

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

E

STANDING COMMITTEE ON INFORMATION TECHNOLOGIES

PLENARY

Eighth Session

Geneva, February 23 to 27, 2004

ADMISSION OF OBSERVERS

Document prepared by the Secretariat

1. Pursuant to provisions contained in Rules 8 and 45 of the WIPO General Rules of Procedure, the SCIT Plenary, at its first session held from June 22 to 25, 1998, adopted a Special Rule of Procedure regarding observers, which reads as follows:

“The Director General of WIPO may, and, if so requested by the SCIT Plenary, shall invite, as observers, interested intergovernmental organizations (other than member organizations ...) and interested international and national non-governmental organizations, as well as organizations providing information services in the field of intellectual property information, which are not accredited with observer status at WIPO meetings.” (document SCIT/1/7, Annex III, Appendix I, paragraph 4).

2. A non-governmental organization, the Civil Society Coalition, which has not yet participated in any of the earlier SCIT meetings, requested the Secretariat by a letter dated August 25, 2003, to be admitted in an *ad hoc* observer capacity to attend the eighth and future sessions of the SCIT. Information concerning details of that organization, received from the organization itself, is contained in the Annex to this document.

3. *The SCIT Plenary is invited to decide on the participation of the Civil Society Coalition as an ad hoc observer in its meetings.*

[Annex follows]

ANNEX

TEXT OF THE LETTER FROM THE CIVIL SOCIETY COALITION

25 August, 2003

Helen Frary
World Intellectual Property Organization
Chemin des Colombettes 34
1211 Geneva
Switzerland
[<helen.frary@wipo.int>](mailto:helen.frary@wipo.int)

Dear Ms. Frary,

This is a request by the Civil Society Coalition (CSC) for observer status to the WIPO's Standing Committee on Information Technologies (SCIT). I understand the next meeting of the SCIT Plenary is scheduled to be held in late February 2004 and some members of our organization would like to participate.

The Civil Society Coalition was created in July 2001 in order to facilitate greater citizen and civil society participation in global trade and standard setting bodies, and in particular, to facilitate greater participation from stakeholders representing consumer interests (including those that are concerned with public health or the protection of personal liberties). In 2001, the CSC received accreditation to attend the WTO Doha Ministerial meeting. More recently the CSC has applied to WIPO for accreditation for the Advisory Committee on Enforcement (ACE) and has received ad hoc observer status for the Standing Committee on Copyright (SCCR).

The CSC is a federation of several different NGOs of varying sizes and interests. As of this summer, the members of CSC are headquartered in more than twelve developed and developing countries, and include groups that are working in areas such as public health, agriculture, the development of free software, trademarks and domain names, copyright policy, the protection of non-copyrighted elements of databases, and the WIPO agenda for the protection traditional knowledge, folklore and access to genetic resources. While the CSC is a relatively new organization, many of its individual members are quite well known in terms of their participation in global intellectual property policy making. Individual members of the CSC have participated in various WIPO diplomatic conferences, experts meetings, or standing or special committees, as well as events involving the World Trade Organization, the World Health Organization, the Hague Conference, or regional trade bodies.

The CSC seeks to increase civil society participation in WIPO proceedings, and in particular to increase participation of consumer and citizen interests. We applaud WIPO for its willingness to allow NGOs to participate in events, and seek to ensure that NGO participation in WIPO is balanced, and includes both consumer and right owner interests. The CSC would increase participation by consumer interests, a stakeholder group that is currently under-represented at WIPO.

Many of the members of the CSC are involved in advocacy work on behalf of the poor or consumer or citizen interests in general. An important objective of the CSC coalition is to provide a constructive opportunity to these groups to engage in what are often highly technical discussions about intellectual property policy. We believe the CSC members have demonstrated they can provide the type of thoughtful and innovative contributions to WIPO proceedings that contribute to better policy making. For example, CSC have participated in the following WIPO events:

- Making a July 2003 request that WIPO convene a meeting to explore new open collaborative models for the creation of public goods, a request that was supported by more than 60 distinguished experts on economics, law, software and public health. (<http://www.cptech.org/ip/wipo/kamil-idris-7july2003.pdf>),
- Participating in the 1996 WIPO diplomatic conference on the Digital Agenda,
- Providing comments on the Uniform Dispute Resolution Procedure (UDRP) for Internet domain names,
- Submitting comments on the Substantive Patent Law Treaty,
- Submitting comments on the proposed treaty on Broadcasting/Cablecasting/Webcasting,
- Participating in meetings on protection of traditional knowledge, folklore and access to genetic resources.

