

## VISION AND STRATEGIC DIRECTION OF WIPO

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### INTRODUCTION

1. Intellectual property is of paramount importance to the welfare of humanity because of its role in encouraging creation and in fostering development. Convinced of *the value of creative activity to society*, legislators develop intellectual property protection frameworks to establish the conditions for creators to exercise their rights while giving effect to the right of members of society to enjoy the arts and to share in the benefits of scientific advancement. In enlarging the spaces for people to deploy their creative impulses, intellectual property has long contributed to the furthering of knowledge and culture.

2. With the mission of encouraging creative activity and the mandate to promote the protection of intellectual property throughout the world, the World Intellectual Property Organization (WIPO), entrusted by its Member States, can play a leading role in supporting their efforts to foster the conditions necessary to encourage creative and innovative activity.

3. The 21<sup>st</sup> century will be that of the knowledge-based economies, in which intellectual property will be the main driving force. WIPO should be able to provide strong leadership in developing the intellectual property system with a view to underpin the global conditions where creative potential can be released and channeled into tangible, sustainable development.

4. On the threshold of the new millennium, the vision permeating WIPO's mission and mandate is the *relevance of intellectual property and of WIPO to the welfare of humanity*. The thrust of WIPO's vision is a *Global Intellectual Property Development Strategy*, which combines political imagination, goodwill and collaboration among Member States, the market sector and the Secretariat to allow the Organization to unleash its great potential and resources for realizing this vision.

### I. CHALLENGES

#### (a) Globalization

5. While a decade ago the term "international" was most commonly used to describe the relations between nations, the current trend is to use "globalization." This change in terminology denotes a fundamental *shift in the manner in which the world interacts*. The world is witnessing a transformation of a model based on the interaction between fragmented territorial components, "nations," to one of seamless interaction across the globe.

6. One element that is both a cause and effect of globalization is the creation of a legal framework that is geared to facilitate it. It is evident that global commerce is greatly hampered by a patchwork of inconsistent regulations across the different national territories in which it is conducted. Increased *harmonization* of the various legal disciplines that come into play on the global marketplace is therefore an indispensable ingredient of any policy agenda geared towards globalization. This need is felt throughout the legal system, including in particular the area of intellectual property law, because of the ever-growing importance of this

discipline for those industries driving the modern economy, such as the information technology, entertainment and biotechnology industries.

7. Intellectual property rights and the mechanisms to enforce them are fundamentally territorial in nature. The scope of the rights created in each country is determined by that country, and the effect of these rights, as well as their protection, are, in principle, defined by and confined to the territory of the nation State. As the organization competent and responsible for the formulation of intellectual property policy at the international level, the first challenge for WIPO will be to adjust the existing intellectual property system in order to make it function harmoniously in a global world.

(b) New technologies

8. Technology has always played an important role in all aspects of social activity. Intellectual property rights interact in a variety of ways with technology and they generally respond to the economic and social environment. The transformation that rapid technological change has produced in almost every aspect of the international arena, has had an unprecedented impact on the intellectual property protection system, and has opened new possibilities of protection other than purely legal ones.

9. The possibilities now offered by technology in the field of communication, including the incorporation of a *new technological language* (binary language-digital technology), prompt the need for a global legal framework that provides greater certainty, security and clarity in the functioning and management of the protection of intellectual property rights.

10. Many creations protected by copyright, which traditionally have been exchanged physically, will increasingly be delivered in digital form by means of global networks. The manner in which intellectual property rights are administered by the competent public and market sector entities will be re-engineered to profit maximally from the efficiency gains offered by information technology.

11. Likewise, new possibilities emerged in the field of biotechnology, in particular *genetic engineering*, which have raised not only ethical questions but also increasing concerns regarding the need to protect traditional knowledge, as well as the genetic resources that can now be reproduced, manipulated and exploited out of their natural environment.

12. WIPO is at the center of the debate concerning the *interplay between intellectual property and the new technologies*. This is the area where most developments affecting intellectual property will occur, and it is crucial for WIPO to play a leading role in it.

