

Internal Audit and Oversight Division (IAOD) Evaluation Seminar

Demystifying Evaluation in the World Intellectual Property Organization (WIPO): Best Practices From Initial Evaluations

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IP GUIDE

prepared by the Secretariat

What is Intellectual Property?¹

Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce.

IP is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programs.

How can Intellectual Property be protected?

In contrast to material goods which are tangible like a pen or book, Intellectual Property is intangible and therefore can't be protected by locking it in a safe or grabbing it with the hands. Intellectual Property is protected through the award of absolute rights of the owner against everyone who is interfering with it without permission.

What is WIPO?²

The World Intellectual Property Organization (WIPO) is a specialized agency of the United Nations. It is dedicated to developing a balanced and accessible international [intellectual property](#) (IP) system, which rewards creativity, stimulates innovation and contributes to economic development while safeguarding the public interest.

WIPO was established by the [WIPO Convention](#) in 1967 with a mandate from its [Member States](#) to promote the protection of IP throughout the world through cooperation among states and in collaboration with other international organizations. Its headquarters are in Geneva, Switzerland. The [Director General](#) is Francis Gurry.

What are WIPO's core tasks?³

Developing international IP laws and standards

WIPO is responsible for promoting the balanced evolution of IP legislation, standards and procedures among its Member States.

Delivering global IP protection services

WIPO provides fee-based services, based on international agreements, which enable users in member countries to file international applications for patents ([PCT](#)), and international registrations for trademarks ([Madrid system](#)), designs ([Hague system](#)), and appellations of origin ([Lisbon system](#)).

Encouraging the use of IP for economic development

WIPO conducts a range of programs aimed at increasing the effective use of the IP system by developing countries to promote economic, social and cultural development.

Promoting a better understanding of IP

WIPO provides a wealth of [public outreach](#) material aimed at encouraging creativity and innovation; and increasing understanding of how to protect and benefit from the resulting IP.

Providing a forum for debate

WIPO [meetings](#) regularly bring together stakeholders from governments, right holders' groups and civil society in order to facilitate constructive debate on current challenges and the sharing of expertise.

What are WIPO's main Challenges?

¹ <http://www.wipo.int/about-ip/en/>

² http://www.wipo.int/about-wipo/en/what_is_wipo.html

³ http://www.wipo.int/about-wipo/en/core_tasks.html

In seeking to accomplish its mission of **promoting innovation and creativity** through a balanced and effective international intellectual property system, WIPO operates in a highly dynamic and changing environment.

The challenges we face include:

- addressing the stress on patent and copyright systems as a result of rapid technological change,
- globalization and increased demand,
- reducing the knowledge gap between developed and developing countries, and
- ensuring that the IP system continues to serve effectively its fundamental purpose of encouraging creativity and innovation in all countries.

What are the nine strategic goals?⁴

The nine Strategic Goals were approved by Member States in the Revised Program and Budget for 2008/2009, and remain unchanged in the approved 2010/2011 Program and Budget.

Strategic Goals I to VII deal with the substantive business of the organization:

Strategic Goal I: Balanced Evolution of the International Normative Framework for IP
Strategic Goal II: Provision of Premier Global IP Services
Strategic Goal III: Facilitating the Use of IP for Development
Strategic Goal IV: Coordination and Development of Global IP Infrastructure
Strategic Goal V: World Reference Source for IP Information and Analysis
Strategic Goal VI: International Cooperation on Building Respect for IP
Strategic Goal VII: Addressing IP in Relation to Global Policy Issues

Strategic Goals VIII and IX are the enabling goals, aimed at providing sound management and governance and trusted two way communications to support the achievement of

the substantive goals and ensure accountability to Member States:

Strategic Goal VIII: A Responsive Communications Interface between WIPO, its Member States and All Stakeholders
Strategic Goal IX: An Efficient Administrative and Financial Support Structure to Enable WIPO to Deliver its Programs

What are the challenges of IP in the context of Development Assistance?⁵

The WIPO Development Agenda aims to ensure that development considerations form an integral part of WIPO's work. As such, it is a cross-cutting issue which touches upon all sectors of the Organization; e.g. eradicate extreme poverty and hunger; achieve universally primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/ AIDS, malaria and other diseases; ensure environmental sustainability and develop a global partnership for development.

⁴ <http://www.wipo.int/about-wipo/en/mtsp.html>

⁵ <http://www.wipo.int/ip-development/en/agenda/>

Key- Words⁶:

Copyright: Works covered by copyright include, but are not limited to, literary works such as novels, poems and plays; reference works such as encyclopedias and dictionaries; databases; newspaper articles; films and TV programs; musical compositions; choreography; artistic works such as paintings, drawings, photographs and sculptures; architecture; and advertisements, maps and technical drawings. Copyright also protects computer programs.

Geographical Indications (G.I.): A geographical indication is a sign used on goods and stating that a given product originates in a given geographical area and possesses qualities or reputation due to that place of origin.

Industrial Design: An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape of an article, or two-dimensional features, such as patterns, lines or color.

Patent: A patent is an exclusive right granted in respect of an invention, which may be a product or a process, that provides a new and inventive way of doing something, or offers a new and inventive technical solution to a problem.

Related Rights: Related rights provide protection to the following persons or organizations: performers (actors, musicians, singers, dancers, or generally people who perform), in their performances; producers of sound recordings (for example, cassette recordings and compact discs) in their recordings; and broadcasting organizations, in their radio and television programs.

Trademarks: A trademark is a sign that is used to identify certain goods and services as those produced or provided by a specific person or enterprise. Hence, it helps to distinguish those goods and services from similar ones provided by another.

Unfair Competition: Unfair competition is generally understood as any act of competition that is contrary to honest practices in industrial or commercial matters. A dishonest practice is not something that can be defined with precision. The standard of fairness or honesty may change from country to country, as well as evolve with time. It is, therefore, difficult to attempt to encompass all existing acts of unfair competition in one definition. On the other hand, the Paris Convention for the Protection of Industrial Property specifies that the some acts and practices are incompatible with the notion of fairness in competition.

⁶WIPO Academy :http://wipo.int/academy/en/courses/rp_catalog/index.jsp