

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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## **ASSEMBLIES OF THE MEMBER STATES OF WIPO**

### **Thirty-Fifth Series of Meetings Geneva, September 25 to October 3, 2000**

#### **ADMISSION OF OBSERVERS**

##### *Memorandum of the Director General*

#### **I. ADMISSION OF INTERGOVERNMENTAL ORGANIZATIONS AS OBSERVER**

1. At their previous sessions, the Assemblies of the Member States of WIPO (“Assemblies”) adopted a set of principles to be applied in extending invitations to intergovernmental organizations to attend, as observers, the meetings of the Assemblies of WIPO concerned (see documents AB/X/32, paragraph 17, and AB/X/17, Annex II; TRT/A/I/2 and 4, paragraph 5; BP/A/I/2 and 5, paragraph 5; V/A/I/1, paragraph 27, and V/A/I/2, paragraph 7; and FRT/A/I/3 and FRT/A/I/9, paragraph 10). A recapitulation of those principles appears in Annex I of document AB/XII/5.

2. In formulating the said principles, the Assemblies established three categories of intergovernmental organizations—Category A (United Nations System of Organizations), Category B (Industrial Property or Copyright) and Category C (Other Intergovernmental Organizations, Worldwide or Regional). Depending upon the Assembly concerned and the category to which the intergovernmental organization belongs, an invitation is extended by the Director General to that organization to attend, as an observer, the meetings of that Assembly in accordance with the criteria set forth in the principle applicable to that Body. The intergovernmental organizations admitted to attend, as observers, the meetings of the Assemblies and which have been invited to so attend the Thirty-Fifth series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/35/INF/1.

3. Once an intergovernmental organization is admitted to attend, as an observer, the meetings of the Assemblies, it is also invited to attend, as an observer, meetings of committees, working groups, or other bodies subsidiary to the Assemblies if their subject matter seems to be of direct interest to that organization.
4. Decisions concerning the admission of intergovernmental organizations to attend, as observers, the meetings of certain Assemblies were last taken at the Thirty-Fourth Series of Meetings of the Assemblies of the Member States of WIPO, September 20 to 29, 1999 (see documents A/34/10 Rev., paragraphs 1 to 7, and A/34/16, paragraph 206).
5. It is proposed that the Assemblies admit the following intergovernmental organizations to attend, as observer, the meetings of the Assembly concerned:
  - (i) Asian-African Legal Consultative Committee (AALCC)
  - (ii) European Audiovisual Observatory
  - (iii) *Secretaría de Cooperación Iberoamericana* (SECIB)
6. A brief description about the above-mentioned organizations—their objectives, structure and membership—appears in Annex I of this document. It is further proposed that the Assemblies include the Asian-African Legal Consultative Committee, the European Audiovisual Observatory and the *Secretaría de Cooperación Iberoamericana* in category C (Worldwide Intergovernmental Organizations) and that the said organizations be subject to the principles applicable in extending an invitation to other intergovernmental organizations, in the corresponding category, to attend, as observers, the meetings of the Assembly concerned.

*7. 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 paragraphs 5 and 6 above.*

## II. ADMISSION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

8. At their previous sessions, the Assemblies adopted a set of principles to be applied in extending invitations to international non-governmental organizations to attend, as observers, the meetings of the Assemblies concerned (see documents AB/X/32, paragraph 17, and AB/X/17, Annex V; TRT/A/I/2 and 4, paragraph 5; BP/A/I/2 and 5, paragraph 5; V/A/I/1, paragraphs 25 to 29, and V/A/I/2, paragraph 7; and FRT/A/I/3 and 9, paragraph 10).
9. In formulating the said principles, the Assemblies have established three categories of international non-governmental organizations: (1) organizations essentially concerned with industrial property, (2) organizations essentially concerned with copyright and neighboring rights and (3) organizations concerned with more than one field of intellectual property (see documents AB/XII/5, paragraphs 5 and 8, and AB/XII/21, paragraph 17). While this structure of categories is retained for the present purpose of consideration of admission as observers of the international non-governmental organizations noted below, section III proposes the elimination of the current structure of separate categories.

10. Depending upon the Assembly concerned and the category to which the international non-governmental organization belongs, an invitation is extended by the Director General to that organization to attend, as an observer, the meetings of that Assembly in accordance with the criteria set forth in the principle applicable to that Body. The international non-governmental organizations admitted to attend, as observers, the meetings of the Assemblies, and which have been invited to attend the Thirty-Fifth series of meetings of the Assemblies and the Unions administered by WIPO, are listed in the Annex to document A/35/INF/1.

