

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Fortieth Series of Meetings Geneva, September 27 to October 5, 2004

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 (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 principles 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 Fortieth series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/40/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-ninth series of meetings of the Assemblies of the Member States of WIPO, from September 22 to October 1, 2003 (A/39/11, paragraphs 1 to 7, and A/39/15, paragraph 203).

5. It is proposed that the Assemblies admit the following intergovernmental organization to attend, as observer, the meetings of the Assemblies concerned:

Commonwealth Secretariat

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 Commonwealth Secretariat in Category C (Worldwide Intergovernmental Organization).

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 (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 Fortieth series of meetings of the Assemblies and the Unions administered by WIPO, are listed in the Annex to document A/40/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-ninth series of meetings of the Assemblies, from September 22 to October 1, 2003, 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 (A/39/11, paragraphs 8 to 13, and A/39/15, paragraph 204), the Director General has received requests, with the necessary information, from each of the

following international non-governmental organizations for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) Centre for Innovation Law and Policy (the Centre);
- (ii) Center for International Environmental Law (CIEL);
- (iii) Civil Society Coalition (CSC);
- (iv) European Generic Medicines Association (EGA);
- (v) Federation of Scriptwriters in Europe (FSE);
- (vi) Foundation for a Free Information Infrastructure (FFII e.V.);
- (vii) Free Software Foundation Europe (FSF Europe);
- (viii) Independent Music Companies Association (IMPALA);
- (ix) Organization for an International Geographical Indications

Network (ORIGIN).

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 concerns 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.

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-seventh series of meetings of the Assemblies, from September 23 to October 1, 2002, the Assemblies of the Member States of WIPO, each in so far as it was concerned, agreed to adopt the following proposals as principles applicable in extending invitations to national non-governmental organizations (NGOs), as observers (A/37/14, paragraph 316):

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

(c) The organization shall have an established headquarters. It shall have democratically adopted statutes, adopted in conformity with the legislation of the Member State from which the NGO originates. One copy of the statutes shall be submitted to WIPO;

(d) The organization shall have authority to speak for its members through its authorized representatives and in accordance with the rules governing observer status; and

(e) The admission of national NGOs to observer status shall be the subject of prior consultations between Member States and the Secretariat.

15. Since the thirty-ninth series of meetings of the Assemblies, from September 22 to October 1, 2003, when decisions were last taken concerning the admission of national non-governmental organizations to attend, as observers, the meetings of certain Assemblies of Member States of WIPO (A/39/11, paragraphs 14 to 17 and A/39/15, paragraph 205), 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) Electronic Frontier Foundation (EFF);
- (ii) Japan Institute of Invention and Innovation (JIII);
- (iii) Picture Archive Council of America (PACA).

16. A brief statement about each of the organizations mentioned in paragraph 15, 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 15, above, the Assemblies of the Member States decide, in accordance with the principles set out in paragraph 14, above, whether to include the said organizations in the category of national non-governmental organizations.

17. 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 16, above.

[Annexes follow]

ANNEX I

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

1. Commonwealth Secretariat

Headquarters: Established by Heads of Government in 1965, at London, United Kingdom.

Objectives: The Commonwealth Secretariat is the main intergovernmental agency of the Commonwealth facilitating consultation and cooperation among its member governments and countries. In particular, its goals are: to work as a trusted partner for all Commonwealth people as a force for peace, democracy, equality and good governance, a catalyst for global consensus building and a source of assistance for sustainable development and poverty eradication. The Commonwealth Secretariat also facilitates legal cooperation among its member countries in the areas of constitutional law, international criminal law, human rights, intellectual property law, traditional knowledge, trade law and other emerging areas of law.

Structure: The Commonwealth Secretariat is headed by the Commonwealth Secretary General and the work of the Secretariat is guided by the decisions of Heads of Governments and governing bodies. The decision-making bodies of the Commonwealth are the Board of Governors and the Executive Committee.

Membership: Voluntary association of 53 developed and developing nations around the world.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

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

1. Centre for Innovation Law and Policy (the Centre)

Headquarters: Created in September 1999, at Toronto, Canada.

