



Intellectual Property and the Creative Economy

Secretariat's Presentation
CDIP/25

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Creative economy and development

- The focus of this discussion is on how to make creative economy an instrument for development
- Many countries identify creative industries as a strategic sector for economic, social and cultural development
- The *Global Digital Content Market* conference (GDCM) provided interesting examples of how countries have managed to successfully promote their creative sectors
- They all highlighted the important role that IPR play as an organizing principle in the creative industries

Creative economy on the policy agenda

- The “Orange Economy” presented by the President of Columbia Ivan Duque at the GDCM conference in September is an example of policy commitment at the highest level in support of the creative industries
- Indonesia’s active engagement in the creative industries on a governmental level and its lead sponsorship of the United Nations General Assembly resolution declaring 2021 the Year of Creative Economy for Sustainable Development is another testimony to policy efforts in this area
- Other countries are adopting a strategic policy approach to an IP-driven national creative industry

The Creative economy ecosystem

- Creators are at the heart of the creative economy, they produce and supply diverse creative content
- Public authorities and institutions have responsibilities for setting the enabling infrastructure to establish and implement common rules for the functioning of the creative economy
- Market players take risks and have legitimate expectations for returns on their investment
- Increasingly society at large and consumers, in particular, play an important role in the creative economy

Copyright and the creative industries

- Copyright and related rights provide
 - incentives for creators by enabling returns on creativity and investment thus allowing creators to make a living from their work
 - a mechanism for licensing creative assets
 - a market-based framework for sustainable creative industries
- WIPO copyright treaties form the bedrock of minimum international standards of protection while allowing flexible and balanced domestic implementations
- Ultimately, copyright law provides the framework for the protection, monetization, and trade of creative products and services

WIPO's role

■ Objectives

- Support the building of sustainable domestic creative sectors
- Prepare for competition in global markets
- Contribute to cultural, social and economic development

■ Scope

- Treaty promotion and legislative advice
- Technical assistance and capacity building
- Tools for copyright management in creative sectors
- IT solutions for effective and efficient collective management
- Awareness raising and transfer of knowledge

■ WIPO Products

WIPO's Public Private Partnerships

■ WIPO For Creators

- Raise awareness about creators' intellectual property rights
- Partnership with Music Rights Awareness Foundation and members and sponsors from the public and private sectors

■ Publishers Circle

- Raising professional capacities for publishers in developing countries through innovative partnerships
- Successful partnerships in Africa and Asia

■ Accessible Books Consortium

- Contribute to implementing the Marrakesh Treaty enabling print disabled persons' access to accessible publications
- Capacity building, born-accessible publishing and the Global Book Service

Economic research on the creative industries

■ Guiding questions

- What are the economic effects of new (digital) technology on the demand and supply of works? And, what are the economic implications for the current legal framework?
- Do investment and access to digital infrastructure help embrace new technologies and business development?
- How do transaction costs and territoriality of rights affect cross-border trade and integration in global content markets?
- Is access to knowledge relevant for the development-enhancing circulation of knowledge in the overall economy?

■ Recent launch of WIPO's new [Creative Economy Notes](#) online series at the Frankfurt Book Fair 2020

Research projects - examples

- Latest note in the series: Audiovisuals availability in Latin America
 - For example, as competition changes, is access to online content becoming more fragmented?

- Economic studies informing the ‘design of IP laws’
 - For example, what are the economic effects of overlapping rights (different types)
 - And, what are the effects from granting bundles of rights (copyright and related rights)?

- Economic studies on follow-on ‘innovation in uses’
 - For example, when it comes to digital music sampling, how well does copyright balance the interest of different generations of creators?

SMEs and the Creative Economy

- SMEs require a horizontal approach
- Most businesses engaged in the Creative Economy are SMEs
- The Creative Industries' fragmented structure – a few large firms and a large numbers of micro, small and middle-sized firms (MSMEs)
- Size has impact on the choice of business models

The Creative SME and Intellectual Property

- A dual capacity – as potential owners and as potential users of IP
- The Creative SME may touch upon a wingspan of different IP Rights
- Different creative industries trigger different IP rights and different IP strategies
- Specific employment modes in the Creative Economy (e.g. self-employment, freelance and project engagement) reflect on IP dimensions of the Creative SME
- The increasing role of IP for SMEs in the Digitized Creative Economy

SESD's (Program 30) Support and Services for the Creative Economy

Customizing and Adapting to the Creative Industries the following Services & Tools:

