

WIPO



A/43/9

ORIGINAL: English

DATE: August 3, 2007

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Third Series of Meetings Geneva, September 24 to October 3, 2007

ADMISSION OF OBSERVERS

Memorandum of the Director General

I. ADMISSION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

1. At their previous sessions, the Assemblies adopted a set of principles to be applied in extending invitations to international non-governmental organizations (NGOs) to attend, as observers, the meetings of the Assemblies concerned (documents AB/X/32, paragraph 17, and AB/X/17, Annex V; documents TRT/A/I/2 and 4, paragraph 5; documents BP/A/I/2 and 5, paragraph 5; documents V/A/I/1, paragraphs 25 to 29, and V/A/I/2, paragraph 7; and documents FRT/A/I/3 and 9, paragraph 10).

2. The international NGOs admitted to attend, as observers, the meetings of the Assemblies, and which have been invited to attend the Forty-third series of meetings of the Assemblies and the Unions administered by WIPO are listed in Annex I to document A/43/INF/1.

3. Once an international NGO 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.

4. Since the Forty-second series of meetings of the Assemblies, from September 26 to October 3, 2006, when decisions were last taken concerning the admission of international NGOs to attend, as observers, the meetings of certain Assemblies of Member States of WIPO

(document A/42/7, paragraphs 1 to 6, and document A/42/14, paragraph 228), the Director General has received requests, with the necessary information, from each of the following international NGOs for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) Chartered Society of Designers (CSD);
- (ii) *Femmes chefs d'entreprises mondiales* (FCEM);
- (iii) Indigenous ICT Task Force (IITF));
- (iv) *Institut de droit communautaire* (IDC);
- (v) *Instituto de Derecho de Autor* (IA);
- (vi) International Intellectual Property Alliance (IIPA);
- (vii) International Intellectual Property Institute (IPI);
- (viii) Knowledge Ecology International, Inc. (KEI);
- (ix) Picture Licensing Universal System (PLUS Coalition); and
- (x) The Scholarly Publishing and Academic Resources Coalition (SPARC).

5. A brief statement about each of the organizations mentioned in paragraph 4, above – its objectives, structure and membership – appears in Annex I of this document. It is proposed that, as concerns each of the organizations mentioned in paragraph 4, above, the Assemblies of the Member States include the said organizations in the category of international NGOs.

6. 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 5, above.

II. ADMISSION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

7. 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 NGOs, as observers (document 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.

8. Since the Forty-second series of meetings of the Assemblies, from September 26 to October 3, 2006, when decisions were last taken concerning the admission of national NGOs to attend, as observers, the meetings of certain Assemblies of Member States of WIPO (document A/42/7, paragraphs 7 to 10 and document A/42/14, paragraph 229), the Director General has received requests, with the necessary information, from each of the following national NGOs for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) Chamber of Commerce of the United States of America (CCUSA);
- (ii) Chartered Institute of Patent Attorneys (CIPA);
- (iii) Federation of Indian Chamber of Commerce and Industry (FICCI); and
- (iv) Queen Mary Intellectual Property Research Institute (QMIPRI).

9. A brief statement about each of the organizations mentioned in paragraph 8, 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 8, above, the Assemblies of the Member States decide, in accordance with the principles set out in paragraph 7, above, whether to include the said organizations in the category of national NGOs.

10. 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 9, above.

[Annexes follow]

ANNEX I

PARTICULARS CONCERNING INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

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

1. Chartered Society of Designers (CSD)

Headquarters: CSD was established in 1930, in London, United Kingdom.

Objectives: To promote and advance a concern for sound principles of design in all those spheres to which design considerations may apply, for the benefit of the community; to further the practice of industrial design; to secure, for the benefit of industry, commerce and the public, a defined and recognized profession of persons well qualified to be designers; to regulate and control for the public benefit all matters of professional practice and conduct concerning the members of CSD; to encourage and foster the study of design techniques; and to provide training for members that incorporate the process of safeguarding intellectual property rights and intellectual property legislation and to highlight intellectual property as a “design currency” in new models of business and practice.