11. Once an international non-governmental organization is admitted to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO, it is also invited to attend, as an observer, meetings of committees, working groups, or other bodies subsidiary to the Assemblies if their subject matter seems to be of direct interest to that organization.

12. Since the Thirty-Fourth Series of Meetings of the Assemblies, September 20 to 29, 1999, when decisions were last taken concerning the admission of international non-governmental organizations to attend, as observers, the meetings of certain Assemblies of Member States of WIPO (see documents A/34/10 Rev., paragraphs 8 to 18, and A/34/16, paragraphs 207 and 208), the Director General has received requests, with the necessary information, from each of the following organizations for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) AmSong;
- (ii) Coalition for Intellectual Property Rights (CIPR);
- (iii) European Visual Artists (EVA);
- (iv) *Ingénieurs du Monde*;
- (v) International Poetry for Peace Association (IPPA);
- (vi) *Médecins Sans Frontières* (MSF).

13. A brief statement about each of the organizations mentioned in paragraph 12, above, its objectives, structure and membership, appears in Annex II of this document.

14. *Organizations Essentially Concerned with Copyright and Neighboring Rights.* It is proposed that, as concerns AmSong, the European Visual Artists (EVA), and the International Poetry for Peace Association (IPPA), the WIPO Conference, the WIPO General Assembly, and the Assembly, the Conference of Representatives and the Executive Committee of the Berne Union include the said organizations in the list of international non-governmental organizations essentially concerned with copyright and neighboring rights and that the said organizations be subject to the principles applicable in extending invitations to other similar international non-governmental organizations to attend, as observers, the meetings of the Assemblies concerned.

15. *Organizations Concerned with more than one Field of Intellectual Property.* It is proposed that, as concerns the Coalition for Intellectual Property Rights (CIPR), *Ingénieurs du Monde* and *Médecins Sans Frontières* (MSF), the Assemblies include the said organizations in the category of international non-governmental organizations that are concerned with more than one field of intellectual property and that the said organizations be subject to the principles applicable in extending invitations to other similar international non-governmental organizations to attend, as observers, the meetings of the Assemblies concerned.

*16. The Assemblies of the Member States of WIPO mentioned in paragraphs 14 and 15 above, are invited, each in so far as it is concerned, to take a decision on the proposals appearing in those paragraphs.*

### III. ELIMINATION OF DISTINCT CATEGORIES OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

17. As indicated in paragraph 9, the Assemblies have previously established three categories of international non-governmental organizations: (1) organizations essentially concerned with industrial property, (2) organizations essentially concerned with copyright and neighboring rights and (3) organizations concerned with more than one field of intellectual property. The reasons for drawing distinctions between international non-governmental organizations admitted as observers by the Assemblies are no longer valid. It may have been appropriate in the past to draw distinctions between non-governmental organizations having an interest essentially in copyright-related matters and those having an interest essentially in industrial property-related matters because their interests were clear and distinct. Drawing such distinctions is increasingly difficult to make, however. Subject matter protectable under copyright (such as computer software) is increasingly of interest to a broad range of industries, and subject matter protectable through industrial property (such as trademarks) is increasingly of interest to the copyright industries. Indeed the number of international non-governmental organizations admitted as observers to meetings of the Assemblies concerned with more than one field of intellectual property (44) now outnumbers the number admitted to meetings concerned essentially with industrial property alone (32). Further, as documents pertaining to meetings of the Assemblies are made available or transmitted electronically, rather than in paper form by mail, any cost savings realized by mailing documents only to specific categories of international non-governmental organizations will vanish.

18. It is proposed, therefore, that the existing categories be eliminated and that all international non-governmental organizations that currently are permitted to attend, as observers, the meetings of certain of the Assemblies and those that are invited in future to so attend, be invited to attend the meetings of *all* of the Assemblies. Once an international non-governmental organization is admitted to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO, it is also invited to attend, as an observer, meetings of committees, working groups, or other bodies subsidiary to the Assemblies. As is presently the practice, such non-governmental organizations will pay any and all costs associated with such attendance.

*19. The Assemblies of the Member States of WIPO are invited to take a decision on the proposal appearing in paragraph 18.*

[Annexes follow]

ANNEX I

PARTICULARS CONCERNING INTERGOVERNMENTAL ORGANIZATIONS  
(on the basis of information received from the said organizations)

1. Asian-African Legal Consultative Committee (AALCC)

Headquarters: New Delhi. Founded in 1956 originally by seven States of the Asian and African continents.

