

WIPO



A/36/12

ORIGINAL: English

DATE: August 6, 2001

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

ASSEMBLIES OF THE MEMBER STATES OF WIPO

Thirty-Sixth Series of Meetings
Geneva, September 24 to October 3, 2001

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 (see documents 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 principle 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 Thirty-Sixth series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/36/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 Thirty-Fifth series of meetings of the Assemblies of the Member States of WIPO, September 25 to October 3, 2000 (see document A/35/4, paragraphs 1 to 7, and document A/35/15 paragraph 198).
5. It is proposed that the Assemblies admit the following intergovernmental organizations to attend, as observers, the meetings of the Assembly concerned:
 - (i) Community of Portuguese-speaking Countries (CPLP);
 - (ii) Environmental Crime Prevention Programme (ECPP).
6. A brief description about 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 Community of Portuguese-speaking Countries (CPLP) and the Environmental Crime Prevention Programme (ECPP) in category C (Worldwide Intergovernmental Organizations) and that the said organizations be subject to the principles applicable in extending an invitation to other intergovernmental organizations, in the corresponding category, to attend, as observers, the meetings of the Assembly concerned.

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 to attend, as observers, the meetings of the Assemblies concerned (see documents AB/X/32, paragraph 17, and AB/X/17, Annex V; TRT/A/I/2 and 4, paragraph 5; BP/A/I/2 and 5, paragraph 5; V/A/I/1, paragraphs 25 to 29, and V/A/I/2, paragraph 7; and FRT/A/I/3 and 9, paragraph 10).
9. At their Thirty-Fifth series of meetings in September-October 2000, the Assemblies of Member States agreed to eliminate the existing categories of international non-governmental organizations (see document A/35/4, paragraphs 17 to 19, and document A/35/15, paragraph 200).
10. Depending upon the Assembly concerned, 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 principle applicable to that Body. The international non-governmental organizations admitted to attend, as observers, the meetings of the Assemblies, and which have been invited to attend the Thirty-Sixth series of meetings of the Assemblies and the Unions administered by WIPO, are listed in the Annex to document A/36/INF/1.

11. Once an international non-governmental organization is admitted to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO, 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.

12. Since the Thirty-Fifth series of meetings of the Assemblies, September 25 to October 3, 2000, when decisions were last taken concerning the admission of international non-governmental organizations to attend, as observers, the meetings of certain Assemblies of Member States of WIPO (see documents A/35/4, paragraphs 8 to 16, and A/35/15, paragraph 199), the Director General has received requests, with the necessary information, from each of the following organizations for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) ActionAid;
- (ii) Confédération européenne de producteurs de spiritueux (CEPS)
- (iii) European Writers' Congress (EWC);
- (iv) Exchange and Cooperation Centre for Latin America (ECCLA)
- (v) Friends World Committee for Consultation (FWCC);
- (vi) Global Anti-Counterfeiting Group (GACG);
- (vii) Institute for African Development (INADEV);
- (viii) Rights & Democracy.

13. A brief statement about each of the organizations mentioned in paragraph 12, above, its objectives, structure and membership, appears in Annex II of this document. It is proposed that, as concerns each of the organizations mentioned in paragraph 12, above, the Assemblies of the Member States include the said organizations in the category of international non-governmental organizations and that the said organizations be subject to the principles applicable in extending an invitation to other non-governmental organizations to attend as observers the meetings of the Assembly concerned.

14. 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 13, above.

III. ADMISSION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

15. The Assemblies have, in the past, admitted only international non-governmental organizations as observers. This practice was based on "the provisions of the relevant Conventions and Agreements permitting such Administrative Bodies to determine which international non-governmental organizations shall be admitted to their meetings as observers, ... Rule 8(2) of the WIPO General Rules of Procedure incorporated in the special rules of procedure of the said Administrative Bodies, and having regard to the established practice" (see document AB/VII/13, paragraph 12).

16. The practice of admitting only international non-governmental organizations may have been based on other considerations as well. For example, as an international organization, it originally made sense for WIPO to deal primarily with international non-governmental

organizations focusing on issues of worldwide concern, and whose internal staff and external members originate from different countries or regions. It was also thought that granting observer status only to international non-governmental organizations was cost-effective since the documents pertaining to WIPO meetings were mailed only to a limited number of observers.

17. The Member States may wish to review the reasons for admitting only international non-governmental organizations as observers to WIPO meetings. National non-governmental organizations play an increasingly active role in the technical discussions in many WIPO meetings. They usually participate as ad hoc observers in the Standing Committees and are usually also accredited with observer status at diplomatic conferences held under the auspices of WIPO. Their participation in such meetings is always subject to the control of the presiding officer. Rule 24 of the WIPO General Rules of Procedure specifies, in this respect, that "Observers may take part in debates at the invitation of the Chairman," and that they "may not submit proposals, amendments or motions."