## II. RESPONSES

(a) An intellectual property culture

13. Intellectual property has acquired such a relevance and it now involves such a multitude of actors and factors that its effective development requires an intellectual property culture that ensures *convergent efforts* as regards its strategic role in the economic, social and cultural development.

14. This new culture must embrace both *responsiveness* to the signs of change and *consciousness* of the impact that intellectual property has on day-to-day living. WIPO staff and the intellectual property community at large must remain aware of the *responsibility involved in every action taken*.

15. Demystification, empowerment, collective leadership and synergies are the pillars of this culture of *collective responsibility*.

#### *Demystification*

16. Only when ordinary people are aware of the impact of intellectual property on their daily lives and perceive how protection encourages further innovation, can they contribute constructively to the impetus of the creative activity driving humanity into the future and give intellectual property *the respect it deserves*.

17. Demystification of intellectual property rights may be achieved by initiating a broader education and communication campaign and by bringing both the intellectual property system and the Organization closer to the people, reaching out to the grassroots level. In the knowledge-based global economy, it is vital to demystify also the process through which knowledge and information can be molded by creative endeavor into the tangible and intangible works that enrich our economic, social and cultural life.

18. Protection of intellectual property rights is a powerful tool for development. It offers both strong material incentives to create knowledge and effective means for its application and dissemination. However, intellectual property is a sophisticated institution with legal, technical, economic, social, cultural and administrative dimensions. A collective effort towards its demystification would render the system more generally *accessible* and would therefore enable people beyond the intellectual property community to fully understand the fundamentals of intellectual property, its potential and constraints, its impact, the importance of its protection, the functioning of the system and how it can be used.

19. It is equally necessary to ensure that intellectual property is viewed not only as a means to achieve economic development but social benefits as well. A nation's competitiveness is increasingly determined by how well it channels and unleashes the creative talents and energies of its people. A greater awareness of the relevance of intellectual property to economy and welfare of all countries would contribute to depoliticize the intellectual property debate, thus to an increased cooperation worldwide, and, ultimately, be a tool for international solidarity and peace building. To achieve these goals, developing countries need, as a pre-requisite, the institutional framework and financial tools which will enable them to assimilate the intellectual property right system.

#### *Empowerment*

20. A culture of empowerment leads to the creation of *relevant institutions that leave lasting legacies*.

21. Coupled with interdependence and integration, the phenomenon of privatization and *competition* characterizes more and more economic dynamics at the national and international levels. WIPO will be expected to offer to its Member States and the market sector the services that can help them take advantage of globalization and face increased competition.

This is of particular relevance to developing countries, small and medium-size enterprises and academic, research and scientific institutions. A major intergovernmental effort to develop the global institutional framework will be necessary to maximize the benefits of the role that intellectual property plays in the new economic dynamics.

22. WIPO is committed to the process of empowerment, which is rooted in the belief that all interested parties can and should participate in shaping the way intellectual property services and products are delivered. WIPO must, therefore, foster an environment in which collective thinking and new ideas are converted into more *responsive strategies*.

23. Moreover, governments seek to balance the incentives offered by intellectual property rights for the creation of knowledge and the social benefits that flow from its dissemination. The concept of shared resources is essential in meeting new objectives efficiently, effectively and on a timely basis. Indeed, it is clear that the sharing of resources can only increase and improve the quality and quantity of resources available to all. However, for their use to be optimized, there is a need to *depoliticize* the intellectual property debate, which will be at once the cause and effect of empowerment.

#### *Collective leadership*

24. A major element of globalization is the economic integration and the *interdependence* of States *vis-à-vis* their economic policies, and the consequent need for collective intergovernmental action to effectively respond to global challenges.

25. The growing importance of intellectual property implies the surge of new players from the public and market sectors. At the same time, intellectual property matters have been gradually incorporated in the agendas of an increasing number of public and private international organizations with competence and experience in fields other than intellectual property. As a result intellectual property issues are now being overlapped and are evolving in different approaches and directions. *WIPO and the intellectual property community* are called to provide strong collective leadership in this context, in order to ensure that the intellectual property system develops *harmoniously*.

