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INTER-SESSIONAL INTERGOVERNMENTAL MEETING ON A DEVELOPMENT AGENDA FOR WIPO

Second Session
Geneva, June 20 to 22, 2005

PROPOSAL BY THE KINGDOM OF BAHRAIN ON THE IMPORTANCE OF
INTELLECTUAL PROPERTY IN SOCIAL AND ECONOMIC DEVELOPMENT AND
NATIONAL DEVELOPMENT PROGRAMS

Document prepared by the Secretariat

1. In a communication dated June 5, 2005, the International Bureau received a proposal from the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs for consideration by Member States at the Second Session of the Inter-Sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO, to be held in Geneva from June 20 to 22, 2005. The Kingdom of Bahrain has requested that the proposal be translated and distributed to Member States and all other participants prior to the said meeting.

2. The said proposal is annexed to this document.

3. *The IIM is invited to note the contents of the attached proposal of the Kingdom of Bahrain.*

[Annex follows]

ANNEX

Proposal by the Kingdom of Bahrain on the Importance of Intellectual Property in Social and Economic Development and National Development Programs for the Inter-Sessional Intergovernmental Meeting on a Development Agenda for WIPO

I. Introduction

Importance of Intellectual Property

The importance of intellectual property is reflected in everything around us and challenges old established ideas and concepts. In this millennium, the international role of intellectual property will grow as a result of competing creations and innovations, new ideas in the modern world and the efforts of developing countries to catch up with developed countries.

The importance of intellectual property lies in the fact that it regulates relations among nations, especially now that the economic, political and social future of developing and developed countries have become closely interlinked.

An objective study of the significance of intellectual property and progress made by nations through innovation and creation would reveal outstanding technology, abundance of information, flourishing civilizations founded on modern methods, enriching humanity with global achievements, enjoying freedom of speech, and nations and governments learning from lessons of the past, abiding by wise policies and paying due attention to science and knowledge.

This is achieved when nations and governments work together, contributing with financial and intellectual resources to reveal the unknown and overcome obstacles; their true wealth is constituted of valuable traditional knowledge and results of scientific and research activities.

Intellectual Property and Copyright Protection

Intellectual property rights, such as copyright, are embodiments of intellectual activity. They record progress made in various political, social, economic, administrative or other aspects of life. The history of intellectual property illustrates the development of production means used by mankind, as well as the development of fine arts, beliefs, traditional knowledge or folklore, legends, sciences, literature and standards of living.

Author's rights are part of that heritage, open to history, and part of global civilizations, that influenced nations and contributed to the progress of humanity. In addition, works of authorship were at the origin of modern intellectual property rights which facilitated the transmission of ideas everywhere.

Copyright is the heritage left by the author or creator to humanity. It is common to all, like the air we breathe. All nations can make use of it, interact with it and integrate it within their culture. Integrating copyright into social development is beneficial to nations. Indeed, if

IIM/2/2

not open to others, societies may not flourish nor last and cannot contribute to humanity.

Intellectual Property and Social and Economic Development

Societies interact and achieve social and economic growth, through research, studies and intellectual work, creating thereby new civilizations with ideas, culture, language, literature, politics and life style. Nations bear influence on each other, when discovering new beliefs, traditions and arts. Ancient nations whose religions, languages and arts have become part of history, have nevertheless influenced social and economic growth, as authors examine, analyze and transmit to the public the contents of other civilizations. A look through works of authors may reveal opinions that were born a long time ago, and are messages to the world as a whole, inviting people to know and love each other: “O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other” [Koran, 49: 13].

Economic growth requires opening doors for development and commercialization of cultural industries based on traditional knowledge and cooperation among research institutes of developing and developed countries. Creativity breaks the shackles of classical science and shows that experience and observation are the sound basis for modern scientific research, allowing for traditional knowledge and heritage to make significant contributions to the development of learning, progress, employment and transmission of works through modern communication and information technologies.