We also believe that greater participation in WIPO events by CSC members will lead to improved public understanding of WIPO's complex and sometimes misunderstood activities.

Please let me know if I can provide further information about the CSC.

Sincerely,

Dr. Manon A Ress
Secretariat
Civil Society Coalition

Attachments¹

- Profile of CSC members

- CSC Bylaws

[End of Annex and of document]

¹ Attachments can be found on the SCIT area of the WIPO website at www.wipo.int

Profile of CSC members

The membership of CSC presently includes the following groups headquartered in the following countries: Accion Internacional para la Salud Bolivia (Bolivia), Act Up Paris (France), Act Up Philadelphia (USA), Africa-Europe Faith and Justice Network (Belgium), AIDS India Forum (India), the Center for Study of Global, Trade System and Development (India), Consumers International Asia Pacific Office (Malaysia), CODEDCO Bolivia (Bolivian Committee for Consumer's Rights Protection), Consumer Project on Technology (USA), Digital Future Coalition (USA), Drug Study Group (Thailand), Educ Actions (Cameroon), Essential Action (USA), Focal Point AFRI-Tan in Central Africa (Cameroon), Free Software Foundation (USA), FUNAVI (Bolivian Foundation for Nature and Life), Global Network for People Living with HIV/AIDS (the Netherlands), Health gap (USA), Human Cooperation Centre in Bangladesh (Bangladesh), International Center for Technology Assessment (USA), National Working Group on Patent Laws (India), Technology Aid Center (South Africa), Treatment Action Group (USA), and VOICE (Ireland)

Accion Internacional para la Salud (Bolivia)

AIS/HAI serves as the Latin America arm of the Health Action International network, and has been active in monitoring issues relating to access to medicine and patent policy since 1996. HAI has been active in discussions over patent provisions of the proposed Free Trade Area of the Americas (FTAA), various World Health Organization resolutions on trade and public health, and the WTO negotiations on TRIPS and public health.

Contact:

Dr. Oscar Lanza V., Coordinator
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La Paz, Bolivia
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Dr. Oscar Lanza also serves as contact for two Bolivia organizations, the **CODEDCO** Bolivia (Bolivian Committee for Consumer's Rights Protection) and **FUNAVI** (Bolivian Foundation for Nature and Life)

Act UP Paris (France)

Act UP Paris is a French association fighting AIDS, originating from the Gay and Lesbian community, and created in 1989. The Act Up Paris North/South Committee has been working for some time on the problem of access to AIDS treatments in the countries of the South, including issues concerning intellectual property protection. Act Up Paris has closely monitored WTO TRIPS negotiations, and regional and bilateral trade agreements, and has monitored WIPO technical assistance programs.

Contact:

Khalil Elouardighi <gerrold@noos.fr>
+33.1.4929.4475
<http://www.actupparis.org/>

Act Up Philadelphia (USA)

Act Up Philadelphia is an all-volunteer organization, committed to democratic process, self-education, and the empowerment of people living with HIV to take charge of their own lives and health. Act Up Philadelphia has closely monitored trade provisions that will affect access to medicines.

Contact:

Paul Davis or Asia Russell
Post Office Box 22439 Land Title Station
Philadelphia, PA 19110-2439
Telephone 215.731.1844
Fax 215.731.1845
<http://www.critpath.org/actup/>

Africa-Europe Faith and Justice Network (Belgium)

AEFJN is currently has 38 member congregations, whose members who live and work in every country of Africa and Europe. AEFJN's work covers a number of trade, development, and humanitarian areas. Over the past three years, AEFJN has addressed intellectual property issues that relate to medicines, and Access and use of traditional knowledge and biological resources and seeds for smallholder farmers. One publication by the AEFJNM is *Equitable Protection For Intellectual Property In Africa: the African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders and for the Regulation of Access to Biological Resources*.

Contact:

Begona Inarra
174, rue Joseph II
B-1000 Bruxelles - Belgique
Tel. 32-2 234 68 10
Fax 32-2 231 1413
<http://www.aefjn.org>

AIDS - India E-forum (India)

The AIDS-INDIA electronic forum fosters communication and collaboration among those of who are involved or interested in AIDS related issues in India. The message archives can be accessed at: <http://groups.yahoo.com/group/aids-india/messages>.