- IP for Business Series
- The IP Diagnostic Tool
- The Industry-Based Approach for SMEs Support
- IP Management – A Product-Based Analysis (identifying the role of IP across the value chain of particular creative products)
- Transforming Creativity to Commercially Viable Products – Supporting infrastructures that enable creative SMEs to collaborate with universities, innovation centers and science parks
- Supporting creative SMEs across industries after COVID-19 impact

WIPO Academy- Capacity Building for Creative Industries

- Established in 1998 to promote global access to IP knowledge and build IP human capacity
- Core entity in WIPO for IP training and education
 - Strategic Goal 3- Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition
- A cross-sectoral training arm of WIPO reinforcing the strategy to close the gap of skills in all domains of IP
(e.g. working with all WIPO Programs, Funds-in-Trust on developing and delivering in-depth training, and creating several Distance Learning (DL) courses as prerequisite for further training in collaboration with other WIPO programs)
- Fosters development oriented approach to IP training and networking among IP training institutions

WIPO Academy- Capacity Building for Creative Industries

- Three main programs drive its agenda
 - Professional development program
 - Academic institutions program
 - Distance learning program
- IP learning opportunities range from basic to advanced
- Nationally recognized degrees and certification
- Regularly updated and customized courses
- Promote gender balance and access to the print disabled and visually impaired community
- Encourage inclusion of IP teaching at formative stages of education of the youth
- Measure impact on skills and knowledge acquisition



Professional Development Program

Objective: to develop the skills of government officials, in particular those working in IP offices and policy makers

- In 2019, 440 officials and policy makers benefited from the PDP
- Partnership with over 25 IP Offices and IP Institutions
- Increasingly, partnerships are fostered with institutions from the South

Examples of training courses relevant to creative industries

- WIPO-WTO Advanced Course on Intellectual Property for Government Officials, Geneva, Switzerland
- WIPO-WTO Colloquium for Teachers and Researchers of Intellectual Property, Geneva, Switzerland
- WIPO Training Course on Copyright and Related Rights for Latin American Countries, Santo Domingo, Dominican Republic
- WIPO-OTDAV Training Course on Copyright, Related Rights and Collective Management, Tunis, Tunisia
- WIPO-British Copyright Council (BCC) Advanced Course on Copyright and Related Rights for senior copyright officials from relevant ministries or copyright offices

Professional Development Program

Relevant themes covered on creative industries

- Rights and interests of publishers - legal basis, cases and licensing practice
- The rights and interests of film and television producers
- Rights in software and computer programs
- Motion picture: A multi-faceted approach to content protection
- Rights and interests of music publishers
- Interests of songwriters and composers
- Audio visual performers' rights
- Economic value of copyright

Professional Development Program

Relevant themes covered on creative industries

- Authors' and artists' rights
- Management of remuneration for private copy: reality, opportunities for creators and right holders
- Copyright licensing
- Criteria for fixation of royalties by a collective management organization
- Internal and external control mechanisms of a collective management organization
- Alliance among collective management organizations
- Combating piracy and counterfeiting
- Future of the collective management of copyright and related rights

Academic Institutions Program

Objective: to respond to the demand for high quality postgraduate IP education. The Joint Master's Programs are increasingly focused on the need for greater specialization in different areas of IP, including new technologies and copyright

- In 2019, 217 participants benefited from the Master's Program
- Scholarships are an essential part of this program
- Masters Programs with 8 Universities

National IP Training Institutions Project

Objective: to help build human capacity in intellectual property and empower Member States to design and deliver IP training to meet their specific national development goals

Intellectual Property Trainings Institutions (IPTIs) Project in numbers



Academic Institutions Program

Relevant themes covered on creative industries

- New developments and issues under debate in the Standing Committee on Copyright and Related Rights – University of Turin
- The cultural/entertainment industries and IP – Africa University
- Special issues in copyright (linking and framing, open initiatives, public domain, creative industries etc.) – Ankara University only from 2018-19
- Collective management organizations (CMOs) – Tongji University
- Copyright, creativity and music: University of San Andres
- Copyright and related rights – Jagiellonian University, and University of Yaounde II

Academic Institutions Program

Relevant themes covered on creative industries

- Copyright included in training modules for the completed NIPTI projects in Colombia, Peru, Egypt, Dominican Republic, Georgia, Azerbaijan, Costa Rica, El Salvador and Tunisia

As part of ongoing NIPTI's training of trainers (ToT):

