

AN INTERVIEW

with WIPO Director General Francis Gurry

Ahead of this year's meeting of WIPO Assemblies, *WIPO Magazine* sat down with Director General Francis Gurry to explore his views on a range of frontline IP issues.

Where have you seen most progress in the Organization's work over the past 12 months?

Among the many ongoing initiatives, I would highlight the progress in putting technical infrastructure in place to allow developing countries to participate more fully in the knowledge economy. Our focus is on practical areas, such as building, and expanding access to, technology databases, and the modernization of national IP offices. There are now modernization programs underway in 60 countries.

Development issues permeate the whole Organization's work. Good progress has been made, with some 17 projects underway, towards the fulfillment of the 45 Development Agenda recommendations.

1 IGC – Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

2 SCT – Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications



Photo: Cathy Jewell

In the normative area, our member states achieved a breakthrough last year on traditional knowledge and folklore, and have kept up the momentum in the IGC¹; there is also progress on the issue of access by visually impaired persons to published works; and the SCT² has agreed to advance work on design law and to discuss issues surrounding trademarks on the Internet, such as the use of keywords and sponsored links.

Internally, the initiatives we are implementing within the Strategic Realignment Program (SRP) are bringing about changes in our organizational

culture, systems and structures, which will better equip us to meet the challenges in the changing external environment.

Which areas have proven most difficult and why?

In all international organizations norm-making is generally the most difficult area in which to achieve multilateral agreement. The asymmetry of information and resources around the world means we have to move at a pace that is comfortable for everyone in order to build the necessary understanding and confidence.

The Strategic Realignment Program highlights four core values. How do these play out in the Organization's work?

The four values reflect our aspiration to be a service-oriented organization, with staff who work together with pride and integrity to deliver results for our member states.

The value *Working as One* is well illustrated by the implementation of the Development Agenda. In order to mainstream development in the Organization's work successfully, the whole Secretariat needs to be involved. Project managers in relevant substantive areas across the Organization are collaborating, with the Development Agenda Coordination Division as the focal point, to implement the Agenda recommendations. The Organization needs increasingly to adopt this type of collaborative approach to be able to deliver on its complex agenda.

The value *Service Orientation* applies to all the different sorts of services provided by the Secretariat to member states and other stakeholders – from capacity-building and legislative advice to our Global IP systems. Dedicated customer service teams are being set up across the Organization to realize this value fully.

The third value, *Accountability for Results*, is intended to direct greater focus on the outcomes that member states want WIPO to achieve. The Medium Term Strategic Plan, which outlines high-level outcomes for the next six years, is an

example of our efforts to strengthen results-based management.

The new Ethics Office, and WIPO's commitment to reducing its carbon footprint, are two distinct elements of the fourth, multidimensional value, which we have termed *Environmental, Social and Governance Responsibility*.

What does the future of copyright hold?

Digital technology and the Internet have brought about technological change of an order of magnitude many times greater than that associated with the introduction of movable type and printing. It is revolutionizing social, cultural and economic behavior and transforming business structures. While we don't yet understand the full depth of the changes involved – they are unfolding all the time – it is clear that the institution of copyright is under severe stress. Copyright was designed to allow creators to extract some value from transactions involving their works (such as the sale of books or music), while ensuring the widest possible availability of creative content. This function has not changed, but the reality of achieving it has.

The Internet has created conditions which favor the diffusion and availability of content, but make the task of extracting value from it for its creators more difficult. The question is, how should culture be financed in the 21st century? If all content is free, we would have to find some other way of paying content producers. But, outside copyright, there are not many other models for doing this. The new models that have emerged, such as merchandizing or increased emphasis on performance, do not necessarily work for all creative industries, such as film or books. So we have to analyze carefully the value chains of production in the new digital environment.

What is WIPO doing? We are promoting international dialogue on the question. We are monitoring the approaches taken at national level, particularly in terms of new legislation. We are also working to develop and facilitate access to online collective management systems to enable creators, right holders and users to more effectively manage their respective interests.

How is WIPO helping governments tackle the massive backlog in unprocessed patent applications?

This is a question of increasing both efficiency and capacity. Efficiency is being tackled through

the PCT Roadmap, which is geared to ensuring that the PCT works in the manner for which it was designed – as a global, work-sharing arrangement, which preserves national sovereignty on decisions relating to the conditions under which patents are granted. The Roadmap promises to make the PCT an even better arrangement and is well supported by member states.