Contact:

Joe Thomas
joe_thomas123@yahoo.com.au
<http://groups.yahoo.com/group/AIDS-INDIA/>
http://www.saathii.org/subscribe/aids_india.html

Consumers International: Asia Pacific Office (Malaysia)

Founded in 1960, Consumers International (CI) supports, links and represents consumer groups and consumer protection agencies all over the world through its three regional offices in Malaysia, Chile and Zimbabwe and a fourth, together with the Head Office in London. CI has a membership of 263 organisations in 119 countries. It strives to promote a fairer society through defending the rights of all consumers, including poor, marginalised and disadvantaged people, by: "supporting and strengthening member organisations and the consumer movement in general, and" campaigning at the international level for policies with respect to consumer concerns. Consumers International Regional Office for Asia and the Pacific (CI ROAP) CI ROAP was established in 1974 as the first of Consumers International's regional offices. It was situated for a brief time in Singapore, then in Penang and since July 2000 in Kuala Lumpur, Malaysia. The office provides support and services to some 77 non-profit consumer organisations and government affiliates, in 22 countries and territories of the Asia Pacific region. Since its inception, ROAP has carried out a range of activities on diverse issues. These activities have evolved throughout the years to meet changing needs. Ongoing programme areas include projects on health and pharmaceuticals, food security and safety, trade and economics, consumer protection and law, sustainable consumption and consumer education.

Contact:

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Malaysia
Tel: 603-77261599
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Consumer Project on Technology (USA)

CPTech is a US based NGO that focuses on information and health care technologies, with an emphasis on intellectual property rules. In 1996 CPtech attended the WIPO diplomatic conference on the Digital Agenda. CPtech has provided comments to WIPO on the rules for protection of trademarks in domain names. In January 2001, CPtech was invited to present at a meeting on jurisdiction and intellectual property that was co-sponsored by WIPO and the Hague Conference on Private International Law. In 2002 CPtech co-organized a meeting in Geneva on focusing on technical assistance as it relates to access to medicines. Over the past two years CPtech has provided comments to WIPO on the proposed substantive patent law treaty and also a proposed broadcast/cablecast/webcasting treaty. CPtech was recently credentialed in the WIPO intergovernmental committee on intellectual property and genetic resources, traditional knowledge and folklore, and has sought to participate in the WIPO Advisor Committee on Enforcement and the Standing Committee on Copyright as a member of the CSC. CPtech also has extensive experience in intellectual property matters in a number of other fora, much of which is detailed on CPtech web page.

Contact:

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PO Box 19367
Washington, DC 20036
tel.: 1 202 387 8030
fax: 1 202 234 5176
joy.spencer@cptech.org
<http://www.cptech.org>.

Digital Future Coalition (USA)

The Digital Future Coalition (DFC) is committed to striking an appropriate balance in law and public policy between protecting intellectual property and affording public access to it. Based in the United States, the DFC is the result of a unique collaboration of many of leading non-profit educational, scholarly, library, and consumer groups, together with major commercial trade associations representing leaders in the consumer electronics, telecommunications, computer, and network access industries. Since its inception, the DFC has played a major role -- domestically and internationally -- in the ongoing debate regarding the appropriate application of intellectual property law to the emerging digital network environment. One of DFC's first activities was to respond to the 1996 WIPO diplomatic convention on the digital agenda.

Contact:

Peter Jaszi
Digital Future Coalition
1341 G Street NW, Suite 200
Washington, DC 20005
tel. 202.628.9210
email: pjaszi@wcl.american.edu
<http://www.dfc.org/>

Drug Study Group (Thailand)

The Drug Study Group is well known internationally for its work to overcome intellectual property barriers to improve access to medicines. A 1998 campaign by the Drug Study Group and other Thai NGOs lead to removal of market exclusivity for fluconazole in Thailand, leading to price reductions of 95 percent and greatly expanded access to treatment for cryptococcal meningitis and ADIS related thrush. The Drug Study Group has also been active in efforts to overcome dubious patents on AIDS drugs and to obtain compulsory licensing of patents on essential medicines.

Contact:

Jiraporn Limpananont, Ph.D.
Faculty of Pharmaceutical Sciences,
Chulalongkorn University, Bangkok 10330,
Thailand
ljirapor@chula.ac.th

EDUC Actions (Cameroon)

EDUC Actions is a Cameroon NGO that is involved a number of different issues including those relating to the use of traditional medicines, WTO rules on patents and medicines, and women's health.

Contact:

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B.P. 5515 Yaounde (Cameroon)
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Email : educ_actions@yahoo.com
elvire_beleoken@yahoo.com

Essential Action (USA)

Essential Action is a USA based NGO that has projects on such topics as global tobacco control, the dumping of obsolete incinerators in the developing world, Shell's environmental record in Nigeria, and corporate wrongdoing. Essential Action is also active in issues concerning intellectual property, trade agreements and access to medicines.

Contact:

Robert Weissman
PO Box 19405
Washington, DC 20036
USA
tel.: 1 202 387 8030
fax: 1 202 234 5176
action@essential.org
<http://www.essentialaction.org>.