The Role of the World Intellectual Property Organization (WIPO) in Developing Countries

WIPO plays a critical role in supporting developing countries in the implementation of development strategies that ensure a balance between economic and social goals. It endeavors to implement economic development programs and promotes creativity and innovation, through national action plans aiming at raising awareness of local researchers, scientists, authors, artists, technicians, musicians, publishers, etc.

Interaction among developing and developed countries is a necessity, although often associated with imitation and counterfeiting. Such interaction is intensive when an emerging civilization is in the process of reception and adaptation, moving therefrom on to a phase of integration and representation. Effective support would help then trigger creativity and innovation, endowing the emerging civilization with its own specific characteristics.

Even if the role of WIPO was limited to acting as an intermediary that transmitted to developing countries the best practices and achievements of developed countries, that role would have been sufficient to shield the organization from the allegations of those countries that have tried to belittle its leading role.

WIPO has actively contributed to the modernization of technological systems in developing countries who strive to attain development goals and maintain a balance between social and economic objectives. WIPO works with developing countries in trying to promote investment in research and development, encourages diversification of sources of income through strengthening invention and innovation activities and tries to facilitate the licensing of rights for the users of the intellectual property system.

WIPO also cooperates with developing countries to reduce the infringements on intellectual property rights in order to strengthen national economic activity and allow national creators to protect their rights and achieve economic gains.

The Role of WIPO in Developing National Programs for Bahrain

WIPO works with developing countries, including Bahrain, in setting up national programs for social and economic development. On going cooperation and coordination with the Arab Bureau in WIPO has produced tangible results, such as: modernizing national legislation on intellectual property; facilitating accession to WIPO-administered treaties, including the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT); supporting national awareness campaigns through national and regional seminars and meetings, raising awareness of the significance of intellectual property in an era of advanced technology and accelerated production, and their impact on economic growth and development; providing support for curricula development in national educational institutes and universities; and participating in the preparation of capacity-building programs for the judiciary and legislative authorities, to keep abreast of worldwide developments in the intellectual property field.

The need of developing countries, including Bahrain, for strengthening and modernizing the intellectual property infrastructure, designing comprehensive strategies and responding to traditional knowledge-related concerns, were among the challenges which were effectively dealt with by the Arab Bureau in WIPO.

Human Resource Development, Management and Society

Development is all that relates to the sound management of administrations and societies. Rulers have always needed the experience and social insight of intellectuals for the administration of a country. The development of human resources has become an urgent need for the modernization of intellectual property infrastructures on the national level.

A major challenge faced by developing countries and of major concern for the international community is effective human resource development. Bahrain endeavors to build and foster national capacities in the intellectual property field through an intensive annual agenda of meetings and participation in national or regional conferences to increase awareness.

WIPO, as a UN agency, has always taken into account and integrated the development dimension, as an essential component of its activities, particularly tailor-made assistance programs implemented by the Arab Bureau, including programs aimed at facilitating technology transfer and scientific progress, and providing legal advice to developing countries. It is worth noting that developing countries, including Bahrain, have shown no reluctance, as some “friends of development” believe, in establishing close cooperation with WIPO in the cultural and trade fields. Activities were implemented leading to increased employment and sustainable development in societies which are rapidly evolving.

Bahrain believes that the development process should be carried out on different levels, in order to improve performance, increase productivity and proceed with a specific agenda whereby each official would be responsible for a self-complementary working team.

Officials responsible for intellectual property protection believe in WIPO's objective to promote cultural and commercial exchange between different civilizations, as an incentive to greater intellectual, scientific and cultural exchange among Member States with a view to improving the performance of national capacities.

Technological innovations and sciences are important factors that contribute to developmental progress and bridge the gap between developed and developing nations. In this context, the impact of intellectual property has been the subject of discussions over the past years.

