paris Union, the Berne Union, the Madrid Union,  
the Hague Union, the Nice Union, the Lisbon Union,  
the Locarno Union, the PCT Union, the IPC Union,  
the Vienna Union and the Budapest Union.

10. The treaties administered by WIPO fall into three groups.

The first group consists of treaties which establish international protection, that is to say, they are treaties which are the source of legal protection agreed between countries at the international level. Four treaties on industrial property fall into this group. They are

the Paris Convention for the Protection of Industrial Property,  
the Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods,  
the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, and  
the Nairobi Treaty on the Protection of the Olympic Symbol.

Two treaties in the field of copyright and neighboring rights fall into this group, namely

the Berne Convention for the Protection of Literary and Artistic Works and  
the Rome Convention for the Protection of Performers, Producers of  
Phonograms and Broadcasting Organizations.

11. The second group consists of treaties which facilitate international protection. Seven 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 Protocol Relating to the Madrid Agreement just mentioned (both of them provide for the filing of international applications for marks),  
the Lisbon Agreement which has already been mentioned because it belongs to both the first and the second groups,  
the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure,  
the Hague Agreement Concerning the International Deposit of Industrial Designs and  
the Trademark Law Treaty which entered into force on August 1, 1996.

Two treaties in the field of neighboring rights may also be considered as falling into this group, namely

the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms and

the Brussels Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

12. The third group consists of treaties which establish classification systems and procedures for improving them and keeping them up to date. The following four treaties, all dealing with industrial property, fall into this group:

the Strasbourg Agreement concerning International Patent Classification (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.

13. Revising these treaties and establishing new ones are tasks which require a constant effort of intergovernmental cooperation and negotiation, supported by a specialized secretariat. WIPO provides the framework and the services for this work. Recent examples of such work include the above-mentioned Madrid Protocol and Trademark Law Treaty, which entered into force on December 1, 1995, and August 1, 1996, respectively. Currently, at least four possible treaties are being negotiated under the aegis of WIPO: The proposed Patent Law Treaty, a possible Protocol to the Berne Convention, a possible Treaty on Neighboring Rights and a proposed Treaty on the Settlement of Disputes between States in the Field of Intellectual Property.

### Membership of WIPO

14. Which States are members of WIPO? The Convention establishing WIPO declares that membership shall be open to any State which 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, any of the specialized agencies of the United Nations, or the International Atomic Energy Agency, or is a party to the Statute of the International Court of Justice or is invited by the General Assembly of WIPO to become a member. Thus, it is only States that can become members of WIPO or, indeed, of any other specialized agency of the United Nations. As of July 1, 1996, 157 States are members of WIPO. In

addition, a handful of States are party to certain treaties administered by WIPO, but have not yet become members of WIPO.

### Activities of WIPO

15. What does WIPO do? The activities of WIPO are basically of three kinds: assistance to developing countries, setting international norms and standards for the protection of intellectual property and registration activities.

All these activities serve the overall aim of WIPO, namely, to maintain and increase respect for intellectual property throughout the world, in order to promote industrial and cultural development by stimulating creative activities and facilitating the transfer of technology as well as the dissemination of literary and artistic works.

16. Assistance to developing countries constitutes the first pillar of WIPO's activities, and takes the form of training (groups and individuals, in general or specialized courses, seminars to provide for an exchange of information and experience), promotion of creative activities and of technology transfer, the provision of technological information contained in patent documents, the provision of advice on laws and regulations as well as the management of industrial property offices and copyright collective administration societies, as well as the provision of equipment.

17. The second pillar relates to activities in the setting of international standards and norms for the protection and administration of intellectual property. They are concerned with revision of existing treaties or creation of new ones, simplifying procedures at the national, regional or international levels for the granting of intellectual property rights, the effective enforcement and protection of such rights, the efficient management of collections of industrial property documents used for search and reference, and devising means for making access to the information they contain easier; the maintenance and updating of international classification systems, the compilation of statistics;

collection of laws on industrial property and copyright law administration.

Under this heading could be included the work of the WIPO Arbitration and Mediation Center. Promotion of the acceptance--or wider acceptance--of treaties, by countries is also an important activity of WIPO.

18. The registration activities are the third pillar of WIPO and involve direct services to applicants for, or owners of, industrial property rights. These activities concern the receiving and processing of international applications for the protection of inventions, or for the international registration of marks or deposit of industrial designs.

Such activities are financed normally from the fees paid by the applicants, which account for about 85% of the annual total income of WIPO for the 1996/97 budget. The rest of the budget is covered mainly by contributions from member States under various treaties administered by the Organization, as well as by the sale of publications and miscellaneous income.

### Governing Bodies of WIPO

19. The Convention establishing WIPO provides for four umbrella organs:  
the General Assembly,  
the Conference,  
the Coordination Committee, and  
the International Bureau (or Secretariat).

In addition, a number of the treaties administered by WIPO have their own Governing Bodies.

20. **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 treaties, 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.

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

22. 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 can be divided into five groups.

Firstly, the Conference constitutes a forum for exchanges of views, between all States members of WIPO, on matters relating to intellectual property and, in this context, the Conference can, in particular, make any recommendations on such matters, having regard to the competence and autonomy of the Unions.

Secondly, the Conference is the body that establishes the biennial program of legal-technical assistance for developing countries and,

thirdly, adopts 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, can determine which States and organizations will be admitted to its meetings as observers.

23. **The Coordination Committee** is both an advisory organ on questions of general interest and the executive organ of the General Assembly and the Conference. In addition, it has some functions of its own.

The first of these functions is an advisory one: the Coordination Committee gives advice to the various organs of the Unions and WIPO on matters of interest common to two or more of the Unions or to one or more of the Unions and WIPO itself, in particular regarding the budget of expenses common to the Unions.

The Coordination Committee also prepares the draft agenda for the General Assembly and for the Conference, as well as the draft program and budget of the Conference. In addition, it is this committee which nominates a candidate for appointment to the post of Director General.

24. The fourth organ of WIPO is **the International Bureau or Secretariat**. It is headed by the Director General, Dr. Arpad Bogsch, and, at the present time, consists of approximately 550 staff, from some 66 different countries, mainly recruited according to the principle of equitable geographical distribution established in the United Nations system.

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