Focal Point / AFri-Tan in Central Africa (Cameroon)

Focal Point is active in a number of environmental, health and development projects. Afri-TAN is the African TRIPS Action Network. Both groups are interested in access to health care and the patenting of seeds.

Contact:

Ngo Louga Madeleine
Focal Point
BP 875 Yaounde-Cameroon
E-mail: mlouga@hotmail.com

Free Software Foundation (USA)

The Free Software Foundation (FSF). is the principal organizational sponsor of the GNU Project. The GNU Project was launched in 1984 to develop a complete Unix-like operating system which is free software: the GNU system. (GNU is a recursive acronym for "GNU's Not Unix"; it is pronounced "guh-NEW".) Variants of the GNU operating system, which use the kernel Linux, are now widely used; though these systems are often referred to as "Linux", they are more accurately called GNU/Linux systems. The FSF has a longstanding interest in protecting its members freedom to write software, and has objected to efforts to extent patent protection to software.

Contact:

Richard Stallman
545 Tech Sq rm 425
Cambridge MA 02139
USA
rms@gnu.org
<http://www.gnu.org>

Global Network for people living with HIV/AIDS (the Netherlands)

GNP+ has a central secretariat in Amsterdam, but works in the 5 regions as defined by the World Health Organization (WHO) Africa, Asia/Pacific, Europe, Latin America/Caribbean and North America. The overall aim of GNP+ is to improve the quality of life of people living with HIV/AIDS.

Contact:

P.O.Box 11726, 1001 GS, Amsterdam
The Netherlands
Tel : 31 20 689 8218
Fax: 31 20 689 8059
<http://www.xs4all.nl/~gnp>

Health Gap (USA)

The Health GAP Coalition was started by Alan Berkman, M.D., a New York physician who treats low-income persons with AIDS, with help from members of ACT UP/New York, ACT UP/Philadelphia, Search for a Cure, AIDS Treatment News, AIDS Treatment Data Network and many others.

Contact:

Sharonann Lynch
salynch@healthgap.org
Tel : +1 212 674-9598
<http://www.healthgap.org>

Human Cooperation Centre in Bangladesh (Bangladesh)

The HCCB is a development group that works on a variety of projects, including those involving agriculture and sustainable development.

Contact:

James B. Sarker
Executive Director
4B/B, 2nd Colony, Mazer Road
Mirpur-1, Dhaka-1216
Bangladesh

INTERSECT (USA)

INTERSECT organizes coalitions of organizations within and from separate movements which share common agendas, needs & visions. The first project explored the relationship between HIV and Violence Against Women.

Contact:

Sally Fisher
Intersect
77 West 15th Street, Suite 6L
New York, New York 10011 USA
Phone: 1 212 989 9388
Fax: 1 212 989 9394

International Center for Technology Assessment (USA)

The International Center for Technology Assessment (ICTA) is a non-profit organization committed to providing the public with full assessments and analyses of technological impacts on society. ICTA's work includes the Patent Watch Project, which has reviewed bio-prospecting in Yellowstone Park, opposed the patenting of clones of human fetuses and embryos, and opposes the patenting of plants already protected under *sui generis* IP regimes.

Contact:

Peter T. DiMauro
International Center for Technology Assessment
666 Pennsylvania Ave. SE, Suite 302
Washington, DC 20003
USA
1 202-547-9359 (phone)
1 202-547-9429 (fax)
pdimauro@icta.org (email)
<http://www.icta.org/index.htm>

National Working Group on Patent Laws (India)

The National Working Group on Patent Laws (NWGPL) has carried out a number of studies on the implications and impact of amendments to the India Patents Act, 1970, particularly as it relates to issues of public health and the role, vitality and growth of the Indian pharmaceutical, agriculture, chemical and bio-technology industries. One of its recent projects is the creation of a Peoples' Commission of eminent persons to examine changes in the India patent law. This Commission includes such individuals as Prof. Yashpal, the Former Chairman of the University Grants Commission of India, Shri. B.L. Das, a former Ambassador to GATT, and Former Director, International Trade Programmes for UNCTAD, Dr. Yusuf Hamied, the Chairman & Managing Director, Cipla Limited, and Dr. Rajeev Dhavan, a Senior Advocate for the Supreme Court of India.

