

# WIPO



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## WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

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### ASSEMBLIES OF THE MEMBER STATES OF WIPO

#### Thirty-Seventh Series of Meetings Geneva, September 23 to October 1, 2002

#### ADMISSION OF OBSERVERS

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

#### I. ADMISSION OF INTERGOVERNMENTAL ORGANIZATIONS AS OBSERVERS

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-Seventh series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/37/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-Sixth series of meetings of the Assemblies of the Member States of WIPO, from September 24 to October 3, 2001 (see document A/36/12, paragraphs 1 to 7, and document A/36/15, paragraph 237).
5. It is proposed that the Assemblies admit the following intergovernmental organization to attend, as an observer, the meetings of the Assemblies concerned:

South Centre.

6. A brief description of the above-mentioned organization – its objectives, structure and membership – appears in Annex I of this document. It is further proposed that the Assemblies include the South Centre in category C (Worldwide Intergovernmental Organization) and that the said organization 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 Assemblies 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 proposals 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. The international non-governmental organizations admitted to attend, as observers, the meetings of the Assemblies, and which have been invited to attend the Thirty-Seventh series of meetings of the Assemblies and the Unions administered by WIPO, are listed in the Annex to document A/37/INF/1.
10. 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.
11. Since the Thirty-Sixth series of meetings of the Assemblies, from September 24 to October 3, 2001, when decisions were last taken concerning the admission of international non-governmental organizations to attend, as observers, the meetings of certain Assemblies of

Member State of WIPO (see documents A/36/12, paragraphs 8 to 14, and A/36/15, paragraph 245), 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) *Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA)*;
- (ii) International Cooperation for Development and Solidarity (CIDSE);
- (iii) International Federation of Wines and Spirits (FIVS).

12. A brief statement about each of the organizations mentioned in paragraph 11, above – its objectives, structure and membership – appears in Annex II of this document. It is proposed that, as concern each of the organizations mentioned in paragraph 11, above, the Assemblies of the Member States include the said organizations in the category of international non-governmental organizations and that the said organizations be subject to the principles applicable in extending an invitation to other international non-governmental organizations to attend as observers to the meetings of the Assemblies concerned.

*13. 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 12, above.*

### III. ADMISSION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

14. At the Thirty-Sixth series of meetings of the Assemblies, from September 24 to October 3, 2001, the Secretariat invited consideration of the possibility of admitting national non-governmental organizations as observers (see document A/36/12, paragraphs 15 to 21). For ease of reference, the relevant portions of the said document are reproduced below:

“This practice [of admitting only international non-governmental organizations] was based on “the provisions of the relevant Conventions and Agreements permitting such Administrative Bodies to determine which international non-governmental organizations shall be admitted to their meetings as observers, ... Rule 8(2) of the WIPO General Rules of Procedure incorporated in the special rules of procedure of the said Administrative Bodies, and having regard to the established practice” (see document AB/VII/13, paragraph 12).

“The practice of admitting only international non-governmental organizations may have been based on other considerations as well. For example, as an international organization, it originally made sense for WIPO to deal primarily with international non-governmental organizations focusing on issues of worldwide concern, and whose internal staff and external members originate from different countries or regions. It was also thought that granting observer status only to international non-governmental organizations was cost-effective since the documents pertaining to WIPO meetings were mailed only to a limited number of observers.

“The Member States may wish to review the reasons for admitting only international non-governmental organizations as observers to WIPO meetings. National non-governmental organizations play an increasingly active role in the technical discussions in many WIPO meetings. They usually participate as ad hoc observers in the Standing Committees and are usually also accredited with observer status at diplomatic conferences held under the auspices of WIPO. Their participation in such meetings is always subject to the control of the presiding officer. Rule 24 of the WIPO General Rules of Procedure specifies, in this respect, that “Observers may take part in debates at the invitation of the Chairman,” and that they “may not submit proposals, amendments or motions.