26. A *greater unity of purpose and coherence of effort* within the intellectual property community is the basis for collective leadership. By joining forces, members of the intellectual property community will be able to obtain shared objectives in designing global intellectual property strategies. *Consensus building* has proven to be an important tool at all levels of the work of the Organization. Significant consensus in the cooperation of WIPO's constituencies and the Secretariat is an essential factor for an increased *global influence* of the intellectual property community.

#### *Synergies*

27. Individual efforts, even when adequately channeled toward a determined goal, will not be sufficient when this goal calls for the concurrent endeavors of the other actors committed to it.

28. In an increasingly *interdependent* world, WIPO is committed to unleashing the great potential and resources of its complementarities and synergies and to *sharing strengths* as a focused whole with its Member States.

29. The challenges of sustainable development are global challenges that all countries have a strong interest in meeting. The contribution that intellectual property rights can make to sustainable development is considerable; however, many other factors, such as the access to the global marketplace for goods, services and capital, are of critical importance to the ability to benefit from intellectual property. Synergies will be the means for every society's ability to *realize the potential* of intellectual property rights and to meet many of the challenges of sustainable development. This leads WIPO to reach out to its partners in the United Nations and other international and regional organizations.

(b) A global strategy

30. Responses to the challenges need to be developed through an intense intellectual, professional effort and strategic planning that reflect the historic moment we are living.

(i) The transformation premise

31. In order to fully and successfully meet the challenges ahead, WIPO needs to continue the transformation initiated over the last biennium to improve its operational, administrative and financial efficiency and to develop a corporate culture that is *result-oriented*.

32. This implies that WIPO needs to further invest in and take maximal advantage of information technology as the driving force for the modernization and strengthening of the Organization. Time and resources will also be required for staff development to enable the Secretariat to acquire new skills and knowledge necessary to support the modern management structure of the Organization and the implementation of its programs. Information technology will provide new tools for communication and information sharing which, coupled with modern management methods, will permit WIPO to capitalize on the input of all staff.

33. Such important investments and efforts will reinforce WIPO's comprehensive strategic framework for policy development, coordinated program planning and implementation, strategic budgeting and evaluation. This will allow WIPO to be equipped with a structure that is both stable and adaptable to external changes, and to offer the appropriate basis for an enriched policy dialogue between WIPO's Secretariat and constituencies.

34. The *Member States are the owners of WIPO*. They are the ultimate decision-making authority and the primary beneficiary of the institutional strengthening of the Organization. A *simplified governance structure* will contribute also to enriching intergovernmental dialogue and the decision-making processes.

35. In facing the challenge of change, WIPO will increasingly develop relationships with the various segments of civil society, including non-governmental organizations and independent advisory bodies. Established vehicles for building such relationships will be periodically reviewed and supplemented by the efforts of WIPO's global communication and public outreach policies.

36. The *WIPONET* will be a vehicle for strengthening the relationship between WIPO's constituencies and the Secretariat through a global information network that operationally unites the world's intellectual property offices. It will promote international cooperation by providing fast, low-cost communications, facilitating access to intellectual property data,

fostering the protection and enforcement of intellectual property rights, modernizing intellectual property business functions and providing a tool for the transfer of technology.

(ii) Development of the intellectual property system

37. WIPO is developing *global tools*, namely services, units and initiatives, in order to respond efficiently and rapidly to the existing and emerging needs of its Member States, in particular those flowing from the burst of knowledge-based economy. The aim of this process is to enable WIPO to better address the *dual character of the intellectual property system*, that is, the protection of intellectual property rights and the promotion of creative activity. This duality implies that WIPO must further develop its global protection systems and services and its cooperation for development activities on the basis of a comprehensive integrated approach.

*Promotion of Creative and Innovative Activity*

38. Creative activity is the expression of identity. Its promotion, protection and appreciation *fortify human development*. Development has been the result of systematically applied knowledge, which has the potential to enable quantum leap improvements to the economies and societies. To release creative and inventive energies and to channel them into tangible, sustainable development is a major task and challenge that requires a committed effort on the part of all concerned.