As for increasing capacity, we are, for example, working with developing country IP offices so they are better placed to deal with, and process, patent applications as demand increases.

What are the implications of the 2009 downturn in the use of WIPO's services caused by the economic crisis?

The decline in revenue received from WIPO's services meant that we had to reduce our personnel budget. We achieved this principally through a voluntary separation program. The reduced revenues also limited the opportunities for new initiatives to further member states' objectives. But the wind is changing direction. In the first half of 2010, the PCT saw a 2.4 percent increase in international applications, and the Madrid system a 10 percent increase in trademark registrations, as compared to 2009. We look forward to this trend continuing.

In the meantime, member states are continuing to examine legal and technical measures to make our Global IP systems more attractive to users. For example, one option – suggested by Norway – in the context of the Madrid system, would be for trademark owners to file their international trademark applications directly with WIPO. We are also developing and deploying information technology tools that are making our Global IP systems more efficient. These tools also promise to make the systems even more user-friendly by enabling online portfolio management, for example. Elsewhere, we are collaborating with countries to provide more comprehensive data on the status of protection at national level. This complements our office modernization program, which provides the practical tools to capture national data.

Will the Madrid and the Hague systems ever be as widely used as the PCT?

Yes, absolutely. I think that global IP systems are an essential element of the global economy. We have seen increasing interest in the Madrid system. The Indian Parliament recently approved India's accession to the Madrid Protocol. This is a

3 PCT – Patent Cooperation Treaty



major step forward. I am very confident that the Madrid system will expand from its current membership of 85 to well over 100 in the next three or four years.

As for the Hague system,⁴ to some extent designs have been the neglected cousin in the IP family. But there is now a heightened awareness of the value of designs in differentiating goods and in making products more attractive to consumers. This is good news for the Hague system and ongoing work promises to produce greater uniformity in procedural conditions for obtaining design protection, which will favor increased use of the system. Again, I think we will see membership of this system grow in the coming years. The timeline will be slightly longer than for the Madrid system, but I am confident that it will happen.

You have often referred to building “global IP infrastructure.” What does this mean in practice?

Just as participation in the physical economy requires access to roads, bridges, and vehicles to transport goods, similar infrastructure is needed in the virtual and knowledge economy. However, here the highway is the Internet and other networks, bridges are interoperable data standards, and vehicles are computers and databases.

We are providing global IP databases. As an example, trademark data are produced by all the member states of WIPO (and by WIPO). An IP Office or a small or medium-sized enterprise should not have to search 20 databases to find out if and where a mark is registered. In today's global economy, there should be a simple global portal for search.

WIPO also assists developing countries in building their technical infrastructure and in increasing their capacity to participate in the knowledge economy.

How is IP of relevance to issues of climate change and public health?

To find solutions to challenges or problems, we need to innovate. Incentivizing innovation is a very important economic function and IP is there to do just that. It also provides a framework within which an idea can make the journey from the mind to the marketplace as Dr. R.A. Mashelkar of India said.

But the benefits of IP do not stop there. The patent system, for example, provides a wealth of information about new technology so that everyone can learn about it and build on it. WIPO is developing various practical platforms to help people take advantage of such opportunities. The WIPO PATENTSCOPE® portal, for example, facilitates public access to patented technologies and provides other tools to allow the monitoring of technological developments. We are also working with industry to develop new platforms for the development and diffusion of technologies in these areas.

What are the main challenges confronting developing countries in their use of IP?

Many developing countries are facing so many fundamental and pressing problems that, in a sense, IP seems like a luxury. But I firmly believe that innovation can help provide a solution to many of those problems. This is why WIPO is supporting developing countries in their efforts to create favorable conditions for the generation and deployment of innovation, including through the development of national IP and innovation strategies, which help create a policy environment to stimulate innovation and creativity. Another focus area is training on branding, so that countries can more effectively add value to their products and sell them globally.

If you had 30 seconds on a global TV network what would your message to the world be?

The knowledge component of production is steadily increasing (in the U.S.A., for example, investment in intangibles already outstrips investment in the physical economy). Rights related to knowledge – i.e. intellectual property rights – are therefore becoming increasingly hot property. WIPO helps develop the institutional framework to be able to manage the growing demand for IP and its complex interplay with our daily lives. As Premier Wen Jiabao of China has said, IP will be the basis of competition in the future.

And finally, what do you think about when you are not thinking about IP?

Like everyone else – the beauty of life!

4 The Hague System for the International Registration of Industrial Designs