Contact:

B.K. Keayla
The National Working Group on Patent Laws
A - 388, Sarita Vihar,
New Delhi - 110 044, India
B.K. Keayla
wgkeayla@del6.vsnl.net.in

Centre for Study of Global Trade System and Development (India)

Contact:

B.K. Keayla
A - 388, Sarita Vihar,
New Delhi - 110 044, India
B.K. Keayla
wgkeayla@del6.vsnl.net.in

Technology Aid Center (Ghana)

TAC seeks to promote technological literacy in Ghana, to provide technical consultancy services to schools and organizations in their technology development efforts, and to liaise with relevant public and private organizations and collaborating NGOs to address technology development issues.

Contact:

Peter Kenyenso
President
TAC@ighmail.com
Peterkenyensu@ighmail.com
Phone / 233-21-239545 / 233-27-537266
<http://www.tac-ch.org>.

Treatment Action Group (USA)

Founded in January, 1992, the Treatment Action Group, or TAG, is the first and only AIDS organization dedicated solely to advocating for larger and more efficient research efforts, both public and private, towards finding a cure for AIDS. The Treatment Action Group (TAG) fights to find a cure for AIDS and to ensure that all people living with HIV receive the necessary treatment, care, and information they need to save their lives. TAG focuses on the AIDS research effort, both public and private, the drug development process, and our nation's health care delivery systems.

Contact:

Mark Harrington
Treatment Action Group
611 Broadway, Ste. 612
New York, NY 10012
(212) 253-7922 phone
(212) 253-7923 fax
tagnyc@msn.com
<http://www.treatmentactiongroup.org>

Voice of Irish Concern for the Environment (Ireland)

VOICE promotes a respectful relationship with the Earth and positive solutions to environmental destruction. We encourage a way of life that is in harmony with nature rather than in conflict with it. In co-operation with local, national and international organisations VOICE works to increase environmental awareness through education, empower people to protect our environment and campaign on national environmental policy.

Contact:

Ruth McGrath
7 Upper Camden St.
Dublin 2
Ireland
353 1 6618123
353 2 6618114
<mailto:avoice@iol.ie>
web: <http://www.voice.buz.org>

Name of Organization: Civil Society Coalition

By-Laws

1. Membership.

1.1. Applications:

Any non-profit non-governmental organization may apply for membership in the CSC.

1.2 Review of applications.

The Secretariat will review applications, and provide notice to the CSC-announce list, and to the CSC Steering Committees.

1.3 Decisions on membership applications.

The Steering Committee will then determine whether or not to accept a new application for membership.

1.4 Factors in considering membership.

Members should have a history of advancing the interests of citizen or consumer interests in trade and standard setting bodies.

1.5 Decision on new applications.

The steering committee will decide whether to accept or reject applications for membership, after following procedures for review of applications. The decision of the steering committee shall be final.

2. Steering Committee.

2.1 Size of Steering Committee.

The initial size of the steering committee shall be five persons.

2.2 Elections.

Elections to the Steering Committee shall be held every January. Any member may nominate a person to the steering committee. The elections shall be administered by the Secretariat.

3. Secretariat.

The steering committee shall appoint a secretariat to manage the affairs of the CSC.

4. Representation before Trade and Standard Setting Bodies.

4.1. Accreditation.

The Secretariat shall prepare applications for accreditation and representation before appropriate global trade and standard setting bodies, including but not limited to:

- World Intellectual Property Organization (WIPO)
- World Trade Organization (WTO)
- World Health Organization (WHO)
- Hague Conference on Private International Law (HCPIL)
- United Nations Conference on International Trade Law (UNCITRAL)
- Organization for Economic Cooperation and Development (OECD)
- G8

4.2 Representation.

The CSC membership shall be kept informed of opportunities to participate and trade and standard setting bodies. The Secretariat shall determine which individuals shall represent CSC in these proceedings, and the terms of reference for such representation.

5. Statements of Policy.

In most cases, the CSC will facilitate participation of civil society on trade and standard setting meetings, but will not endorse or take positions on substantive issues. However, in some cases, the CSC will permit the submission of statements on behalf the CSC or on behalf of some members of the CSC. The procedures for doing so are as follows:

5.1 Statements that are presented on behalf of the CSC should first be noticed the membership on the announce list and then approved by the Steering Committee. Any member of the CSC is permitted to note an abstention or opposition to such a policy statement. Such statements shall including a notice that individual members of the CSC may or may not agree with the CSC position.

5.2 The CSC may also in appropriate circumstances present statements that are endorsed by individual memberships of the CSC membership.

6. Finances.

All expenses of the CSC will be donated by its members on a voluntary basis.

7. Mailing lists.

CSC shall main a discuss list that is archived and available to the public, and an announce list that is only open to the membership.

8. Changes in By-Laws.

The Steering Committee can amend the by-laws, after providing notice to the membership on the announce list.