

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**

GENEVA

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## **ASSEMBLIES OF THE MEMBER STATES OF WIPO**

### **Thirty-Ninth Series of Meetings Geneva, September 22 to October 1, 2003**

#### **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 principles 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-Ninth series of meetings of the Assemblies and the Unions administered by WIPO are listed in document A/39/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 seem 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-Seventh series of meetings of the Assemblies of the Member States of WIPO, from September 23 to October 1, 2002 (see document A/37/8, paragraphs 1 to 7, and document A/37/14, paragraph 314).

5. It is proposed that the Assemblies admit the following intergovernmental organizations to attend, as observers, the meetings of the Assemblies concerned:

African, Caribbean and Pacific Group of States (ACP Group);  
*Rede de Informação Tecnológica Latino-Americana (RITLA).*

6. A brief description of 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 ACP Group and RITLA in Category C (Regional Intergovernmental Organization).

*7. The Assemblies of the Member States of WIPO are invited, each insofar 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. The international non-governmental organizations admitted to attend, as observers, the meetings of the Assemblies, and which have been invited to attend the Thirty-Ninth series of meetings of the Assemblies and the Unions administered by WIPO, are listed in the Annex to document A/39/INF/1.

10. 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 seem to be of direct interest to that organization.

11. Since the Thirty-Seventh series of meetings of the Assemblies, from September 23 to October 1, 2002, 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/37/8, paragraphs 8 to 13, and A/37/14,

paragraph 315), 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) *Association pour la promotion de la propriété intellectuelle en Afrique (APPIA)*;
- (ii) Computer Law Association (CLA);
- (iii) Co-ordinating Council of Audiovisual Archives Associations (CCAAA);
- (iv) International Music Managers Forum (IMMF).

12. A brief statement about each of the organizations mentioned in paragraph 11, 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 11, above, the Assemblies of the Member States include the said organizations in the category of international non-governmental organizations.

*13. The Assemblies of the Member States of WIPO are invited, each insofar as it is concerned, to take a decision on the proposal appearing in paragraph 12, above.*

### III. ADMISSION OF NATIONAL NON-GOVERNMENTAL ORGANIZATIONS AS OBSERVERS

14. At the Thirty-Seventh series of meetings of the Assemblies, from September 23 to October 1, 2002, the Assemblies of the Member States of WIPO, each insofar as it was concerned, agreed to adopt the following proposals as principles applicable in extending invitation to national non-governmental organizations (NGOs), as observers (see document A/37/14, paragraph 316):

- (a) The organizations shall be essentially concerned with intellectual property matters falling within the competence of WIPO and shall, in the view of the Director General, be able to offer constructive, substantive contributions to the deliberations of the Assemblies of WIPO;
- (b) The aims and purposes of the organizations shall be in conformity with the spirit, purposes and principles of WIPO and of the United Nations;
- (c) The organizations shall have an established headquarters. It shall have democratically adopted statutes, adopted in conformity with the legislation of the Member State from which the NGO originates. One copy of the statutes shall be submitted to WIPO;
- (d) The organizations shall have authority to speak for its members through its authorized representatives and in accordance with the rules governing observer status; and

(e) The admission of national NGOs to observer status shall be the subject of prior consultations between Member States and the Secretariat.

15. The Director General has received requests, with the necessary information, from each of the following national non-governmental organizations for admission to attend, as an observer, the meetings of the Assemblies of the Member States of WIPO concerned:

- (i) American Association for the Advancement of Science (AAAS);
- (ii) British Copyright Council;
- (iii) Copyright Research and Information Center (CRIC);
- (iv) Creators' Rights Alliance (CRA);
- (v) *Sociedade Portuguesa de Autores* (SPA);
- (vi) South African Institute of Intellectual Property Law.

16. A brief statement about each of the organizations mentioned in paragraph 15, above, its objectives, structure and membership, appears in Annex III of this document. It is proposed that, as concerns each of the organizations mentioned in paragraph 15, above, the Assemblies of the Member States decide, in accordance with the principles set out in paragraph 14, above, whether to include the said organizations in a category of national non-governmental organizations.

*17. 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 16, above.*

[Annexes follow]

ANNEXI

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

African, Caribbean and Pacific Group of States (ACP Group)

Headquarters: Established in 1975 by the signature of the Georgetown Agreement on the Organization of the African, Caribbean and Pacific Group of States.