18. The participation of national non-governmental organizations as observers would also provide an additional means for generating interest in the activities and services of the Organization and for disseminating information about those activities and services. Many of the Organization's services (under the Patent Cooperation Treaty, the Madrid System, the Hague Agreement and the WIPO Arbitration and Mediation Center) are, it is recalled, directed to the market sector at the national level.

19. In addition, as documents pertaining to WIPO meetings are, to a large extent, made available or transmitted electronically, rather than in paper form by mail, cost savings realized by mailing documents only to international non-governmental organizations are not significant.

20. The Assemblies of the Member States of WIPO may wish to review the practice established over the years and consider whether the application of national non-governmental organizations should also be considered for purposes of obtaining permanent observer status in WIPO.

21. The Assemblies of the Member States of WIPO are invited, each as far as it is concerned, to express their views on the issue raised in paragraph 18, above.

[Annexes follow]

ANNEX I

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

1. Community of Portuguese-speaking Countries (CPLP)

Headquarters: Lisbon, Portugal. Founded in 1996.

Objectives: Concerted political and diplomatic action between its members on international relations, namely, to reinforce its presence at international fora; cooperation, particularly in the economic, social, cultural, juridical, technical, scientific fields; implementation of projects for the promotion and diffusion of the Portuguese language.

Structure: The Conference of Heads of State and Government is constituted by the Heads of State and Government of all the Member States and is CPLP's highest organ. The Conference defines and orients the general policies and strategies of CPLP, elects a President on a rotational basis for a two-year mandate and elects an Executive Secretary and a Deputy Executive Secretary for CPLP.

Membership: The CPLP is composed of the Governments of seven countries (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe). East Timor has an observer status.

2. Environmental Crime Prevention Programme (ECPP)

Headquarters: Washington, D.C., United States of America and Naples, Italy. Founded in 1997.

Objectives: To provide means for cooperation among governments in the fields of governmental regulation; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning environmental protection, efficiency of enforcement, prevention and control of environmental crime; to provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the ECPP; and to contribute to world environmental security.

Structure: The ECPP consists of an Assembly, a Presidency Office (made up of two Presidents belonging to two different geographic regions), a High Technology Working Group, a Legal Working Group, a Secretariat and such subsidiary organs as the ECPP may at any time consider necessary.

Membership: Members of the ECPP are United Nations countries that have signed the ECPP statute, which is deposited in the care of the Governments of Angola and Samoa and is currently under ratification by ECPP members.

[Annex II follows]

ANNEX II

PARTICULARS CONCERNING NON-GOVERNMENTAL ORGANIZATIONS
(on the basis of information received from the said organizations)

1. ActionAid

Headquarters: London, United Kingdom. Founded in 1972.

Objectives: To promote in any part of the world the relief of poverty and distress and the education of the public concerning the causes, effects and means of alleviation of such poverty and distress.

Structure: ActionAid is governed by a Board of Trustees whose principal responsibilities are the setting and monitoring of the strategic direction of the organization and the establishment of policy. The Board of Trustees meets quarterly and delegates the day-to-day operation of the organization to the principal officers who comprise an executive board of full-time senior management.

Membership: ActionAid has affiliates in the following countries: Ireland (*ActionAid Ireland*), Italy (*Azione Aiuto*) and Spain (*Ayuda en Acción*).

2. Confédération Européenne de Producteurs de Spiritueux (CEPS)

Headquarters: Brussels, Belgium. Founded in 1993.

Objectives: To promote and defend the interests of its members; to promote a better understanding of the contribution of the European Union spirits industry in Europe; and to encourage cooperation between spirits producers in achieving common aims.

Structure: The General Assembly, chaired by the President or the Vice-President if the former is prevented from acting, has all the powers necessary to enable the Confederation's aims to be achieved. It consists of all the members of the Confederation. Each member is represented by a delegate, who may be assisted by one or more experts.

The CEPS is administered by a Management Board consisting of at least four members, including the President and Vice-President of the Confederation. The Board members are elected by the General Assembly for a period of two years.

Membership: The CEPS has 36 national Member Associations representing the industry in the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom. Observer Members are located in the Czech Republic, Hungary, Russian Federation, Slovakia and Switzerland.

3. European Writers' Congress (EWC)

Headquarters: Munich, Germany. Founded in 1977.

Objectives: Promotion of freedom of expression, the maintenance of cultural diversity against the dominance of globalization, improvement and harmonization of authors' moral rights and copyright throughout Europe (in particular in the Mediterranean area and in Central and Eastern Europe), the introduction of authors' and artists' communal rights (ACR), protection of intellectual property and artistic authenticity, safeguarding of authors' economic interests in the information society, cultural networking, international cooperation and cultural exchange, the general improvement of the professional, legal and social situation of authors.

Structure: Congress Conferences take place biennially, with every member organization being entitled to send two delegates but no country being represented by more than two votes. On these occasions, a President, two Vice-Presidents and four other persons are elected, who together serve as the Board of the EWC (as individuals and not as the representatives of particular organizations, countries or languages).