Objectives: The primary objectives of the AALCC are the consideration of legal problems referred to it by Member States; to advise to its Member States on international law matters; to provide a forum for co-operation among the Asian and African States on international law; and to follow the work of the International Law Commission and other United Nations Agencies engaged in the field of international law.

The AALCC has established Regional Arbitration Centres with a view to facilitate settlement of disputes of commercial nature in the Asian and African regions in Cairo, Kuala Lumpur, Lagos and Tehran.

Structure: The Committee's Secretariat is located in new Delhi and is headed by an elected Secretary General. He is assisted by Deputy Secretaries General and Assistant Secretaries General who are senior diplomats of Member Governments sent on secondment and supported by the regular staff of the Secretariat in legal, professional and administrative categories.

Membership: At present, 45 States from Asia and Africa are members of AALCC.

2. European Audiovisual Observatory

Headquarters: Strasbourg, France.

Objectives: The objectives of the European Audiovisual Observatory (hereinafter "the Observatory") are to increase the quantity and quality of information available to the audiovisual industry, to promote a clearer view of the market and a greater transparency. In doing so, the Observatory pays particular attention to ensuring reliability, compatibility and comparability of information. Specifically, the tasks of the Observatory are to collect and process information and statistics on the audiovisual sector (namely, legal, economic and programme information) - excluding any standard-setting or regulatory activities - and to place these at the disposal of professionals, of the representatives of the members to the Executive Council of the Observatory, and of the Audiovisual EUREKA Coordinators' Committee.

Structure: The Observatory is an enlarged partial agreement of the Council of Europe. The Observatory's constituent bodies are the Executive Council and the Advisory Committee. The Secretariat of the Observatory shall be headed by an Executive Director who shall be chosen by the Executive Council and appointed by the Secretary General of the Council of Europe.

Membership: A participating member of Audiovisual EUREKA is ex officio a member of the Observatory. The Observatory's member states are Austria, Belgium, Bulgaria,

Cyprus, Czech Republic, Denmark, Estonia, Germany, Finland, France, Greece, Hungary, Ireland, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Netherlands, Poland, Portugal, Slovakia, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom. The accession of the European Community is expected for summer 2000.

3. *Secretaría de Cooperación Iberoamericana (SECIB)*

Headquarters: Madrid, Spain. Established in the course of the IX Ibero-American Summit which took place in Havana in 1999.

Objectives: to support those responsible for cooperation in carrying out their functions as specified in the 1995 Bariloche Convention; to motivate Ibero-American cooperation by following up on the programs approved in the course of the Ibero-American Summits, by evaluating their results and by seeking to achieve coherence and synergy between them; to serve as support for the interim Secretariat in preparation for the cooperation content of the Ibero-American Summit of Heads of State and of Governments; to promote the dissemination and public awareness of Ibero-American cooperation, and in particular that of the cooperation programs set in motion by the Ibero-American Summits; to integrate and interconnect social operators in the Ibero-American system of cooperation, by making itself the reference agency that contributes to the convergence of interests and the concerting of efforts; to identify sources of finance for approved programs and projects, to contribute to the creation and consolidation of a sense of belonging to the Ibero-American Community by stimulating participation and cooperation on the part of societies, corporations, private enterprise and public opinion media.

Structure: SECIB is composed of the Secretary for Ibero-American Cooperation, five experts and the necessary administrative staff according to the organigram and schedule of functions presented by the Secretary.

Members: the Member States of the Ibero-American Conference are members of SECIB, namely Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Uruguay and Venezuela.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING NON-GOVERNMENTAL ORGANIZATIONS  
(on the basis of information received from the said organizations)

1. AmSong

Headquarters: New York, United States of America. Founded in California, United States of America in 1994.

Objectives: The purpose of AmSong is to protect musical copyrights and educate composers, lyricists and the heirs of composers and lyricists regarding issues affecting their musical copyrights.

Structure: The composition of AmSong includes a Board of Directors and various Committees.

Membership: AmSong's membership includes many of the world's famous popular and classical musicians. AmSong's Board of Directors and Members are nationals of various countries.

2. Coalition for Intellectual Property Rights (CIPR)

Headquarters: Washington D.C., United States of America. Established in the State of Maryland, United States of America in 1999.

Objectives: CIPR's primary objective is advancing intellectual property rights protection and enforcement in the 15 countries that comprised the former Soviet Union through public-private partnerships. The organization's aim is to establish and implement strategies to curb trademark violations, patent infringements and counterfeits in the former Soviet Union region.