Objectives: The principal objectives are to ensure the realization of the objectives of the Lomé Convention; to coordinate the activities of the ACP States in the application of the Lomé Convention; to define a common stand for the ACP Group vis-à-vis the EEC on matters covered by the Lomé Convention and on the relevant issue tackled by international bodies and liable to affect the implementation of the Lomé Convention; and to promote and strengthen the existing solidarity of the ACP States and understanding between ACP peoples and governments.

Structure: The decision-making bodies of the ACP Group are the Council of Ministers and the Committee of Ambassadors. These bodies are assisted by an administrative body, namely, the ACP General Secretariat.

Membership: All African, Caribbean and Pacific States which are signatory to the Lomé Convention and to the Georgetown Agreement. At present, there are seventy-eight such States.

Rede de Informação Tecnológica Latino-Americana (RITLA)

Headquarters: Established in 1983 in Brasilia, Brazil.

Objectives: RITLA (or the Latin American Technological Information Network - LATIN, in the English version) is a governmental regional organization devoted to cooperation between its member countries in the field of science and technology. In particular, its goals are: to support the development of the infrastructures and the technological information systems of its member countries, as well as their information technology; to stimulate, foster and consolidate the technological information exchange between its member countries; to support projects for the reinforcement of national and regional capacities of generating national technologies; to support and develop the capacity of its member countries in the field of research, selection, negotiation, evaluation, adaptation and utilization of imported technologies. In summary RITLA endeavorsto operate as a regional discussion forum on technological information and also to foster an infrastructure for the different national networks.

Structure: RITLA was conceived in the 1960's, when the Latin American Council of SELA - the Latin American Economic System, seated in Caracas realized the importance of the exchange of information about science and technology. This led to the signature of RITLA's Constitutive Act in 1983. RITLA's governing bodies are a Director Council, a

Central Nucleus (coordinating body), Executive Bodies (national institutions which work with RITLA) and National Centers of Coordination.

Membership: The present membership consists of Brazil, Mexico, Nicaragua, Panama and Venezuela.

[Annex II follows]

ANNEXII

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

1. Association pour la promotion de la propriété intellectuelle en Afrique (APPIA)

Headquarters: Created in 2001 at Yaounde, Cameroon.

Objectives: To promote intellectual property in Africa; to contribute to the evolution of legislation in regard to intellectual property; to facilitate access for citizens to the mechanisms established for the defense of intellectual property rights; to participate in the defense of rights on works of the mind.

Structure: The administration of APPIA is managed by two organs: the General Assembly and the Executive Board.

Membership: APPIA groups specialists, students, teachers and professionals in intellectual property of various African countries, notably, Cameroon, Benin, Central African Republic, Burkina Faso and Togo.

2. Computer Law Association (CLA)

Headquarters: Founded in 1971 at Washington, D.C., United States of America.

Objectives: The improvement and diffusion of the legal issues relating to information technology, mainly in the fields of intellectual property, domain names and electronic commerce.

Structure: The business of the Organization is managed by a Board of Directors and the Officers consist of the President, a Vice President, a Secretary and a Treasurer.

Membership: More than 2000 members from the information technology law community constituted by attorneys, corporate counsel, law school professors, government lawyers and other legal professionals.

3. Co-ordinating Council of Audiovisual Archives Association (CCAAA)

Headquarters: Founded in 2000 at London, United Kingdom.

Objectives: To provide the platform for the collective representation of member associations to international, governmental and relevant non – governmental bodies; to produce and endorse policy statements and position papers on key issues such as copyright and technical standards; to support the occurrence of conferences on a global or regional basis, addressing issues of common concern to all member associations.

Structure: The business of the Organization is managed by a Council. The Council's officers are the Chairman, a Governor and a Rapporteur.

Membership: Seven organizations whose objective is the support of professional audiovisual archive activities and whose membership is primarily institutional and international.

4. International Music Managers Forum (IMMF)

Headquarters: Founded in 2000 at London, United Kingdom.

Objectives: To give a collective voice to Artists Managers and through them to the Artists themselves (creators and performers) on issues affecting artists' careers; to work for the recognition of the importance of copyright and rights of performers, not only in economic terms but also as the protector of culture and creators;

Structure: IMMF's statutory bodies are: the Secretariat, the Council, the General Assembly and the Regional Councils.

