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## **Assemblies of the Member States of WIPO**

**Fifty-Eighth Series of Meetings**  
**Geneva, September 24 to October 2, 2018**

### **UPDATE OF THE LIST OF THE NON-GOVERNMENTAL ORGANIZATIONS ADMITTED AS OBSERVERS AT WIPO**

*Document prepared by the Secretariat*

#### **INTRODUCTION**

1. This document provides an analysis of the increase in the number of non-governmental organizations (NGOs) admitted as observers<sup>1</sup> at the World Intellectual Property Organization (WIPO). It expounds upon the increase of such observers at WIPO over the last two decades (taking the years 1997, 2002 and 2012 to 2017 as reference points) and explains the challenges associated with this development. The document concludes by introducing a process to update the list of NGO observers with a view to mitigating the challenges.

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<sup>1</sup> In this document, the term “observers” is used for those legal entities that are admitted by the Assemblies of the Member States of the World Intellectual Property Organization (WIPO) and of the Unions administered by WIPO (“the Assemblies of WIPO”) as observers. See Annex of document A/58/INF/1. While we have distinguished between “permanent” and “*ad hoc*” observers in practice to connote the difference between those admitted by the Assemblies of WIPO (the former) and those admitted by Standing and other Committees (the latter), the designation “permanent” is not the official designation used in the decisions of the Assemblies of WIPO.

## INCREASE IN THE NUMBER OF NON-GOVERNMENTAL ORGANIZATIONS ADMITTED AS OBSERVERS

2. Over the last two decades, WIPO has experienced a significant increase in the number of NGOs admitted as observers. As reflected in table A of Annex I to this document, the total number of NGO observers grew by 212, or 164 per cent from 1997 to 2017.

3. In parallel, the number of NGOs that attended the Assemblies of the Member States of WIPO and of the Unions administered by WIPO (“the Assemblies of WIPO”) as observers grew over the last 20 years, but has remained rather stable in the last five years; during the years 2012 to 2017, an average of 38 NGO observers participated each year.

## NON-GOVERNMENTAL ORGANIZATIONS ATTENDANCE AT WIPO COMMITTEE SESSIONS

4. The number of NGO observers<sup>2</sup> that attend WIPO Committee sessions varies considerably from Committee to Committee.

5. For example, for the Committees listed below (see table B of Annex I for details), between 2013 and 2017, average numbers of participation were as follows:

- SCT: 11.2 NGO observers
- CDIP: 18.2 NGO observers
- SCCR: 46.75 NGO observers
- SCP: 16.6 NGO observers
- IGC: 16.4 NGO observers
- ACE: 11.25 NGO observers
- CWS: 3.5 NGO observers

6. On average, approximately 20 NGO observers attended each Committee meeting between 2013 and 2018.

## CHALLENGES

7. The steep rise in NGO observers admitted by the Assemblies of WIPO over the last two decades raises the question whether the list accurately reflects the actual number of organizations still in existence and/or still interested in participating in the consultative processes and debates at WIPO.

8. As noted above, between 2012 and 2017, an average of only 38, or 11.7 per cent of the NGOs admitted as observers participated in the Assemblies of WIPO, and around 20, or 6.1 per cent of them attended the WIPO Committees mentioned above.

9. It is therefore possible that a substantial number of NGOs listed in the Annex of document A/58/INF/1 might be defunct or no longer interested in participating in WIPO meetings. In fact, WIPO has received, from time to time, requests from observers to remove them from this list. Currently, WIPO has no procedure in place to verify, absent notification by the NGOs themselves, whether such organizations are defunct. In order to establish a more effective way of maintaining an up-to-date list of observers and avoiding inefficiencies, such as undeliverable mail, the Secretariat will update the list of NGO observers in accordance with the following process.

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<sup>2</sup> As a reminder, these figures do not include *ad hoc* observers.