39. Creative activity is the object of the rights protected; without it, intellectual property law loses its meaning. Ultimately, creative activity becomes the *very object of promotion*, indeed, the *raison d'être* of intellectual property. Intellectual property is not a concept belonging to any group of countries but a universal notion. Its development can be enriched through the efforts and visions of all Member States. WIPO is committed to contributing to and supporting the efforts of its Member States and market sector interests to *foster the conditions* necessary to encourage creative and innovative activity.

40. As an aid to boosting economic performance, some governments have encouraged creation and innovation in their countries through a variety of initiatives. A key feature in most has been the establishment of organizations to provide assistance to inventors, as well as to small to medium-sized enterprises and research and development institutions.

41. With the rapid pace of new technologies, the field of intellectual property can influence new areas of economic activity. Universities need to *adapt academic programs* to new areas of activity and employment and to *orient lines of research*, so that innovations and creations can be converted into wealth and economic growth in meeting the trends and needs of the market sector.

42. Investments in innovation support systems are long-term investments with a very high return for society. However, in most developing countries, budgetary constraints reduce the *financial provisions* devoted to the promotion of creative activity. At the same time, the transformation of scientific and technical research into economic activity depends on the ability to reduce the traditional disparity between the scientific and industrial communities.

43. WIPO aims to propose initiatives with an integrated approach, which would facilitate the creation at the national, regional and interregional levels of comprehensive intellectual

property institutions and promote *alliances with the market sector* and with academic and research and development institutions.

44. Furthermore, WIPO is developing a policy framework to collaborate and cooperate closely with the *scientific community*, which is at the heart of both intellectual activity and economic and social development.

#### *Progressive Development and Codification of International Intellectual Property Law*

45. WIPO will need to *progressively develop* new approaches and instruments for protecting creativity, innovation and knowledge so far *not sufficiently covered* by the existing means of protection, such as traditional knowledge and folklore; or for those which are evolving at such a rapid pace that traditional forms of protection are pushed to their limits or are not flexible enough to handle them and *new solutions* have to be found, such as in the fields of biotechnology or digital technology. Furthermore, various types of intellectual property rights are being used in a new framework, that of electronic commerce and of the Internet and therefore deserve renewed attention in order to *safeguard the rights* of intellectual property owners and to *balance* those rights with the *legitimate interests of the public*.

46. Possible conflicts must be addressed, such as intellectual property rights versus privacy, stable legal framework versus evolving or moving technical standards, and effective protection of creators and owners of intellectual property rights versus freedom of access to information by third parties.

47. Mechanisms for ensuring that an optimal balance between the *stability* required of any legal framework and the *flexibility* required by the *endless creativity* of the human mind, the economic context, the technical constraints, the technological breakthroughs, and the diversity of cultures, must be conceived and implemented in respect of each and every field of intellectual property.

48. Further improvements in *world-wide harmonization* of intellectual property systems will have to be achieved, not only in those fields where steps have been successfully taken already, but also in new fields where the success of, and the lessons learned from, the existing legal and technical tools can be applied, together with new approaches based on *early identification* of trends and needs.

49. Moreover, the *body of international intellectual property law must be codified* as a *resource* on which all Member States can rely. This will also provide a basis to determine which areas must be strengthened, which balances must be maintained, which new balances must be achieved, and which new avenues should be explored in shaping the international legal framework for the protection of intellectual property.

#### *Global Protection Systems and Services*

50. The *existing global protection systems* for various fields of industrial property have successfully facilitated the obtaining of protection in a large number of countries. On the one hand, more and more countries join those systems, and on the other hand, users have great confidence in them as evidenced from the rate of increase in filings worldwide, in particular for patent applications under the Patent Cooperation Treaty (PCT). In addition, beyond the



obtaining of protection *per se*, they have become *stepping stones for harmonization of legislation in various countries and for dissemination of technological information worldwide*. The PCT, in particular, can be considered as the best means for *integration of developing countries in the international industrial property system*. WIPO will continue to promote a better utilization of relevant global systems and services in those countries and to encourage their universal membership in them.

