

CHAPTER 10

THE ROLE OF WIPO

EMPOWERMENT OF THE INDIVIDUAL

The knowledge-based economy has as its foundation the intellectual capital of the individual. This provides it with creativity and innovation, which results in surging growth and dynamic development.

The digital revolution, the Internet, and e-commerce, all global phenomena, serve to reinforce the role of individuals in creating a knowledge-based economy. They provide the means to globally link like-minded persons, to establish the synergies necessary to create true forward movement, and to support and facilitate the sharing of common goals and the tools necessary to achieve these goals. E-commerce is also impressive in its exponential growth and its potential to facilitate distribution of a tremendous array of products and services.

In the era of the Internet, e-commerce, and rapidly evolving digital technology, what is it that empowers the individual? Creativity and innovation play a key role. Intellectual property provides clearly perceived incentives to foster and to actualize creativity and innovation. There is also measurable value in establishing a tangible connection between the products and services created, and the demonstrable ability to derive compensation when these products or services are embraced by the public. These and other factors have been shown time and time again to motivate creators and innovators, businesses and enterprises, at all levels of society, to produce the tangible and intangible works and inventions which so enrich our economic, cultural, and social lives.

There is an underside to this scenario, which is also well documented, and unfortunately much too familiar: How many countries or places are there with an inadequate intellectual property infrastructure, where the creators and innovators know with certainty that their creations and inventions will be stolen from them, and that they will receive no compensation, and no due credit? Such places will have little, if any, success in establishing or attracting new industries, R&D, technology transfers, manufacturing, and FDI into their economies.

INTELLECTUAL PROPERTY EMPOWERMENT

An efficient, energetic IP system creates and fosters national economic, social, and cultural growth. It can stimulate investment, R&D and related activities in the creation and dissemination of new products and services, and, most importantly, there is a measurable proliferation of newly created knowledge, which, in turn, further empowers the individual in society, as well as society in general. The result is a cycle of sharing and exploiting of new and more useful knowledge, which ultimately benefits everyone in society. This is the promise of IP empowerment.

Through its programs, budget allocation, activities, and its expressed objectives, WIPO supports the model of an IP system which empowers individuals at all levels of society. This is, quite simply, IP empowerment as an actualized model, and it is and will be the basis for the WIPO strategy over the next years.

One of the primary objectives of WIPO in the implementation of its IP empowerment strategy will be to establish a global community consisting of individuals, governments, businesses, and other relevant constituencies, all of whom will be making active use of intellectual property and the supporting IP systems, as powerful tools facilitating the growth, development, and enhancement of knowledge-based economies. At WIPO, we firmly believe that spreading an IP culture and creating a global intellectual property-minded community is the best way the Organization can meaningfully contribute to the realization of peaceful, improved societies in the world.

THE COMPONENTS OF THE INTELLECTUAL PROPERTY-EMPOWERED SOCIETY

Political will, a legislative framework, vital institutions, and an IP culture can be considered essential components of the IP-empowered society. In order to manifest and realize the full value which it has been demonstrated that intellectual property brings to society, there must be an environment in which these components are present and fully functional. The absence of any one of them gives rise to a stagnant and receding economy; a lack of creativity and innovation; and a business climate lacking in vitality, consistency, or reliability. Let us examine these components individually:

- (1) **Political Will.** Government leaders of WIPO Member States recognize the value of intellectual property and the IP system; the need for state-of-the-art legislation compliant with all international obligations; the necessity for vital institutions such as IPOs, courts, police, and customs to be efficient, honest, and practical; and the high value to be placed on an IP culture, in which all members of the public are fully aware of the positive impact which IPRs can bring to bear on economic, cultural, and social development, domestic and foreign trade, international investment, and technology transfer. It is the first component in the chronological and developmental evolution of the IP-empowered society and it is essential that leaders set the tone as well as the example.
- (2) **Legislative Framework.** While the necessity for political will cannot be underestimated, IPRs are literally born from a country's national legislation. That legislation must be compliant with the obligations contained in the international IP treaties and conventions, particularly the Paris and Berne Conventions, and the TRIPS Agreement. Whenever the international IP community agrees by consensus that new international norms are required (such as through a diplomatic conference), the national legislative framework must be upgraded, so that newly adopted international norms, such as in the PLT, and the WCT and WPPT, are woven into the legislative framework quickly and efficiently. It is also important that the legislative framework reflects a fair balance among all of

the various interested circles, which include but are not limited to the private sector and industry, the public, consumers, and government. The key role of this component, the legislative framework, underscores that the rule of law is one of the most important underpinnings of the IP-empowered society.

