

WIPO



A/47/8

ORIGINAL: English

DATE: August 15, 2009

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

ASSEMBLIES OF THE MEMBER STATES OF WIPO

Forty-Seventh Series of Meetings Geneva, September 22 to October 1, 2009

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 Forty-Seventh series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/47/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 Forty-First series of meetings of the Assemblies of the Member States of WIPO, from September 26 to October 5, 2005 (A/41/8, paragraphs 3 to 9, and A/41/17, paragraph 294).

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

- (i) Nordic Patent Institute (NPI); and
- (ii) Organization of Eastern Caribbean States (OECS).

6. A brief description of 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 Nordic Patent Institute in Category B (Intellectual Property) and the Organization of Eastern Caribbean States in Category C (Regional Intergovernmental Organizations).

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 (NGOs) to attend the meetings of the Assemblies concerned as observers (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).

9. The international NGOs admitted to attend the meetings of the Assemblies as observers and which have been invited to attend the Forty-Seventh series of meetings of the Assemblies and the Unions administered by WIPO are listed in Annex I to document A/47/INF/1.

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

11. Since the Forty-Fifth series of meetings of the Assemblies, from September 22 to 30, 2008, when decisions were last taken concerning the admission of international NGOs to attend the meetings of certain Assemblies of Member States of WIPO as observers (document A/45/3, paragraphs 1 to 6, and document A/45/5, paragraph 39), the Director General has received requests, with the requisite information, from each of the following international NGOs for admission to attend the meetings of the Assemblies of the Member States of WIPO as an observer:

- (i) Education International (EI);
- (ii) Royal Institute of International Affairs (Chatham House); and
- (iii) Southern and Eastern Africa Copyright Network (SEACONET).

12. A short profile of each of the NGOs 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 NGOs mentioned in paragraph 11 above, the Assemblies of the Member States include the said NGOs in the category of international NGOs.

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, 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.

15. Since the Forty-Fifth series of meetings of the Assemblies, from September 22 to 30, 2008, when decisions were last taken concerning the admission of national NGOs to attend the meetings of certain Assemblies of Member States of WIPO as observers (document A/45/3, paragraphs 7 to 10 and document A/45/5, paragraph 40), the Director General has received requests, with the requisite information, from each of the following national NGOs for admission to attend the meetings of the Assemblies of the Member States of WIPO as observers:

- (i) *Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo* (Corporación Innovarte);
- (ii) The International Intellectual Property Society (IIPS);
- (iii) The Italian Library Association (AIB); and
- (iv) First Institute Inventors and Research Institute (FIRI)

16. It is to be noted, however, that following consultations between Member States and the Secretariat, the application by FIRI, an NGO from Iran (Islamic Republic of), did not get support from the Member State from which it originates.

17. A brief profile of each of the NGOs mentioned in paragraph 15, above, other than (iv) – their objectives, structure and membership – appear in Annex III of this document. It is proposed that, as concerns each of the NGOs mentioned in paragraph 15 above, other than (iv), the Assemblies of the Member States decide in accordance with the principles set out in paragraph 14 above, whether to include the said NGOs in the category of national NGOs.

18. 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 17, above.

[Annexes follow]

ANNEX I

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

1. Nordic Patent Institute (NPI)

Headquarters: NPI was established in Taastrup, Denmark.

Objectives: To stimulate Nordic companies, in particular small and medium-sized enterprises, to innovation and economic growth through the maintenance and development of national patent offices; to contribute positively to the development of a coherent and efficient European patent system based on the European Patent Convention and on cooperation between the European Patent Office and the national patent offices and to offer Nordic users the best possible platform for taking advantage of such European cooperation; to act as International Searching Authority and International Preliminary Examining Authority under the PCT.

Structure: The governing body of NPI is the Board of Directors composed of the Directors of the Patent Offices of the three Member States. The Board appoints the Head of NPI who is responsible for the management of NPI.

Membership: NPI has three Member States namely Denmark, Iceland and Norway.

2. Organization of Eastern Caribbean States (OECS)

Headquarters: The Organization of Eastern Caribbean States was established on June 18, 1981, in Basseterre, St Kitts and Nevis.

Objectives: To promote cooperation among the Member States at the regional and international levels; to assist Member States in the realization of their obligations and responsibilities to the international community with due regard to the role of international law as a standard of conduct in their relationship; to seek to achieve the fullest possible harmonization of foreign policy among the Member States and to adopt, as far as possible, common positions on international issues and to establish arrangements for joint overseas representation and/or common services.

Structure: The governing body is the Authority of the OECS, composed of the Heads of Government of the Member States. The Foreign Affairs Committee consists of the Ministers responsible for Foreign Affairs in the Governments of the Member States or such other Ministers as may be designated by the Heads of Government of the Member States; the Defence and Security Committee consists of the Ministers responsible for Defence and Security or other Ministers or Plenipotentiaries designated by Heads of Government of the Member States; the Economic Affairs Committee consists of such Ministers in the Governments of the Member States as may be appointed to the Committee by Heads of Government of the Member States. The Central Secretariat is responsible for the general administration of the Organization. The Director General is the Chief Executive officer of the OECS.

Membership: The members of OECS are Antigua and Barbuda, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. Anguilla and the British Virgin Islands are associate members.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

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

1. Education International (EI)

Headquarters: EI was established on January 26, 1993, in Stockholm, Sweden.