“The participation of national non-governmental organizations as observers would also provide an additional means for generating interest in the activities and services of the Organization and for disseminating information about those activities and services. Many of the Organization’s services (under the Patent Cooperation Treaty, the Madrid System, the Hague Agreement and the WIPO Arbitration and Mediation Center) are, it is recalled, directed to the market sector at the national level.

“In addition, as documents pertaining to WIPO meetings are, to a large extent, made available or transmitted electronically, rather than in paper form by mail, cost savings realized by mailing documents only to international non-governmental organizations are not significant.

“The Assemblies of the Member States of WIPO may wish to review the practice established over the years and consider whether the application of national non-governmental organizations should also be considered for purposes of obtaining permanent observer status in WIPO” (see document A/36/12, paragraphs 15 to 20).

15. In the ensuing discussion, the Assemblies of the Member States of WIPO requested that the Secretariat prepare a document elaborating on the issue of the admission of national non-governmental organizations as observers at the meetings of the Assemblies, and formulate possible guidelines for deciding on requests for observer status. The Assemblies decided “to discuss further the issue at the 2002 meetings, with a view toward taking a decision on the proposal to admit national non-governmental organizations as observers at the meetings of the Assemblies of Member States of WIPO” (see document A/36/15, paragraph 250).

16. The Assemblies of Member States might wish to consider the following proposals as principles applicable in extending invitations to national non-governmental organizations, as observers:

(a) The organizations 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 organizations shall be in conformity with the spirit, purposes and principles of WIPO and of the United Nations;

(c) The organizations shall have an established headquarters, with an executive officer. It shall have democratically adopted statutes, a copy of which shall be submitted to WIPO; and

(d) The organizations shall have authority to speak for its members through its authorized representatives.

17. The Director General has received requests, with the necessary information, from each of the following national non-governmental organizations for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) American Intellectual Property Law Association (AIPLA);
- (ii) *Asociación Nacional de Intérpretes (ANDI)*;
- (iii) *Associação Brasileira de Emissoras de Rádio e Televisão (ABERT)*;
- (iv) *Association Bouregreg (BOUREGREG)*.

18. A brief statement about each of the organizations mentioned in paragraph 17, above, its objectives, structure and membership, appears in Annex III of this document. It is proposed that, as concerns each of the organizations mentioned in paragraph 17, above, the Assemblies of the Member States include the said organizations in a category of national non-governmental organizations and that the said organizations be subject to the principles, set out in paragraph 16, applicable in extending an invitation to national non-governmental organizations to attend as observers the meetings of the Assemblies concerned.

*19. 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 18, above.*

[Annexes follow]

ANNEXI

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

South Centre

Headquarters: Established in 1994 in Geneva, Switzerland.

Objectives: To contribute to South-South-wide collaboration in promoting common interests and coordinated participation by developing countries in international fora. In order to meet its objectives, the Centre, within the limits of its capacity and mandate, aims to respond to requests for policy advice and for technical and other support from collective entities of the South such as the Group of 77 and the LDCs group of countries in the WTO.

Structure: The South Centre came formally into being as an intergovernmental body of developing countries on July 31, 1995, when the *Intergovernmental Agreement to Establish the South Centre* came into force. The Board consists of nine members, plus the Chairperson. The Chairperson and the Board, who jointly oversee and direct the operation of the Centre, approve the Centre's activities and work program, are responsible for overall financial management, assist in fund-raising and consider the budget and yearly audited accounts. The Board meets at least once a year.

Membership: The present membership consists of 46 developing countries.

[Annex II follows]

ANNEXII

PARTICULARS CONCERNING INTERNATIONAL NON –GOVERNMENTAL ORGANIZATIONS

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

1. Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA)

Headquarters: Founded in 1990 at Madrid, Spain.

Objectives: To manage, represent and defend the interests of producers of audiovisual and works recordings, and their successors.

Structure: The General Meeting comprises all the members of the Association. EGEDA is managed and represented by the Board of Directors.

Membership: Presently, 11 associations of producers and 18 audiovisual entities in Europe and North America are members of the Organization.

2. International Cooperation for Development and Solidarity (CIDSE)

Headquarters: Founded in 1988 at Brussels, Belgium.