## UPDATE OF THE LIST OF NON-GOVERNMENTAL ORGANIZATIONS

10. To identify the NGOs admitted as observers at WIPO that are defunct or no longer interested in participating in the Assemblies of WIPO and WIPO Committee sessions, the Secretariat will update the current list of observers by:

- (a) Distributing a survey, requesting all those NGOs that are listed as observers in the Annex of document A/58/INF/1 but that did not participate in the Assemblies of WIPO or WIPO Committees<sup>3</sup> during the last five years to confirm that they remain interested in the work at WIPO and wish to retain their status as observers.
- (b) Revising the list of observers, following the receipt of the survey responses. We would also send up to three reminders to NGOs who have not responded to the initial survey request. The steps would be as follows:
  - (i) Update the contact information of those NGOs admitted as observers that confirmed their interest in retaining observer status; and
  - (ii) Remove those NGOs admitted as observers that did not confirm their wish to be retained as such, either by expressly stating so or not responding to the survey at all (subject to the below restoration principle).
- (c) Reporting to the Assemblies of WIPO about the outcome of the update, i.e. the results of the survey, as well as any revisions made
- (d) Providing for a restoration principle, in which observers that were removed in the process of revision may petition to resume their observer status, without a new application, within a period of one year after their removal from the list.
- (e) The process set forth under (a) to (d) will be repeated every five years, as necessary.

*11. The Assemblies of WIPO, each in so far as it is concerned, are invited to take note of the document entitled "Update of the list of the non-governmental organizations admitted as observers at WIPO" (document A/58/8) and to make any comments they wish concerning the intended approach.*

[Annex follows]

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<sup>3</sup> The term "Committees" includes: ACE, CDIP, CWS, IGC, SCCR, SCP and SCT.

TABLE A: NGOS ADMITTED AS OBSERVERS – GROWTH RATE AND PARTICIPATION IN THE ASSEMBLIES OF WIPO

Year	Number of NGOs		Total number of NGOs	Number of NGOs participating in the Assemblies of WIPO
	International	National <sup>4</sup>		
1997 (AB/XXXI)	129	N/A	129	15
2002 (A/37)	168	N/A	168	16
2012 (A/50)	232	63	295	38
2013 (A/51)	236	69	305	41
2014 (A/54)	242	75	317	33
2015 (A/55)	251	78	329	37
2016 (A/56)	255	81	336	37
2017 (A/57)	258	83	341	40
<b>Growth rate 1997- 2017</b>			<b>+ 212 NGOs (164%)</b>	<b>+ 25 NGOs (167%)</b>

TABLE B: NGOS ADMITTED AS OBSERVERS PARTICIPATING IN WIPO COMMITTEE SESSIONS

Year	2013		
Session in that year	1	2	3
SCT	10	10	N/A
CDIP	22	19	N/A
SCCR	29	20	51
SCP	17	N/A	N/A
IGC	19	15	15
ACE	N/A	N/A	N/A
CWS	2	N/A	N/A

Ø participation\* in 2013: 19.1

Year	2014			2015		
Session in that year	1	2	3	1	2	3
SCT	11	6	N/A	8	11	N/A
CDIP	19	22	N/A	24	19	N/A
SCCR	47	50	45	52	54	N/A
SCP	14	15	N/A	17	19	N/A
IGC	18	16	15	N/A	N/A	N/A
ACE	14	N/A	N/A	12	N/A	N/A
CWS	4	N/A	N/A	N/A	N/A	N/A

Ø participation\* in 2014: 21.1

Ø participation\* in 2015: 24

<sup>4</sup> The category of national NGOs was established by the Assemblies of WIPO during their 37th series of meetings, at which it was agreed to extend invitations to national NGOs subject to certain principles, see documents A/37/8, paragraphs 14 to 16; A/37/14, paragraph 316.

\* The average number of NGO observers that attend the Committees in the given year.

Year Session in that year	2016				2017	
	1	2	3	4	1	2
<b>SCT</b>	13	15	N/A	N/A	12	16
<b>CDIP</b>	20	16	N/A	N/A	11	10
<b>SCCR</b>	45	52	N/A	N/A	60	56
<b>SCP</b>	16	20	N/A	N/A	19	12
<b>IGC</b>	12	16	14	15	14	28
<b>ACE</b>	8	N/A	N/A	N/A	11	N/A
<b>CWS</b>	4	N/A	N/A	N/A	4	N/A

Ø participation\* in 2016: 19

Ø participation\* in 2017: 21.1

[End of Annex and of document]