Objectives: Academic centre devoted to the study of laws, institutions and policies that affect, or are affected by, innovation or technological change. The principal objectives are to support teaching, research and policy analysis in a broad range of areas in which law and policy intersect with innovative activity. These include intellectual property, telecommunications, electronic commerce and the Internet, and biotechnology. Research and teaching by the Centre are in all areas of intellectual property, including economic, international, ethical and developmental aspects of it.

Structure: The Centre has three governing bodies: the Executive Committee, the Advisory Board, and the Academic Coordinating Committee. The Centre's officers consist of the Executive Director and the Chair of the Advisory Board.

Membership: Organization comprised of academics and professionals with an interest in every aspect of intellectual property.

2. Center for International Environmental Law (CIEL)

Headquarters: Established on June 8, 1989, at Washington, D.C., United States of America.

Objectives: To protect the global environment and human health while promoting sustainable development; to promote a just and sustainable society based on principles of ecology and justice that respect local communities and that live within the limits of the global ecosystem; to ensure that intellectual property rights act as a tool rather than as an obstacle for sustainable development, CIEL works with developing country governments and non-governmental organizations to include sustainable development concerns in current multilateral discussions on intellectual property.

Structure: The governing body of CIEL is the Board of Trustees. The Executive Committee, the Finance Committee and the Legal Committee are established under the Board of Trustees. The officers consist of the Executive Director, the President, the Director of Finance and Administration and the Secretary.

Membership: Organization comprised of 23 environmental lawyers.

3. Civil Society Coalition (CSC)

Headquarters: Established in July 2001, at Washington D.C., United States of America.

Objectives: To facilitate greater citizen and civil society participation in global, trade and standard setting bodies, and in particular to facilitate greater participation from stakeholders representing consumer interests, including those that are concerned with public health or the protection of personal liberties. CSC includes groups that are working in areas such as public health, agriculture, the development of free software, trademarks and domain names, copyright policy, the protection of non-copyrighted elements of databases and the WIPO agenda for the protection of traditional knowledge, folklore and access to genetic resources.

Structure: CSC is managed by the Steering Committee and a Secretariat.

Membership: CSC is a federation of 24 different non-governmental organizations. The members of CSC are headquartered in more than 12 developed and developing countries.

4. European Generic Medicines Association (EGA)

Headquarters: Established in 1993, at Brussels, Belgium.

Objectives: To represent, support and develop the common scientific and technical interests of the generic pharmaceutical industry and bulk chemical producers or national or European associations of such persons, firms, companies or other legal bodies active in the generic pharmaceutical industry or bulk chemical producers; to participate in the development of pharmaceutical and industry related legislation and guidelines.

Structure: The activities of EGA are managed by a Board of Directors and the officers consist of the Chairperson, a Secretary and a Treasurer.

Membership: EGA represents more than 500 European generic and active pharmaceutical ingredient companies either directly or through EGA membership of their national associations.

5. Federation of Scriptwriters in Europe (FSE)

Headquarters: Established in June 2001, at Brussels, Belgium.

Objectives: To defend freedom of expression and artistic creation within the audiovisual field; to defend and protect national cultural identity and diversity of members in the audiovisual field; to promote scriptwriters' work; to defend and protect moral and economic rights and interests of scriptwriters, acting in all sectors of the audiovisual field; to work towards the harmonization of intellectual property legislation at the European level and within the Member States of the European Union on the most favorable terms for scriptwriters.

Structure: FSE is managed by two organs: the General Assembly and the Executive Committee. The Executive Committee's officers are the President, a Vice-President and a Treasurer.

Membership: FSE represents approximately 8,000 film and television scriptwriters throughout Europe.

6. Foundation for a Free Information Infrastructure (FFII e.V.)

Headquarters: Established in February 1999, at Munich, Germany.

Objectives: To make basic informational resources freely usable, to protect the creator against plagiarists and the public against monopolies, to give political weight to programmers, information-creating entrepreneurs and informationally literate citizens.