Membership: The IMMF is an organization grouping associations of music managers from Australia, Canada, Denmark, Finland, France, Germany, Netherlands, Norway, Sweden, United Kingdom and United States of America.

[Annex III follows]



ANNEX III

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

1. American Association for the Advancement of Science (AAAS)

Headquarters: Founded in 1848, at Washington, D.C., United States of America.

Objectives: To facilitate cooperation among scientists, to advance education and increase public understanding of the importance of the methods of science in human progress and to enhance international cooperation in science and its applications.

Structure: The Organization's governing bodies are the Board of Directors and the Council. The Officers consist of the President-Elect, the President and the Chairman of the Board as well as eight Directors.

Membership: As the world's largest federation of scientific and engineering societies, it has 275 affiliates and more than 135,000 scientists, engineers, science educators and policy-makers as individual members.

2. British Copyright Council

Headquarters: Established in 1965, at London, United Kingdom.

Objectives: To defend and foster the principles of copyright and related rights and to encourage their understanding and acceptance throughout the world; to bring together the bodies who represent creators and copyright owners in literary, dramatic, musical and artistic works and those who perform such works; to monitor changes in law, in administration, in social practice and in technology which may affect copyright and related rights; to urge upon the British Government and all appropriate authorities and bodies at home and abroad such advice or action as the Council may decide; to consider any matter relating to copyright and related rights.

Structure: The Council's officers are the Chairman, Vice President, Vice Chairman, the Secretary and the Treasurer. A President of Honour may be elected from time to time.

Membership: Professors, lawyers, professionals from the copyright and related rights sector.

3. Copyright Research and Information Center (CRIC)

Headquarters: First founded as the "Copyright Research Institute" in 1959 at Tokyo, Japan. Changed its name to the "Copyright Research and Information Center" in 1992.

Objectives: To disseminate the thought of copyright and to protect copyright and related rights by means of research and studies for the improvement and appropriate operation of the copyright regime, thereby contributing to the development of culture.

Structure: The Organization's governing body is the Board of Directors and the administrative tasks are carried out by the Secretariat.

Membership: Twenty -nine ordinary members, including organizations/societies of music composers, songwriters, painters, scenario writers, filmmakers, film directors, photographers, videomakers, publishers, poets, performers, phonogram producers, broadcasters, computer programmers.

4. Creators' Rights Alliance/Alliance pour les droits des créateurs (CRA/ADC)

Headquarters: Founded in April 2002, at Montreal, Canada.

Objectives: To advance, protect and strengthen the economic and moral interests of Canadian creators; to study issues raised by trade policy and international treaties, to increase creators' awareness and understanding of their economic and moral rights and to strengthen these rights, and in the carrying out of these purposes to -operate and exchange information with organizations representing creators in other countries.

Structure: The business of the Organization is managed by a Board of Directors or Steering Committee, comprised of a minimum of six directors; and the Officers consist of two Co -Chairs, a Secretary and a Treasurer.

Membership: Coalition of national artists' associations and collectives responsible for managing author's rights. Twenty -nine organizations, representing 140,000 Canadian artists, creators and performers.

5. Sociedade Portuguesa de Autores (SPA)

Headquarters: Founded in 1925 at Lisbon, Portugal.

Objectives: To exercise the rights granted to authors and other copyright owners; SPA carries out the collective management of all categories of rights granted by law to authors of works in the literary and artistic fields; in addition, SPA collaborates with the official authorities in the drawing up of copyright legislation.

Structure: The members of the Management Committee are the President, the Vice President, a Secretary and a Treasurer.

Membership: SPA is composed of more than 16,000 Portuguese copyright holders.

6. South African Institute of Intellectual Property Law

Headquarters: Established in 1954, in Pretoria, South Africa.

Objectives: To maintain a body which is representative of patent agents, patent attorneys and trademark practitioners in South Africa; to originate and promote amendments in the intellectual property laws of South Africa and to take steps to oppose legislation which is considered to be detrimental to owners of intellectual property or to the profession; to promote awareness of and to disseminate information to the public with regard to intellectual property; to collaborate and enter into reciprocal relations with similar institutes or bodies in other countries.

Structure: The Organization's governing body is the Council which consists of the following office bearers: President, Immediate Past President, Vice President, Administrative Officer and Treasurer.

Membership: 130 patent attorneys, patent agents and trademark practitioners.

[End of Annex III and of document]