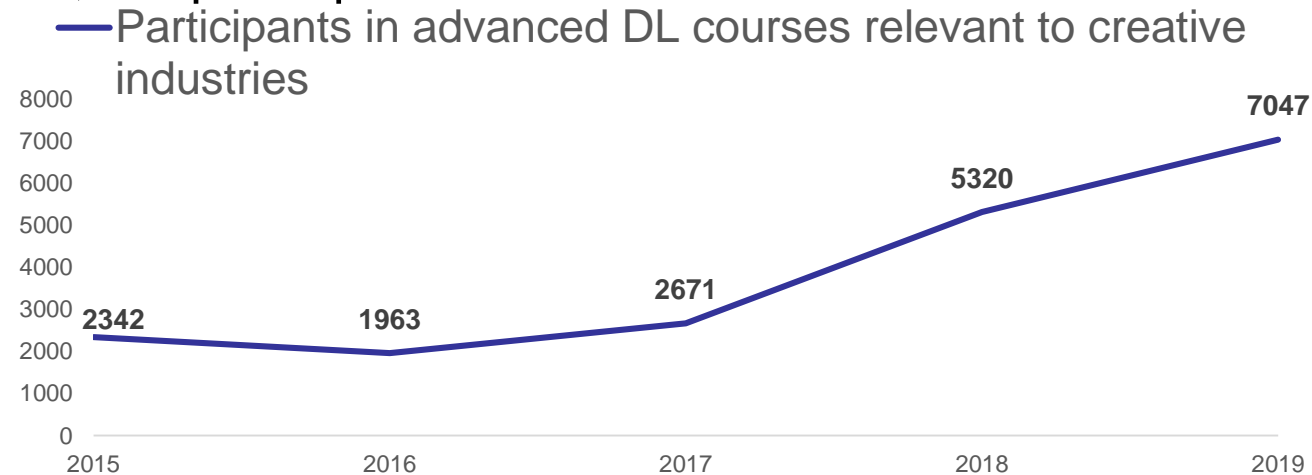
- Trinidad and Tobago – creative industries (2021)
- Iran – on copyright and related rights (TBD)
- Dominican Republic – on copyright and related rights (2021)
- Dominican Republic – on copyright and related rights in the field of new technologies and challenges for CMOs (2022)

Distance Learning Program

Objective: to create dynamic access to IP education and IP skills development with global reach. Through its state-of-the-art e-learning platform, the Academy is able to reach large numbers of people in a wide variety of locations in as many as 10 languages

- In 2019 approx. 120, 000 participants benefited from the courses offered under the DL Program

19,343 participants in courses relevant to creative industries (2015 -2019)



Distance Learning Program

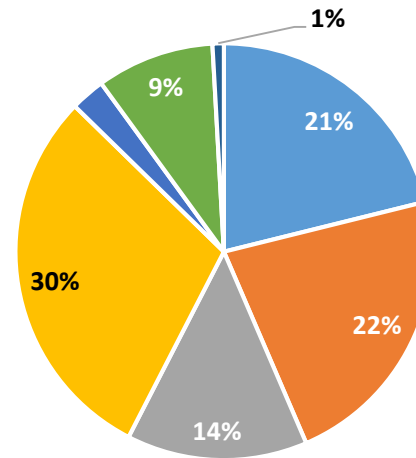
Relevant courses to creative industries

Advanced DL Coursed on:

- Copyright and Related Rights (DL-201)
- IP, Traditional Knowledge and Traditional Cultural Expressions (DL-203)
- IP Management (DL-450) & IP Panorama – International Certificate on IP Asset Management
- Collective Management of Copyright and Related Rights for Legal Practitioners (DL-501)
- Collective Management of Copyright and Related Rights for Rights Holders (DL-502)
- Collective Management of Copyright and Related Rights for CMO's (DL-503)
- Collective Management of Copyright and Related Rights for Policy Makers (DL-506)
- Software Licensing Including Open Source (DL-511)

Distance Learning Program

Professional area distribution of participants in advanced courses relevant to creative industries



- Academia, 4087
- National IP Offices Only, 4334
- Other Government Offices, 2714
- Private, 5754
- National IP Training Institutions, 517
- TISCs, 1768
- WIPO Staff, 170

Questions for discussion

- How does the IPR system help countries monetize creativity?
- To what extent will IP influence the business models in CI?
- What is the infrastructure that supports CI?
- What are the optimal institutional arrangements to improve the performance of the CI?
- What are the market structures and regulations that help creative industries flourish?
- What data and research will capture the multiple effects produced by copyright in CI, and which overall themes should have strategic priority?