

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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WIPO GENERAL ASSEMBLY

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COMMENTS ON DOCUMENT WO/GA/24/4 REV.
(USE OF PORTUGUESE AS A WORKING LANGUAGE OF WIPO)

*Document submitted by the Delegation of Portugal in the name of
all States of which Portuguese is the official language*

1. In two letters dated November 11, 1998, and January 25, 1999, respectively, addressed to the Director General of WIPO, the request was made, in the name of the seven countries that have Portuguese as their official language, that the General Assembly of the Organization adopt Portuguese as a WIPO working language.

The above letters contain, in general terms, the underlying reasons for the request, which are reflected in paragraphs 1 and 2 of document WO/GA/24/4Rev.

Unfortunately, the document prepared by the International Bureau does not provide all the relevant information, and might lead the General Assembly of WIPO to take an unreasonable decision on the real questions concerning the use of the Portuguese language.

In order to overcome that shortcoming and provide the General Assembly with more information on the relative position of the Portuguese language in the world, the following comments have been drawn up:

2. Relative Importance of the Portuguese Language in the World

Without presuming to question the criteria that have been observed by WIPO and other world organizations of the United Nations system with respect to the adoption of working languages, it seems that certain factors have been neglected, and that has been detrimental to Portuguese-speaking countries as compared with those whose national languages are already working languages of the Organization.

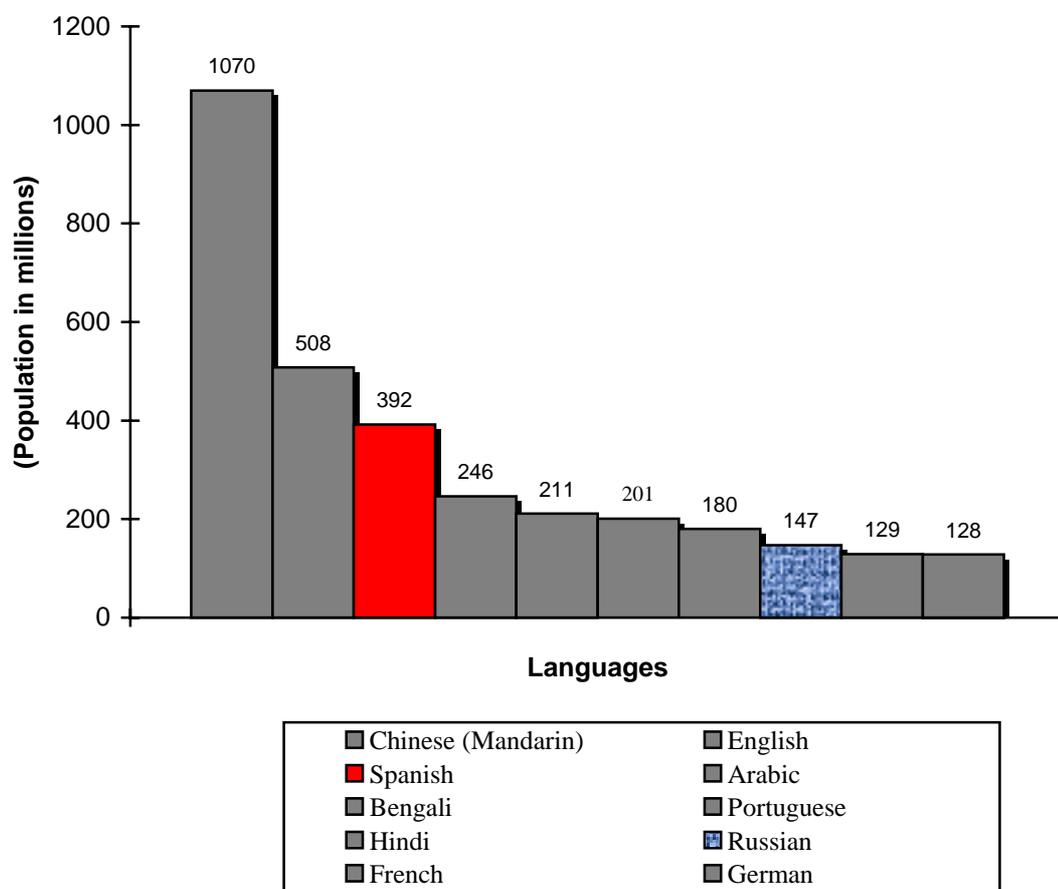
The main factors are the following:

- (a) the number of people who officially speak Portuguese throughout the world;
- (b) the number of States that have officially adopted the language;
- (c) the dimensions of the territorial area in which the language is officially spoken;
- (d) the number of continents on which Portuguese is spoken;
- (e) the development status of the countries concerned;
- (f) the immigration phenomenon.

All the above factors place Portuguese in a position in which it deserves preferential treatment in relation to those languages that have already benefited from adoption as working languages of the Organization, and the following comments may be made on each of those factors:

- (a) Number of people who officially speak Portuguese throughout the world

Portuguese is in sixth place among the ten most-spoken languages in the world. One can therefore extrapolate a figure of 201 million people who officially speak Portuguese.



Of the ten languages shown above, which are the most widely spoken in the world, six have been adopted by WIPO as working languages. Inexplicably Portuguese is not one of them.