Structure: The government, control and management of its affairs and business are vested in the Council of the Society. Its principal officers are the President, the President Elect, the Immediate Past President and Vice Presidents, Honorary Secretary and Honorary Treasurer.

Membership: CSD has over 3,000 individual members spread across 34 countries, with the main concentration in the United Kingdom and the second largest grouping in Hong Kong, SAR, China.

2. Femmes chefs d'entreprises mondiales (FCEM)

Headquarters: FCEM was established in 1945, in France.

Objectives: To promote women’s entrepreneurial initiative and reinforce national associations of women business owners through: (a) creating awareness and reinforcing the visibility of women business owners, (b) lobbying and advocacy, before public and private institutions, policymakers and governments, on issues that impede women’s entrepreneurial potential, (c) promoting solidarity, friendship, cultural understanding and the exchange of experiences and ideas, (d) facilitating the development of business, partnership and trade, and creating awareness of the rich business potential in the creation and promotion of intellectual property for women entrepreneurs, (e) fostering professional growth and business skills perfection, and (f) encouraging women to create enterprises.

Structure: The main governing body is the Committee of Directors composed of delegates officially authorized by their national associations and accepted by the General Assembly. The Committee elects a President, Vice-Presidents, Secretary-General and a Treasurer. The final decision on certain matters lies with the seven founding members of FCEM, namely, Belgium, Canada, France, Germany, Great Britain, Italy and the Netherlands.

Membership: FCEM has 40 member associations and 10 affiliates and observers. Membership is only possible for national associations of women entrepreneurs, one per country.

3. Indigenous ICT Task Force (IITF)

Headquarters: IITF was established on May 23, 2006, in Geneva, Switzerland.

Objectives: To inform indigenous peoples about the World Summit on the Information Society (WSIS) process and its follow-up; to actively participate in the WSIS follow-up and implementation; and to promote and enter into partnerships with Governments, United Nations agencies and NGOs to work on common projects related to the Information Society.

Structure: The main governing body is the Board consisting of a maximum of eight members who are elected by the General Assembly. Each board member represents one of the following geographical regions: Arctic, Central America, South America, North America, Pacific, Asia, Africa and Russia.

Membership: IITF has 15 individual members representing various indigenous peoples in the eight geographic regions.

4. Institut de droit communautaire (IDC)

Headquarters: IDC was established on March 14, 2005, in Abidjan, Côte d'Ivoire.

Objectives: To promote the rules of various African community organizations within Côte d'Ivoire and eventually in Africa, such as those of the *Organisation pour l'Harmonisation en Afrique du Droit des Affaires*, West African Economic and Monetary Union, Economic Community of West African States, Central African Economic and Monetary Community, the African Union as well as the intellectual property rules of the African Intellectual Property Organization; to ensure the legal training of those in the legal profession in respect of the rules of the various African community organizations and to establish programs that mobilize the public sector agencies responsible for bringing about closer African integration and the promotion of intellectual property laws; to increase the awareness of public authorities concerning the parameters for the application of these rules; and to encourage heads of business enterprises to resort to amicable means of dispute resolution.

Structure: The main governing body is the National Office headed by a President who is appointed by the General Assembly. The National Office is assisted by two committees; one responsible for legal training and another in charge of running the *Centre International de Conciliation, de Conseils et d'Expertise*.

Membership: IDC is composed of 33 individual members who are mostly lawyers and judges.

5. Instituto de Derecho de Autor (IA)

Headquarters: IA was established on June 7, 2005, in Madrid, Spain.

Objectives: To work for the development, widespread dissemination and improvement of the international conventions and agreements concerning the protection of the rights of authors, and in particular, the Berne Convention for the Protection of Literary and Artistic Works and the WIPO Copyright Treaty (WCT) (1996); to promote and encourage the study of intellectual property; to publish information and legal decisions concerning intellectual property; and to recognize the valuable contributions of persons and institutions in the creation, promotion, protection, study or development of the rights of authors.