51. The global protection systems must be constantly examined and further developed. Both their legal and administrative frameworks and the range of services offered must be reviewed, improved and simplified so as to make the systems yet more user-friendly, cost-effective and secure. *Automation, globalization and integration* are priorities for WIPO's global protection systems and services—automation to allow fully electronic services; globalization to render the services ever more useful in facilitating geographically broader protection in a simpler, safer and cheaper way; and integration to render these systems more beneficial to developing countries and countries in transition.

52. One of the systems, namely the PCT, may be seen as the only framework within which a truly international patent system can be developed. Steps in that direction must continue to be explored by WIPO in cooperation with all interested parties for the benefit of the industrial property community at large and more specifically that of developing countries.

53. In addition to the existing systems in the field of industrial property, WIPO will be at the cutting edge for conceiving other protection systems and services in response to increasing demands from users in all areas of intellectual property, including in the exchange of intellectual property information and in facilitating *access* to the intellectual property system of which WIPO is the custodian.

#### *Global Cooperation System*

54. Cooperation for development is essential to ensure the sustainability of the intellectual property system as a whole. It is therefore in the interest of all to foster it since it contributes in the improvement of the conditions favorable to a fairer and more just planet. WIPO envisages a *comprehensive* approach that *integrates* cooperation in every aspect of intellectual property within a *system* that includes all relevant sectors called to participate in the knowledge-based global economy, that is: a global cooperation system aimed at building institutions that leave a *lasting legacy* and that lead to extensive human resources development.

55. One of WIPO's priorities is the *relevance, impact and measurability* of its cooperation for development activities. Efforts to fine-tune those activities will be geared towards empowering developing countries and countries in transition to better reap the full benefits of their investments in the field of intellectual property. The goal is to provide *comprehensive strategies in cooperation for development*, rather than *ad hoc* or short-term solutions with little or no lasting benefits.

56. Building national institutions that can incorporate and utilize fully WIPO's cooperation program is a process that first requires a comprehensive *diagnosis* of the national framework for dealing with intellectual property and related issues, with a view to optimize the economic and social benefits of the intellectual property system. It also requires the mobilization of political will at the highest governmental level. It will be important and necessary to *quantify*

*the impact* of intellectual property on the Gross National Product (GNP) of developing countries and countries in transition.

57. The *integrating tool* in WIPO's cooperation for development strategies will be the Nationally Focused Action Plans (NFAPs), which are tailor-made country projects designed as part of a national plan of action. In most countries, the integrating tools at the national level are institutions or institutional networks that still need to be developed.

58. WIPO has long been active in assisting countries to establish legal and administrative frameworks for protection of intellectual property rights. In the knowledge-based economy, WIPO needs also to cooperate with its constituencies to harmonize their policies and procedures through their integration in a *comprehensive national intellectual property framework*. In so doing, it will become possible to move beyond the basic legal and administrative structures that are departmentalized, to a broader and deeper involvement of all intellectual property related sectors.

59. In order to enhance trade in intellectual property and the consequent market driven transfer of technology WIPO will assist developing countries and countries in transition to participate more effectively in the international intellectual property marketplace. Efforts will be made to enable the market sector in those countries to better identify and purchase the intellectual property suited to their needs on fair terms and conditions and to better market their intellectual property.

60. In close cooperation with intellectual property institutions around the world, WIPO will focus on the progressive development of a lasting intellectual property culture and *extensive human resource development*. Emphasis will be placed on facilitating the acquisition of an increased *self-reliance* in intellectual property matters through the development of academic and research structures and networks, including networking academies.

### III. CONCLUSION

61. The traditional intellectual property system sustained the industry-based economies and underpinned the process of globalization. The new intellectual property system that will help to further sustain the knowledge-based global economy has to be developed—that which will underpin the global conditions where creative potential can be released and channeled into tangible, sustainable development.

62. To realize this vision does not necessarily mean to foresee all measures to be taken during a specific time-frame, but to create the conditions for collectively paving the way to achieving it through the formulation of a *Global Intellectual Property Development Strategy*.

63. Political imagination, goodwill and collaboration among Member States, the market sector and the Secretariat are key elements in the success of WIPO's mission. Thus, it is essential to approach this mission with a vision founded on the relevance of intellectual property and of WIPO to the welfare of humanity.