It is essential today that intellectual property becomes the driving force of the new global economy, through information technology, electronic commerce and communication technologies, which are the most dynamic and rapidly growing industries in the world. In the coming century, WIPO can play a major leading and unprecedented role in fostering economic and commercial integration of different regional groups - Asia, Europe, America.

Use of Traditional Knowledge and Folk Heritage in National Economic Growth

Traditional knowledge and folk heritage are related to various aspects of our life and constitute a basis for human activities in the economic, social, cultural and political fields. Traditional knowledge allows past and present to converge and brings an insight on problems of the present, facilitating decision-making and position-taking.

Folk heritage can be defined from various angles: philosophically, from a knowledge point of view, semantically, from a procedural, mathematical or even administrative angle. The importance of traditional knowledge is best demonstrated by describing folk heritage as "folklore". Such culture is perceived by WIPO as a strategic resource for today's society, where, not only capital, but also knowledge, has become a key to productivity, competitiveness and economic success.

Bahrain considers that recognition by societies of the importance of traditional knowledge in various aspects of life and activities of the individual or the State, calls for the protection of such heritage by extending protection to the input of researchers and authors, and providing legal tools to prevent infringements of such rights in the economic environment.

The right to folk heritage can be derived from the set of rights founded on social solidarity among individuals rather than the relationship between the individual and the State.

The right to record such traditional knowledge, and other related rights, such as the right to privacy or the right to intellectual property, represent one of the most important new rights.

The recording of folk heritage is increasing at a pace that is difficult to keep up with. Recent studies show that the intelligence gathered in the last decade is equivalent to all data collected on traditional knowledge produced by humanity over centuries; the average cycle of production is even expected to be shorter, to the extent that it is impossible to determine whether all traditional knowledge will soon be reproduced.

Similarly, the sources of such knowledge are increasingly growing, calling for effective and appropriate tools for collecting, maintaining, storing and retrieving folk heritage information, which, in view of the volume disseminated in an increasing number of periodicals, requires the application of a verification process.

Linking Research Institutes to WIPO Mechanisms to Foster IP-Related Capacity and Culture

Connecting research institutes to WIPO mechanisms requires advanced technology, in particular, raw data, or, more precisely, research data which has also a social, political and economic value and constitutes a source of knowledge and financial assets.

Most countries that have established modern intellectual property systems need to translate research material into a tool for commercial dealings, and intellectual assets into monetary assets. The time has come, undoubtedly, to provide financial resources, in developing countries, for research activities, as a tool for investment, marketing and funding, as called for by WIPO's strategy on the dissemination of intellectual property culture at all levels: political, commercial, cultural, scientific, geographic, touristic, legal and environmental, for millions of service providers, traders, non-profit organizations, governmental authorities or individuals. It is only natural that all should seek a niche in such research structures, from individuals to the most eminent space institutions, and from governments and parliaments to international organizations.

Such a linkage between research institutions and WIPO mechanisms will cause a revolution in information technology as a result of which there will be an enormous change in the manner of doing business in the world of finance and trade, by allowing for limitless access to information, in any place and at any time, and will be used in market competition.

Building on the above considerations, the following proposals are made:

I. Development Dimension in WIPO

WIPO has played a major and significant role in development, namely economic, social and cultural development. Although it is clear that the development dimension is an integral part of the work and vision of WIPO, development cannot be the sole responsibility of WIPO due to the existence of other multilateral, specialized organizations that work in that field. Therefore, each organization, within its mandate and competence, should support the development objectives of Member States. This would avoid duplication of activities and waste of financial resources. Development depends on many factors and elements, one of which is intellectual property.