Objectives: To enable its member organizations to work alongside partner organizations in all continents in order to share experiences, build capacities and work together on issues of advocacy/lobbying and campaigning, development programs, development education and peacebuilding.

Structure: The supreme authority in CIDSE is the Board of Directors which is responsible for decisions affecting CIDSE's principles, aims, structures and statutes.

Membership: CIDSE comprises 15 member organizations in Europe and North America.

3. International Federation of Wines and Spirits (FIVS)

Headquarters: Founded in 1951 at Paris, France.

Objectives: To facilitate dialogue and information exchange between members coming from all sectors of the international alcohol beverage industry. This is done primarily through participation in meetings held twice per year.

Structure: The governing body of FIVS is its General Assembly, which normally meets once per year. The General Assembly is comprised of a representative from each member association or company, who has the right to vote, and all past presidents of the Federation, who do not have the right to vote.

Membership: The members of FIVS represent four continents: Europe, North America, South America, and Australia. The majority of members are European trade associations. Those members from North America include mostly trade associations as well as several producer companies of wines and spirits.

[Annex III follows]



ANNEX III

PARTICULARS CONCERNING NATIONAL NON-GOVERNMENTAL  
ORGANIZATIONS

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

1. American Intellectual Property Law Association (AIPLA)

Headquarters: Founded in 1897 at Arlington, United States of America.

Objectives: To provide innovative, high quality legal education to the intellectual property (IP) community and to assure timely and effective advocacy aimed at improving the protection of IP both in the United States and internationally. In furtherance of its advocacy mission, AIPLA provides comments, and testifies, before the USPTO, the Copyright Office and other executive branch agencies as well as the U.S. Congress on regulatory and legislative initiatives affecting the protection of IP.

Structure: The Association is governed by an Executive Committee comprised of five officers, a Secretary, a Treasurer, and twelve Members of the Board of Directors. An Executive Director manages the Headquarters Office comprising fourteen full-time employees, which serves as the Secretariat for the Association and its 13,900 members.

Membership: Presently, there are approximately 12,400 members residing in 27 countries and 609 foreign affiliates residing in 61 countries.

2. Asociación Nacional de Intérpretes (ANDI)

Headquarters: Founded in 1957 at Mexico, Mexico.

Objectives: Its main activity consists in collecting, and paying to its members and to foreign performers in its area of concern, the royalties payable for performers' intellectual property rights under the relevant legislation of the Mexican Republic and international treaties signed and ratified by it.

Structure: As far as its legal structure is concerned, ANDI has the following three organs: General Assembly of Members, Management Board, Supervisory Committee.

Membership: Over 1,000 Mexican and foreign performers.

3. Associação Brasileira de Emissoras de Rádio e Televisão (ABERT)

Headquarters: Founded in 1962 at Brasília, Brazil.

Objectives: The objectives of the *Brazilian Association of Broadcasters* are in particular: to coordinate broadcasting in defense of democracy, national integration and free enterprise; to uphold freedom of expression, information and publicity; to defend broadcasting entrepreneurs in their prerogatives as providers of services in the public interest; to highlight the principles best suited to Brazilian broadcasting, in particular its educational, cultural, civic, informational and recreational expression; to represent the general interests of its members in contracts, agreements, partnerships and undertakings, and in relations with the government.

Structure: The General Assembly is the sovereign governing body with decision-making functions. The Executive Committee carries out the day-to-day management of the affairs of the association.

Membership: Over 1000 licensed private-sector radio and television stations are members of the Association.

4. Association Bou Regreg (BOUREGREG)

Headquarters: Set up in 1986, based in Salé, Morocco.

Objectives: To provide for the cultural, social and economic development of the people; to further the role of women in economic development; to promote our rich national heritage and make the people aware of it.

Structure: The Association is composed of founder members, honorary members and active members. The founder members form the membership of the Constituent General Assembly.

Membership: Over 1,500. They are for the most part residents of the province of Salé who are engaged in the promotion of their heritage or who have contributed to the development of the cultural, economic, business, social and sporting interests of their province.

[End of Annex III and of document]