Objectives: To further the cause of organizations of teachers and education employees; to promote peace, democracy, social justice and equality through the development of education and the collective strength of teachers and education employees; to seek and maintain recognition of the trade union rights of workers in general and of teachers and education employees in particular; to promote the political, social and economic conditions that are required for the realization of the right to education in all nations; to foster the respect for researchers' work, the attribution of recognition of their endeavors, and the protection for their intellectual property rights as creators of innovative products and applications for the benefit of the development of societies and economies, and the enhancement of knowledge and scientific discovery.

Structure: EI is governed by its World Congress which is the supreme authority of EI. The World Congress elects the Executive Board, which monitors and implements EI's activities. The work of the organization is supported by the EI Secretariat.

Membership: EI is the umbrella organization of teacher and education staff organizations worldwide with 406 organizations operating in 172 countries and territories.

2. Royal Institute of International Affairs (Chatham House)

Headquarters: Chatham House was established in July 1920, in London, United Kingdom.

Objectives: To act as a leading source of independent analysis, informed debate and influential ideas on how to build a prosperous and secure world for all; to produce independent and rigorous analysis of critical global regional and country-specific challenges and offer new ideas to decision-makers and shapers on how these could best be tackled from the near to long term; to undertake independent and rigorous analysis with the aim of setting the agenda and shaping policy by encouraging new ideas and forward thinking in international affairs. Research is structured around three areas, energy, environment and resource governance.

Structure: The governance of Chatham House is vested in the Council. The officers consist of the Patron, the Presidents elected at the Annual General Meeting, and the officers of the Council. There are three committees of the Council with delegated authority: the Executive Committee, the Finance Committee and the Investment Committee.

Membership: Chatham House has approximately 2,616 individual members from 90 countries and 280 corporate members.

3. Southern and Eastern Africa Copyright Network (SEACONET)

Headquarters: SEACONET was formally launched on May 31, 2008 at Lilongwe, Malawi, and the Copyright Society of Malawi (COSOMA) is the initial headquarters.

Objectives: To collaborate with governments and other stakeholders in the Southern and Eastern Africa sub-region in promoting copyright, related rights and cultural industries; to establish databases of creators, performers and works in the sub-region; to develop and maintain an efficient and effective network that promotes and protects the interests of creators in the sub-region; to sensitize governments in the sub-region on the importance of copyright and related rights to national and sub-regional development; and to initiate, contribute and facilitate the documentation of traditional knowledge and works of folklore at sub-regional level.

Structure: The General Assembly is the highest policy and decision-making body of SEACONET and there is an Executive Council composed of five elected officers, including the President and a Secretariat whose Chief Executive is the Secretary of SEACONET.

Membership: It consists of 20 copyright offices and copyright societies in the Southern and Eastern Africa sub-region and associate membership has been extended to other stakeholders such as rights holder associations, universities and national art councils.

[Annex III follows]

ANNEX III

PARTICULARS CONCERNING NATIONAL NON-GOVERNMENTAL
ORGANIZATIONS

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

1. Corporación Latinoamericana de Investigación de la Propiedad Intelectual para el Desarrollo (Corporación Innovarte)

Headquarters: Corporación Innovarte was established in May 2008 in Santiago, Chile.

Objectives: To promote and protect access to knowledge, innovation, creativity and culture as instruments for the social, cultural and economic development of people, especially in Latin America, through research and promotion activities; to provide technical assistance to private institutions and governments on topics such as education and intellectual property, free software and libraries, exceptions and limitations as a means to foster innovation and access to knowledge.

Structure: The governing bodies of Corporación Innovarte are the General Assembly and the Board of Directors that represents and manages Corporación Innovarte. The officers consist of the President, Secretary and the Treasurer.

Membership: Corporación Innovarte has six individual members mainly lawyers and culture related professionals.

2. The International Intellectual Property Society (IIPS)

Headquarters: The International Intellectual Property Society, Inc, was incorporated as a New York not-for-profit corporation on February 28, 1980.

Objectives: To address matters relating to patents and, in the last decade, generally to all intellectual property in an international context, through eight continuing legal education accredited programs a year in the New York area at corporate and law firm venues, hosting key intellectual property thought leaders speaking on important current topics; to provide a forum for discussion on industrial and intellectual property laws by attorneys and other professionals interested in the international laws and treaties relating to patents, trademarks and copyright.

Structure: The Board of Directors manages the affairs of IIPS. The officers consist of the President, the Secretary and the Treasurer.

Membership: The members of IIPS consist of 64 individual members of leading law firms in the United States, as well as in-house counsel from some of the leading technology companies.

3. The Italian Library Association (AIB)

Headquarters: The Italian Library Association was established in Rome in 1930.

Objectives: To support the organization and development in Italy of libraries and of a library service taking into account the needs of users; to act as a professional representative in all cultural, scientific, technical, legal and legislative spheres, on any matter which may concern improved library and documentation services; to participate in decisions relating to library policies.

Structure: The main governing body of AIB is the National Executive Committee, which is supported by the Board of Auditors and the Board of Arbitrators and complemented by Regional Executive Committees.

Membership: AIB has 3600 members and friends whose breakdown is as follows: 75% individual members, 21% friends (libraries, bodies, institutions) and 4% students.

[End of Annex III and of document]