1. It is proposed that WIPO should, through its new economic vision, emphasize the economic dimension of intellectual property by expanding advice and technical assistance provided to relevant competent sectors, particularly in the sector of small and medium-sized enterprises (SMEs) and sectors dealing with scientific research and cultural industries, in coordination with Member States, as has always been the case.
2. As a first step, Member States should be encouraged to and assisted in setting up national strategies on intellectual property, which identify areas of strength and weakness in dealing with intellectual property systems. Remedies should be found for weak areas and areas of strength should be further enhanced with a view to attaining a successful and efficient functioning of the intellectual property system.
3. It is also proposed that WIPO should prepare studies on intellectual property, in cooperation with Member States, to demonstrate the economic, social and cultural impact of the use of intellectual property systems in Member States, with particular emphasis on the contribution of cultural industries to national economies.
4. WIPO should extend assistance in communicating successful experiences of Member States using intellectual property systems as a tool for development, by showing the historical and practical phases through which those States have gone through before reaching the desired result.
5. In order to maximize the benefits of intellectual property systems, priority should be given to ensuring a high level of awareness and promoting an intellectual property culture. To that end, financial resources for technical assistance should be increased, in view of the importance of such assistance in enhancing awareness on various levels in Member States and, as a result, allowing a better application of the intellectual property system, that would contribute to development. Emphasis should be placed on introducing intellectual property at different academic stages, to enable future generations to reap the development-related benefits of the intellectual property system.
6. It is proposed that the Secretariat prepares and submits statistical data on assistance provided to developing countries and LDCs in all fields of technical cooperation in the past years, to demonstrate the volume, nature and priorities of those programs and allow Member States to analyze and assess such information and submit practical and realistic proposals for any modification that may be needed.

II. Development Role of Developed Countries in WIPO

In view of their extensive experience in the field of intellectual property, developed countries must provide assistance to developing countries and LDCs in this field. However, such assistance should not be limited to specific areas and should be inclusive of all areas of intellectual property with a particular emphasis on the development dimension.

1. One of the most urgent needs of developing countries and LDCs is to assist their creators in commercializing their creations or in finding markets where their innovations could be further developed. Therefore, we request WIPO, in coordination with its Member States, to devise a mechanism to deal with this obstacle. In this regard,

the proposal presented by the United States of America concerning a Partnership Program in WIPO, could represent a step in the right direction.

2. It is proposed that developed countries that provide training programs in the field of intellectual property should publish detailed information regarding such programs on WIPO's website, indicating the authorities to be contacted by States wishing to benefit from and participate in such programs.

3. It is also proposed that WIPO establishes a voluntary contribution fund to be funded by developed countries, and used to support the private sector in developing countries and LDCs which would enable businesses, through programs established by WIPO, to promote the legal, commercial and economic exploitation of intellectual property rights. Such programs should concentrate on awareness and capacity building in negotiating licensing agreements in the different fields of intellectual property with a view to enhancing the capacity of developing countries and LDCs in concluding fair and appropriate contracts for the transfer of technology. Annual reports and an effective review system of such activities would be established by WIPO to assess progress made in attaining the desired objectives.

4. It is further proposed that, developed countries should encourage research and scientific institutions to enhance cooperation, exchange and coordination with research and development institutes in developing countries and LDCs, to enable those countries to benefit from the results of research and development activities, particularly those financed by governments of developed countries.

III. Member States of WIPO

Convinced that the promotion of development in the field of intellectual property requires fruitful cooperation and consultation among Member States to reach solutions that best serve the general interest of all States, we therefore propose the following:

1. When considering the development agenda, States should submit practical, clear proposals that can be implemented and take into account any financial implications.
2. Avoid correlating the role of WIPO, which is carried out by the International Bureau, with the international obligations of Member States arising from their membership in other organizations.
3. Matters relating to the functioning and management of WIPO should not be a subject of discussions on the development agenda, as there are other committees in WIPO that could discuss such matters when required.
4. Avoid confusion between the role of the International Bureau of WIPO in facilitating negotiations on international treaties it administers and the sovereign decision of Member States on whether to adhere or not to a specific treaty or their decision to work on the elaboration of international norms in the field of intellectual property.

[End of Annex and of document]