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Relocating WIPO

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Moving WIPO farther from "Davos" and closer to "Porto Alegre" – at least in spirit – seems to be what Argentina, Brazil, and some other developing countries are determined to bring about by pushing a "development agenda" for WIPO

Is WIPO too near Davos, Switzerland? Is it time to move WIPO nearer to Porto Alegre, Brazil? The answer is "Yes" if WIPO follows the "Proposal by Brazil and Argentina for the Establishment of a Development Agenda by WIPO".
That proposal, which was announced at the September 2004 Annual Meeting of the WIPO Governing Bodies, clearly seeks to turn WIPO into a welfare agency.

Davos, of course, is the home of George Soros' World Economic Forum, January 2005 annual meeting of which will be chaired by Bill Gates and the CEOs of Citigroup, the New York Stock Exchange, and Novartis. Porto Alegre is the "home away from home" of the World Social Forum of developing nation activists, and the site of WSF's "counter-forum" on the same dates each year as the Davos program.
"Davos" and "Porto Alegre" are the new buzz-words for the deep-seated divisions between the developed North and developing (or not) South in economic relations.

Moving WIPO farther from "Davos" and closer to "Porto Alegre" – at least in spirit – seems to be what Argentina, Brazil, and some other developing countries are determined to bring about by pushing a "development agenda" for WIPO. The "Proposal begins with the uncontroversial: "Development undoubtedly remains one of the most daunting challenges facing the international community." But, the Proposal goes on to demand that development concerns "be fully incorporated into *all* WIPO activities. WIPO's role, therefore, *is not to be limited to the promotion of intellectual property protection.*" [Emphasis added.]
The Proposal also advocates "fostering access to publicly-funded research", which might sound laudable, but could be code for countering successful programs to allow for public-private research partnerships such as those fostered in the U.S. by the Bayh-Dole Act. Another alarming proposal is that "intellectual property enforcement should also be approached in the context of broader societal interests and development-related". This is clearly an attempt to roll back the obligations made by all WTO Member States in the TRIPS Agreement.

It is not necessary to read between the lines to see that this would represent a sea-change in WIPO's culture, and steps in such a direction should not be taken lightly, notwithstanding what other U.N. agencies see as their own development agendas.

HISTORY

WIPO's beginnings are enmeshed in the Industrial Revolution and Internationalization Era of the last half of the 19th century. America and Austria pushed for an international convention for the protection of industrial property (patents and trademarks) beginning in 1874. On the patent side, those efforts lead to the Paris Convention for the Protection [emphasis added] of

Industrial Property in 1883 and establishment of the International Bureau to administer the treaty in Berne, Switzerland. (The Swiss government agreed to enact a patent law as part of the deal to host the organization.) On the copyright side, the International Association of Artists and Writers (www.alai.org), founded in 1878 by Victor Hugo, drove efforts to establish a treaty to promote respect for "authors' rights". The Berne Convention for the *Protection* [emphasis added] of Literary and Artistic Works, and its International Bureau, in Berne, were established in 1886. In 1893 the two administrations integrated as the International Bureaux for the Protection [emphasis added] of Intellectual Property (BIRPI). In 1960, BIRPI moved from Berne to Geneva to be closer to the United Nations (and, coincidentally, a bit farther from Davos.) BIRPI was renamed WIPO in 1967. WIPO became a U.N. specialized agency in 1974.

As the names testify: From its genesis to the present, the purpose and ethos of WIPO has been to promote "*protection* of intellectual property" for artists, inventors, and entrepreneurs. The Proposal would change this long-standing focus.

On October 4, the WIPO Assembly agreed to "examine" the Proposal over the next year. I hope the examination is a close one. Asking WIPO to "fully incorporate development concerns" should not mean showering WIPO's recognition (and resources) on economic actors who are neither creative, nor innovative, nor entrepreneurial. Opponents of the Proposal should watch out that they do not become labeled "opponents of economic development" – that's what "Davos" versus "Porto Alegre" is all about.