Structure: The main governing bodies are: the General Assembly, which is the highest policy-making body, the Executive Board, which is responsible for the management and administration, and the Advisory Board. The principal officers of IA are the President, Secretary-General and Coordinator.

Membership: IA is composed of one individual member and two institution members, one of which, in turn, represents around 88,000 members principally from Spain.

6. International Intellectual Property Alliance (IIPA)

Headquarters: IIPA was established in November 1984, in Washington, D.C., United States of America.

Objectives: To improve international protection of copyrighted materials; to work for a legal and enforcement regime for copyright that not only deters piracy, but also fosters technological and cultural development, and encourages local investment and employment; to ensure that high levels of copyright protection become a central component in the legal framework for the growth of global electronic commerce; and to promote the prompt ratification and effective implementation of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty in as many countries as possible.

Structure: The policy and decision-making authority lies with IIPA's seven member associations as represented by their "Principals". IIPA also has an operational board called the Alliance Working Group.

Membership: IIPA is a coalition of seven trade associations representing close to 2,000 copyright-based companies operating principally in the United States of America and with presence world-wide.

7. International Intellectual Property Institute (IPI)

Headquarters: IPI was established on July 24, 2002, in Washington, D.C., United States of America.

Objectives: To conduct educational training programs to assist governments, individuals, businesses, and research and academic institutions in the development of modern intellectual property systems; to conduct studies on means of improving the efficiency of the world's industrial property offices and reducing duplicative examination activities, leading to global patents and trademarks; and to serve as a resource for policy development by international organizations and national governments on matters involving intellectual property rights.

Structure: The policy-making body is the Board of Directors. IPI's principal officers are the Chairman and the President/Chief Executive Officer.

Membership: IPI's Articles of Incorporation do not provide for membership.

8. Knowledge Ecology International, Inc. (KEI)

Headquarters: KEI was established on June 16, 2006, in Washington, D.C., United States of America.

Objectives: To perform research, educate the public and other constituencies, and contribute to policy discourse and debate on issues relating to intellectual property, innovation, economics, international trade, consumer protection, law, and access to knowledge and the fruits of knowledge, including without limitation, issues related to the public domain, freely licensed knowledge resources, knowledge resources that are available by custom, access to medical inventions including essential medicines, technologies and business or social systems that are used to manage knowledge resources, modes of stimulating and financing knowledge resources, and related technological, legal and social aspects of the management of knowledge.

Structure: The governing body is the Board of Directors, which is responsible for the internal affairs of KEI. The officers are the Chair, Vice Chair, Secretary, Treasurer and Executive Director who serves as the Chief Executive Officer.

Membership: KEI's Articles of Incorporation and By-laws do not provide for membership.

9. Picture Licensing Universal System (PLUS Coalition)

Headquarters: PLUS Coalition was established on October 29, 2004, in New York, United States of America.

Objectives: To unite in a common organization those professionally engaged in the licensing of reproduction rights of images, the users of imagery and other stakeholders that represent the interests of licensors and licensees; to engage generally in professional, educational, social and trade association related activities for the purpose of creating, disseminating, promoting and managing universal licensing systems that facilitate and simplify the licensing of images throughout the world; and to promote the mutual interest of the Coalition members.

Structure: The Board of Directors is the policy-making and governing body. The Chief Executive Officer administers the affairs of PLUS Coalition.

Membership: PLUS Coalition has over 150 corporate members based in the United States of America, Canada and Europe.

10. The Scholarly Publishing and Academic Resources Coalition (SPARC)

Headquarters: SPARC was founded in 1978, in Washington, D.C., United States of America.