Structure: CIPR has a three-tiered membership structure. Founding Corporate Members serve on the organization's Executive Policy Committee; Corporate Members are companies that belong to CIPR but do not wish to serve on the Executive Policy Committee; and, Associate Members that are cooperating and endorsing organizations.

Membership: Organizations that make up CIPR's current membership base include:

Founding Corporate Members: Anheuser-Busch Companies (United States of America), British American Tobacco (United Kingdom), Diageo, plc (United Kingdom), Philip Morris Companies (United States of America).

Corporate Members: Baker & McKenzie (Russian Federation), Four Seasons Hotels Limited (Canada), Fross Zelnick Lehrman & Zissu (United States of America), Guinness (United Kingdom), Häagen-Dazs (United States of America), JT International (Switzerland), Kraft Foods International CEEMA (Austria), The Pillsbury Company (United States of America), United Distillers & Vintners (United Kingdom).

3. European Visual Artists (EVA)

Headquarters: Madrid, Spain. Established in Berlin, Germany, in 1997.

Objectives: To support and contribute to the development of the legal, economic and cultural activities of the visual artists as well as their cooperation in the area of intellectual property rights in collaboration with the European Union, the European Council, WIPO and other international bodies.

Structure: EVA is administered by a President nominated for a period of two years which may be renewed for a further two year period by the General Assembly of Members.

Membership: Membership includes collecting societies for the administration of the rights of visual artists who are members of CISAC (International Confederation of Societies of Authors and Composers) having their registered offices and central administration within the European Economic Union. There are 14 members of EVA.

4. Ingénieurs du Monde

Headquarters: Fontaine, France. Founded in Grenoble, France in 1981. The association originally called "Hexa Consultants" was transformed into *Ingénieurs du Monde* on January 13, 1999.

Objectives: The objectives of the association are: to foster technical and technological exchanges among enterprises on various continents; to promote transfers of professional expertise to enterprises, particularly those in developing countries; to serve as one of the actors in fields relating to local intellectual property; to constitute the operational core of a technical non-governmental organization (electronic commerce, telecommunications, informatics, telematics); to provide all kinds of advice, training and assistance, particularly for developing countries (international trading and commerce); and to represent the interests of enterprises or institutions affiliated to or benefiting from the services of the association in regional and international forums.

Structure: The association has a board of directors consisting of members elected for two years at its general assembly. The board of directors meets at least once every six months and chooses, from among 10 to 15 members, a bureau composed of at least: a founding chairman, an executive chairman, a first vice-chairman, two vice-chairmen, a secretary-general and a treasurer. The ordinary general assembly may be attended by all members and is convened at the beginning of each year to approve the financial and progress report of the association and take stock of its overall performance. Only founding members and active members have a deliberative vote, all other members being entitled to speak in an advisory capacity. The Chairman, assisted by the other members of the bureau, presides at the general assembly.

Membership: The association has a total of 3,524 members in the following countries: Albania, Algeria, Argentina, Austria, Belgium, Benin, Brazil, Canada, Côte d'Ivoire, Denmark, Djibouti, Egypt, Ethiopia, Finland, France, Gabon, Germany, Greece, India, Ireland, Israel, Italy, Japan, Kenya, Madagascar, Mauritania, Netherlands, Philippines, South Africa, Spain, Sweden, Switzerland, Thailand, United Kingdom, United Republic of Tanzania, United States of America, Uruguay and Venezuela.



5. International Poetry for Peace Association (IPPA)

Headquarters: Geneva, Switzerland. Established in Accra, Ghana, in 1998.

Objectives: The Association aims at contributing to the global search for peace through the use of poetry.

Structure: The activities of the Association are managed by the Executive Council but major decisions are taken in consultation with the Patrons, Honorary members and world regional coordinators.

Membership: Membership of IPPA is open to all poets and poetry organizations of the world, who desire to use the inspiration to help defend and promote peace and human rights.

6. Médecins Sans Frontières (MSF)

Headquarters: Brussels, Belgium. Established in Brussels, Belgium, in 1992.

Objectives: MSF is an independent humanitarian medical aid agency committed to two objectives: providing medical aid wherever it is needed, regardless of race, religion, politics or sex and raising awareness of the plight of the people. MSF is interested in all intellectual property matters that relate to health issues and/or that may affect access to medicines.

Structure: MSF is governed by a Board of Administrators and by an International Board representing 18 MSF agencies.

Membership: There are 18 MSF agencies distributed worldwide.

[End of Annex II and of document]