Structure: The business of the Organization is managed by two organs: the General Assembly and the Board. The officers consist of the President, a Secretary and a Treasurer. Up to two vice-presidents and up to two assessors may be elected.

Membership: FFII e.V. has 501 members worldwide.

7. Free Software Foundation Europe (FSF Europe)

Headquarters: Established on March 10, 2001, at Hamburg, Germany.

Objectives: To further free software as a stable basis for freedom in a digital world, both in an economic and sociological-ethical context. The freedom to use, copy, modify and redistribute software allows equal participation in the information age.

Structure: The organs of FSF Europe are the Executive Committee (which consists of the President), a Vice-President, the Administrative Director, the Extended Executive Committee, and the General Assembly.

Membership: FSF Europe forms a European federation structure of 18 people organized around three national groups, and supplemented by eight national associations with their own juridical personality.

8. Independent Music Companies Association (IMPALA)

Headquarters: Established in April 2000, at Brussels, Belgium.

Objectives: To represent indigenous European independent music companies and to promote their competitiveness in the interests of cultural diversity; to offer a platform for independent record and music publishing companies in the face of increasing concentration in the music sector; to keep the independent community informed on policy and market development as well as tools available at the European Union level to foster its development in the market place; to defend the principle of copyright protection.

Structure: IMPALA is managed by the General Assembly and the Board. The officers consist of the President and one or more Vice-Presidents of the Board and the Secretary General.

Membership: IMPALA has 2,000 members, including independent record and music publishing labels and national trade associations.

9. Organization for an International Geographical Indications Network (ORIGIN)

Headquarters: Established in November 2003, at Geneva, Switzerland.

Objectives: Conceived as a network for exchanging information among producers of geographical indications worldwide, ORIGIN's goal is twofold: to promote geographical indications as an instrument of development and protection for local knowledge; and to demand better protection at the international level for geographical indications.

Structure: The governing bodies of ORIGIN are the General Assembly, the Management Committee, the Executive Committee and the Technical Committee. The officers consist of a President, Vice-Presidents, the General Secretary and a Treasurer.

Membership: ORIGIN includes 57 producers of geographical indications from Africa, South and North America, Asia, and Eastern and Western Europe.

[Annex III follows]

ANNEX III

PARTICULARS CONCERNING NATIONAL NON-GOVERNMENTAL
ORGANIZATIONS

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

1. Electronic Frontier Foundation (EFF)

Headquarters: Established in July 1990, at San Francisco, United States of America.

Objectives: To educate the general public and to foster discussion and public policy analysis regarding the relationship between technology and society; to conduct litigation in the public interest in order to preserve the human and civil rights of those using or involved with technology including digital, computing and communications technology.

Structure: The governing body is the Board of Directors, with a Chair and a Vice-Chair.

Membership: Over 10,000 members.

2. Japan Institute of Invention and Innovation (JIII)

Headquarters: Founded in 1904, originally as the Association for the Protection of Industrial Property, at Tokyo, Japan.

Objectives: To encourage invention, enhance original ideas and promote their practical use; to diffuse and develop the industrial property system, thus advancing science and technology and contributing to the development of the Japanese economy.

Structure: His Imperial Highness Prince Hitachi is the Patron of JIII. JIII is managed by the General Assembly and the Board of Directors, and the officers consist of the Chairman, Vice Chairmen, President, the Managing Directors and the Auditors.

Membership: About 11,000 members, including private persons and corporate bodies.

3. Picture Archive Council of America (PACA)

Headquarters: Established in 1951, in the State of New York, United States of America.

Objectives: To foster and maintain a community in which members can collect, compile and disseminate accurate and reliable information and educational materials concerning the image archiving and licensing business, including legal developments in the industry.

Structure: PACA is managed by the Council. The Executive Committee and Standing Committees perform the tasks of the Council. The elected officers of the Council are the President, the Vice-President, a Secretary, and a Treasurer.

Membership: Over 150 members, consisting of individuals and entities that license still and motion images, photographs, illustrations and other copyrightable material.

[End of Annex III and of document]