Objectives: To stimulate the emergence of new scholarly communication models that expand the dissemination of scholarly research and reduce financial pressures on libraries; to educate stakeholders about the problems facing scholarly communication and the opportunities for change; to advocate policy changes that advance the potential of technology to promote scholarly communication and which explicitly recognize that dissemination is an essential, inseparable component of the research process; to incubate real-world demonstrations of business and publishing models that advance changes benefiting scholarship and academia; to reduce barriers to the access, sharing, and use of scholarship and, in particular, scientific research, with an increasing focus on digital data of all kinds; to advance the understanding and implementation of open access to research results and a clear understanding of the implications of open access to intellectual property rights.

Structure: The Steering Committee is the governing body. The Executive Director initiates and implements SPARC's plans and programs upon the advice of the Steering Committee.

Membership: SPARC has over 200 educational institutions as members including major national library associations predominantly located in the United States of America and Canada. SPARC also collaborates with affiliated national organizations operating in Europe and Japan.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING NATIONAL NON-GOVERNMENTAL
ORGANIZATIONS

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

1. Chamber of Commerce of the United States of America (CCUSA)

Headquarters: CCUSA was established on December 3, 1915, in Washington, D.C., United States of America.

Objectives: To measure and ultimately reduce the global economic impact of counterfeiting and piracy; to reframe the debate about counterfeiting and piracy by educating businesses, lawmakers, law enforcement officials, and consumers on the growing economic impact and threat to public health safety and national security, of counterfeiting and piracy; to build coalitions that unite industry to collectively work towards global solutions; to promote intellectual property protection by strengthening existing laws, disrupting the flow of illegal goods into the legitimate supply chain with sophisticated detection efforts and law enforcement efforts and aggressively prosecuting intellectual property theft; and to train government officials, law enforcement officials, judges and prosecutors in targeted countries to give them the tools necessary to arrest and prosecute counterfeiters and pirates.

Structure: The Board of Directors is the principal governing and policy-making body and there is a Senior Council with advisory responsibilities on matters of policies and precedents. The President is the chief executive officer in charge of administration and management of CCUSA.

Membership: CCUSA represents more than three million businesses of all sizes, sectors and regions, including hundreds of national and international associations, thousands of local chambers and more than 100 American Chambers of Commerce in 91 countries.

2. Chartered Institute of Patent Attorneys (CIPA)

Headquarters: CIPA was founded in 1882 and incorporated in 1891, in London, United Kingdom.

Objectives: To promote the education status and training of industrial property practitioners and to maintain a high standard of rectitude and professional conduct and knowledge; and to form and maintain a body representative of the profession of industrial property practitioners for the purpose of promoting improvements in the laws relating to patents, designs and trademarks and other forms of industrial property and in the regulations under which they are administered.

Structure: The Council directs and manages the concerns and affairs of CIPA.

Membership: CIPA has approximately 1,800 Fellows who are or have been registered patent attorneys in the UK, 600 Associates who are professionals in associated professions, around 150 foreign patent attorneys and about 650 trainee patent attorneys.

3. Federation of Indian Chamber of Commerce and Industry (FICCI)

Headquarters: FICCI was established on March 16, 1956, in New Delhi, India.

Objectives: To serve India's national, social and economic goals through the promotion of appropriate policies; to promote growth of Indian business and build international relations for making India a global player; and to play a proactive role in enhancing India's competitiveness through creation and exploitation of knowledge-based assets for strong and sustainable intellectual property rights-based, knowledge-oriented industrial and economic growth.

Structure: The Executive Committee manages the business of FICCI. The President is the executive head while the Secretary-General is the chief administrative officer.

Membership: FICCI has over 2,500 corporate members and 500 associated Chambers and manufacturing associations, which represent over 250,000 companies.

4. Queen Mary Intellectual Property Research Institute (QMIPRI)

Headquarters: QMIPRI was established in 1980, in London, United Kingdom.

Objectives: To support research into all areas of intellectual property law and policy and the teaching of all areas of intellectual property law and policy.

Structure: The Management Committee is the executive body of QMIPRI. The Director(s) is/are responsible for the daily operations.

Membership: QMIPRI has 10 faculty members, five *ex officio* members, 14 honorary members and 46 student non-voting members who are all committed to research in all areas of intellectual property.