(b) Number of States that have adopted Portuguese as their official language

Apart from Macao, in which Portuguese is still the official language in parallel with Chinese, the number of WIPO Member States with Portuguese as their official language is seven, namely Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal and Sao Tome and Principe (in alphabetical order).

As regards the number of countries officially speaking the same language, it can be seen that Portuguese-speaking countries are in a position that has to be taken into consideration.

(c) Dimensions of the territorial area in which the Portuguese language is officially spoken

The territorial area in which Portuguese is spoken has to be considered against the background of WIPO's aim to promote the universal coverage of the protection of intellectual property rights.

Indeed this Portuguese-speaking territorial area is of a size that, as a whole, makes it one of the largest linguistic areas, even exceeding the area of the European continent from the Atlantic to the Urals.

THE PORTUGUESE-SPEAKING WORLD

Portuguese-speaking countries	Number of Portuguese speakers	Territorial Area ⁽²⁾
Angola	11,069,501	1,246,700
Brazil	160,737,489	8,511,965
Cape-Verde	435,983	4,033
Guinea-Bissau	1,124,537	36,125
Macao	490,901	16
Mozambique	18,115,250	799,380
Portugal	10,562,388	92,100
Sao Tome and Principe	140,423	1,001
TOTAL	201,676,472	10,691,320

THE LANGUAGES OF WIPO

Official languages of WIPO	Number of persons speaking the language ⁽¹⁾
Chinese (Mandarin)	1070
English	508
Spanish	392
Arabic	246
Russian	147
French	129

PORTUGUESE-SPEAKING WORLD/EUROPEAN CONTINENT

	Number of persons ⁽¹⁾	Territorial Area ⁽²⁾
Portuguese speakers	201	10,691,320
European continent	728	10,525,000

⁽¹⁾ In millions.

⁽²⁾ In km².

(d) Number of continents on which Portuguese is officially spoken

The information concerning the number of continents on which Portuguese is spoken as compared with the other official WIPO languages is particularly significant, in view of the global character of the Organization and also the distribution of developing countries on the continents in question.

So, in terms of continents, it will be noted that Portuguese is an official language on the following:

Europe

Portugal.

Africa

Four languages are officially spoken on the African continent, namely Arabic, French, English and Portuguese. All but Portuguese are official WIPO languages.

America

Four languages are officially spoken on the American continent, including French, also spoken in Canada: Spanish, French, English and Portuguese, all of them official WIPO languages with the exception of Portuguese.

Asia

Portuguese is spoken in Macao in parallel with Chinese, this even after the handover of administrative authority.

One can therefore see, in terms of continents, a discriminatory and unjustified treatment as regards the Portuguese language; it is thus important to correct it.

(e) Development status of the countries concerned

In the light of the foregoing it is clear that, with the exception of Portugal, all the other countries that have Portuguese as their official language are developing countries, which need to take advantage of the appropriate WIPO programs, in the implementation of which use of the official language is of fundamental importance.

As far as cooperation for development is concerned, countries with Portuguese as their official language are also discriminated against compared with those developing countries that benefit from the programs in their own official languages (Arabic, Spanish, French and English).

(f) The emigration phenomenon

In addition to the 201 million people who officially speak Portuguese in their own countries, it should be borne in mind that there are immigrant communities in a number of countries in the world that use Portuguese in their working and private relations and in their communications with the Portuguese-speaking world.

It is therefore important that the World Intellectual Property Organization should consider this important factor in the world context.

3. Cost of Adopting Portuguese as a Working Language of WIPO

The cost of adopting Portuguese has to be regarded as an investment on the part of the Organization, justified by its global character and the role of intellectual property in the economic development of countries, which is clearly reflected in the aims of its program activities.

The costs should not therefore be interpreted as an additional financial burden on the Organization, but rather as a contribution to the better attainment of the objectives of those WIPO activities.

If the investment in question is seen from that angle, it has to be recognized that the amount mentioned, in WIPO's calculations, is perfectly justified, and indeed could be considered insignificant.

4. Specific Characteristics of WIPO

It is true that WIPO, which has existed since 1967, is a specialized agency of the United Nations like other world organizations.

However, it is equally true that, thanks to its registration activities, mainly those associated with the operation of the Madrid Agreement and Protocol and the Patent Cooperation Treaty (PCT), WIPO enjoys financial circumstances that are without parallel in any other organization of the United Nations family.

This situation makes it possible for the Organization to look in a different way at certain projects, programs and initiatives that involve financial cost.

Moreover, the Member States are entitled to hope that the Organization is capable, and desirous, of dealing differently with the initiatives that are submitted to it, as in the case of the adoption of Portuguese.

These specific characteristics of the Organization are such that the adoption of Portuguese must not be made subject to whatever may be happening in the United Nations or indeed in any other world organization.

5. Conclusion

In conclusion, the International Bureau is requested to review document WO/GA/24/4 Rev. in order to give it a positive orientation towards the Portuguese language and to reformulate paragraph 16 of that document as follows:

“16. The General Assembly is invited to decide on the adoption of Portuguese as a working language of WIPO at the same level as the other six working languages of the Organization.”

INPI, September 3, 1999

José Mota Maia
President of the Administrative Board

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