- (3) **Vital Institutions.** IPRs intersect with society through the institutions that deal with them. Such institutions include government (IPOs and other relevant regulatory agencies such as those dealing with health and safety, taxation, consumer affairs, and foreign affairs); courts (including judges and lawyers); police; and customs. Institutions must be sensitive to the value of IPRs, must not create barriers to growth or trade, and must encourage creativity and innovation literally through all of the action and decisions which they take or implement. An exceptionally important dimension of these vital institutions is human resources and their development and enhancement. No institution can function without good people doing their jobs well. A scenario in which human resources are not properly supported is doomed to either failure or negligible results.
- (4) **IP Culture.** This component is last, not because it is the least important, but because it follows the other components in chronological and developmental evolution. In an IP culture governments and agencies seek to increase value and raise standards of living, by advocating an increased use of IP as a tool for economic growth. The private sector, from multinational corporations to SMEs and sole-proprietorships, recognizes the value of IP in knowledge-based industries. IT and communications technology are emphasized and employed effectively. The many and varied sectors of the IP culture communicate with each other, trade with each other, and act with both the incentives and benefits of the IP system in mind. The general public understands the benefits of purchasing legitimate goods and services and thereby boosts local industries and economies.

As was mentioned above, the absence of any one of these components can cripple the entire system and thereby seriously affect the economy. It is the seamless web of these multi-level, essential components that serves to create the environment in which creativity and innovation are encouraged and stimulated; in which a steady stream of newly created and distributed products and services makes daily life more pleasant, efficient, and exciting; and in which businesses are focused on product creation and development, establishing brand equity and market share, solving problems, eradicating disease and sickness, eliminating poverty, expanding educational possibilities, and in general, raising the standards of living for every person in society. That is the IP-empowered society.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

What, then, is the role of WIPO with respect to the IP-empowered society? The Organization is constantly seeking to assist its Member States and other constituencies, *inter alia*, with respect to each of the above-mentioned four components, by providing training, seminars, and legal and technical assistance. Training and seminars targeted at government officials, legislators, IPO staff members, the judiciary and lawyers, police, customs, IP practitioners, and others, are constantly being organized and presented by WIPO in conjunction with the governments of its Member States. By dealing with the components which comprise the seamless environment in which IPRs play such a large role, WIPO, and the work that it undertakes, serves to enhance economic, social, and cultural development; to raise the standard of living for all levels of society; to create new and rewarding opportunities for the public and private sectors; and to help nations to compete in the global marketplace. In general, the role of WIPO is to make the world a better place by striving to accomplish this in accordance with the WIPO mandate, which is to promote the protection of intellectual property and to seek a proper balance among all of the various interested circles.

Towards these goals and objectives, WIPO will further develop new and powerful tools to supplement national systems in the acquisition, maintenance, protection, and enforcement of IPRs. A legal infrastructure must constantly be updated and revised to keep pace with legal, technological,

and market advances. WIPO will strive for simplification and improvement of procedures, harmonizing substantive provisions of national laws towards the establishment of a user-friendly IP system, by making use of the present global protection systems, such as the PCT and the Madrid system, more appealing, less complex and less costly for creators, and more efficient through the application of state-of-the-art information technologies within the Organization.

WIPO will bring forward-looking, problem-solving thinking to bear on its activities and services. As an example, conventional approaches, which have proven in the past to be effective, whether at national or global level, sometimes are not effective in the context of recent questions involving activities in cyberspace, mainly because of the Internet's globality, anonymity, and technical sophistication. WIPO leadership in the area of IP-related questions and problems regarding e-commerce and the Internet will continue to be expanded and reinforced. In this regard, the entry into force of WIPO's "Internet Treaties" (the WCT and WPPT) in 2002 is a good example of its approach to novel or emerging questions for which conventional approaches are somewhat ineffective. Another example is the on-line procedures made available by the WIPO Arbitration and Mediation Center for the quick and cost-efficient resolution of disputes relating to Internet domain names.

The on-going training and upgrading of skills of people integrally involved in vital institutions is crucial if the IP infrastructure is to work efficiently and successfully. These include government officials, experts and professionals, and users of IP systems. This human resource development function with respect to IP is central to WIPO's mandate.

The role of WIPO in the 21st century will be greatly enhanced through its current programs to upgrade and expand its use and deployment of IT. Of particular note are initiatives for the electronic filing of applications under the PCT and for the deployment of WIPONET to assist Member States' IPOs to offer global products and services. WIPO will be a leader in both its use and advocacy of IT, encouraging its Member States and other constituencies in this regard and assisting them to the maximum extent possible.

WIPO will allocate and focus its resources, services, and personnel towards enhancing the proven and measurable benefits which the IP system creates in respect of economic, social, and cultural growth and development. It will strive to be transparent and accountable to all of its constituencies, most of all to its Member States, and will concentrate its efforts, time, and energy on successfully achieving these goals and objectives. For these goals and objectives are not just worthy – they are crucial to the success and well-being of the generations that will follow.