Membership: 50 member associations in 27 countries of Europe (including two supra-national ones) representing more than 50,000 professional writers and literary translators. There are two associate member organizations.

4. Exchange and Cooperation Centre for Latin America (ECCLA)

Headquarters: Geneva, Switzerland. Established in 1997.

Objectives: To participate in projects and programs of exchange and cooperation with both public and private Latin American institutions; to promote, direct and advise, in Switzerland and abroad, individual or collective entities in all areas of international cooperation; to represent Latin American entities within European institutions and international organizations; to promote research in the spirit of international cooperation and/or trade; to promote, support, frame and manage projects for public or private institutions, at domestic or international levels; to maintain a permanent center of information on activities linked with Latin American and European countries; to organize training courses with other interested institutions.

Structure: ECCLA is governed by a General Assembly and an Executive Committee. The General Assembly is ECCLA's highest authority.

Membership: The members of ECCLA are established in the following countries: Argentina, Chile, Colombia, Costa Rica, Cuba, France, Peru, Spain and Switzerland.

5. Friends World Committee for Consultation (FWCC)

Headquarters: London, United Kingdom. Established in 1937.

Objectives: To facilitate the examination and presentation of Quaker thinking and concern in world affairs. In particular, to build better understanding of different perspectives on Agreement on Trade-Related Aspects of Intellectual Property Rights, especially in relation to the Convention on Biological Diversity and the Food and Agricultural Organization International Undertaking on Plant Genetic Resources for Food and Agriculture. The FWCC

activities are based on Quaker economic, social and humanitarian concerns as discerned by the FWCC and its members. Its three core programs are disarmament, human rights, and trade and development.

Structure: Representatives are appointed during the yearly meetings of the World Committee. The officers in the World Committee consist of (1) a Clerk, not more than two Assistant Clerks, a Treasurer and a Clerk of the Interim Committee; (2) a General Secretary and an Associate Secretary.

Membership: There are formal groups of Quakers in 37 countries. Countries of primary importance to FWCC work are: Australia, Bolivia, Burundi, Canada, Guatemala Honduras, India, Japan, Kenya, Netherlands, New Zealand, Norway, Peru, South Africa, Sweden, Switzerland, Uganda, United Kingdom and the United States of America.

6. Global Anti-Counterfeiting Group (GACG)

Headquarters: Paris, France. Established in 1998.

Objectives: To create awareness of the importance of effective intellectual property protection to prevent counterfeiting of goods and services throughout the world; to disseminate knowledge and information about counterfeiting and ways of combating it in order to raise public awareness about the problem as well as to educate and inform; to facilitate the introduction of effective measures to tackle counterfeiting, including the establishment of anti-counterfeiting groups throughout the world.

Structure: The Board members are elected by the members of GACG at the Annual General Meeting. Subsequently, the Board appoints the following officers among its members: a Chairman, one or many Vice-Chairmen, a Secretary and a Treasurer.

Membership: The Association has full members and associate members. Full membership is open to national or international anti-counterfeiting associations or organizations. The founding members are located in Belgium, Denmark, Finland, France, Germany, Italy, Netherlands, Norway, Spain, Sweden, United Kingdom and the United States of America.

7. Institute for African Development (INADEV)

Headquarters: Accra, Ghana. Founded in 1998.

Objectives: To provide training and technical assistance on African legal, social and economic policy and practice. INADEV organizes training seminars and conferences and supports scholarly research and publishing activities on contemporary African issues, including the promotion of traditional knowledge as a key to national development.

Structure: INADEV is governed by a Board of Directors elected at an annual meeting called for this purpose. The Board of Directors is assisted by a management committee consisting of the Executive Director, Secretary, Financial Officer and other subordinate officers appointed by the Board of Directors.

Membership: Based in Ghana, INADEV has an affiliate in the United States of America and is represented in Burundi, Canada, Democratic Republic of Congo, Germany,

Liberia, Nigeria, Senegal, Sierra Leone, Switzerland, Uganda, United Kingdom, United Republic of Tanzania and Zambia.

8. Rights & Democracy

Headquarters: Montreal, Canada. Founded in 1988.

Objectives: To initiate, encourage and support cooperation between Canada and other countries in the promotion, development and strengthening of democratic and human rights institutions and programs that give effect to the rights and freedoms enshrined in the International Bill of Human Rights, including: (a) the right to an adequate standard of living; (b) the right of persons not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; (c) the right of freedom of opinion and expression; and (d) the right to vote and be elected at periodic, genuine elections in pluralistic political systems.

Structure: There is a Board of Directors consisting of a Chairman of the Board, a President of Rights & Democracy and 11 other sections. There is an Executive Committee of the Board consisting of the Chairman, the President and at least three other Directors elected annually by the Board. Rights & Democracy has consultative status (Category II) with the United Nations Economic and Social Council and is on the International Labour Organization's Special List of NGOs.

Membership: Rights & Democracy is open to non-governmental organizations in Canada and abroad. Its current international members are from Argentina, Bangladesh and Kenya.

[End of Annex II and of document]